Published by the Mountbatten Centre for International Studies (MCIS) at the University of Southampton, UK, in association with the James Martin Center for Nonproliferation Studies (CNS) at the Monterey Institute of International Studies (MIIS), US. Earlier editions were published by the Mountbatten Centre for International Studies on behalf of the Programme for Promoting Nuclear Non-Proliferation.

Compiled and Edited by John Simpson, Kristan Stoddart, and Marion Swinerd.

MCIS and CNS wish to acknowledge with much appreciation the contributions of the Ministry of Foreign Affairs, Federal Republic of Germany; the Ministry of Foreign Affairs, The Netherlands; the Ministry of Foreign Affairs, Norway; the Foreign and Commonwealth Office, United Kingdom and the Ploughshares Fund towards the cost of producing this Briefing Book.

The Mountbatten Centre for International Studies
Politics and International Relations Division
School of Social Sciences
University of Southampton
Southampton SO17 1BJ
United Kingdom

www.mcis.soton.ac.uk

James Martin Center for Nonproliferation Studies
Monterey Institute of International Studies
460 Pierce Street
Monterey CA 93940
United States of America

www.cns.miis.edu

ISBN 085432 551 4
© 2008 The Mountbatten Centre for International Studies
All rights reserved
Contents

Part I
The Evolution of the Nuclear Non-Proliferation Regime

Section 1
Nuclear Energy and Nuclear Weapons: An Introductory Guide

Section 2
The Evolution of the Nuclear Non-Proliferation Regime, 1945-1970

Section 3

Section 4
The 2000 NPT Review Conference

Section 5
The 2005 NPT Review Cycle

Section 6
The 2010 NPT Review Cycle

Annex I
Abbreviations, Acronyms and Glossary of Terms

Part II – Treaties, Agreements and Other Relevant Documents

A — The Non-Proliferation Treaty (NPT)

Treaty on the Non-Proliferation of Nuclear Weapons
[Opened for signature 1 July 1968, entered into force 5 March 1970]
Parties to the NPT
[as of 3 April 2008]

B — Materials relating to the 2008 NPT Preparatory Committee for the 2010 NPT Review Conference

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee
[Resolution A/RES/61/70, adopted by the General Assembly at its 61st Session, December 2006]
Draft rules of Procedure
[Reproduced from NPT/CONF.2005/1 Annex III]
Agenda of the First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (Vienna, 30 April-11 May 2007)
[Excerpts reproduced from NPT/CONF.2010/PC.I/15]
Indicative timetable for the First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (Vienna, 30 April-11 May 2007)

C — Materials from the 2005 NPT Review Conference and its Preparatory Committee

Allocation of Items to the Main Committees of the Conference
[Reproduced from NPT/CONF.2005/DEC.1, 18 May 2005]
Decision on Subsidiary Bodies
[Reproduced from NPT/CONF.2005/DEC.2, 18 May 2005]
Report of Main Committee I
[Reproduced from NPT/CONF.2005/MC.I/1, 25 May 2005]
Report of Main Committee II
[Reproduced from NPT/CONF.2005/MC.II/1, 25 May 2005]
Report of Main Committee III
[Reproduced from NPT/CONF.2005/MC.III/1/Rev.1, 25 May 2005]

D — Materials from the 2000 NPT Review Conference

[Reproduced from NPT/CONF.2000/28 (Part I)]
E — Materials from the 1995 NPT Review Extension Conference

Strengthening the Review Process for the Treaty

Principles and Objectives for Nuclear Non-Proliferation and Disarmament

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

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.]

F — Nuclear Weapon Testing Treaties

[Opened for signature 5 August 1963, entered into force 10 October 1963]

Comprehensive Test Ban Treaty
[Opened for signature 24 September 1996, not in force at 3 April 2008]

Comprehensive Test Ban Treaty — Signatures and Ratifications
[As at 3 April 2008]

Final Declaration and Measures to Promote the Entry into Force of The Comprehensive Nuclear-Test-Ban Treaty
[CTBT – Art.XIV/2003/5, 11 September 2003]

Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, Draft Final Declaration
[Excerpts reproduced from CTBT-ART.XIV/2005/WP.1, 21 September 2005]

G — 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]

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]
[As at 3 April 2008]

South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga]
[Opened for signature 6 August 1985, entered into force 11 December 1986]

Status of the South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga] and Protocols
[As at 3 April 2008]

[Opened for signature 11 April 1996, not in force at 3 April 2008]

[As at 3 April 2008]

Southeast Asia Nuclear-Weapon-Free Zone Treaty [Treaty of Bangkok]

Status of Southeast Asia Nuclear-Weapon-Free Zone Treaty [Treaty of Bangkok] and Protocols
[As at 3 April 2008]

Treaty on a Nuclear-Weapon-Free Zone in Central Asia [Treaty of Semipalatinsk]
[Signed by Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, Kyrgyzstan on 8 September 2006. Ratifications deposited by Kyrgyzstan and Uzbekistan 22 March and 2 April 2007]

H — The International Atomic Energy Agency

Statute of the International Atomic Energy Agency
[Approved 23 October 1956, entered into force 29 July 1957]

Amendment to Article VI of the Statute
[Resolution GC(43)/RES/19/Corr.1, adopted by the IAEA General Conference, September 1999]

I — 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]

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]

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]

An Agreement by Exchange of Letters with the Dominican Republic to Amend the Protocol to the Safeguards Agreement
[Reproduced from INFCIRC/201/Mod.1, 25 April 2007]

An Agreement by Exchange of Letters with Ecuador to Amend the Protocol to the Safeguards Agreement of 2 October 1974 between Ecuador and the Agency
[Reproduced from INFCIRC/231/Mod.1, 25 April 2007]

Strengthened Safeguards System: Status of Additional Protocols
[As of 3 April 2008]
J — Resolutions and Decisions of the IAEA General Conference

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General
[GC(50)/15, 14 August 2006] (See Section P) J-1

Measures to Strengthen International Cooperation in Nuclear, Radiation and Transport Safety and Waste Management
[Resolution GC(50)/RES/10 adopted by the IAEA General Conference on 22 September 2006] J-1

Nuclear Security - Measures to Protect Against Nuclear Terrorism - Progress on Measures to Protect Against Nuclear and Radiological Terrorism
[Resolution GC(50)/RES/11 adopted by the IAEA General Conference on 22 September 2006] J-6

Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol
[Resolution GC(50)/RES/14, adopted by the IAEA General Conference on 22 September 2006] J-7

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea
[GC(50)/RES/15, Resolution adopted 22 September 2006] (See Section P) J-9

Application of IAEA Safeguards in the Middle East
[Resolution GC(50)/RES/16, adopted by the IAEA General Conference on 22 September 2006] J-9

K — Bilateral Safeguards Agreements

Agreement Between the Republic of Argentina and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy [ABACC Agreement]
[Signed at Guadalajara, Mexico, 18 July 1991] K-1

L — Security Assurances

Unilateral Security Assurances by Nuclear-Weapon States
[1978, 1982 and 1995] L-1

[Adopted by the Security Council on 11 April 1995] L-3

[Submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, Sweden, and South Africa as members of the New Agenda Coalition (NAC), Reproduced from NPT/CONF.2005/PC.II/WP.11, 1 May 2003] L-4

Working Paper on Security Assurances submitted by China
[Reproduced from NPT/CONF.2005/PC.III/WP.9] L-6

Working Paper on Security Assurances submitted by China
[Reproduced from NPT/CONF.2005/WP.7] L-6

Working Paper on Negative Security Assurances Submitted by Iran
[Reproduced from NPT/CONF.2005/WP.49] L-6

M — Export Controls

The Zangger Committee : A History 1971–1990
[Reproduced from Annex attached to INFCIRC/209/Rev.1, November 1990] M-1

The Nuclear Suppliers Group: Its Origins, Role and Activities
[Circulated by Sweden on behalf of the Member States of the Nuclear Suppliers Group, Reproduced from INFCIRC/539/Rev. 3, 30 May 2005] M-2

Communications Received from Member States Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material

Guidelines for Nuclear Transfers
[Nuclear Suppliers Group, Reproduced from INFCIRC/254/Rev.9/Part 1, November 2007] M-8

Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology

Working Paper on Multilateral Nuclear Supply Principles of the Zangger Committee

Communications Received from the Permanent Mission of the United Kingdom Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material
[Reproduced from INFCIRC/209/Rev.2/Mod.1, 10 January 2008] M-33

N — Physical Protection of Nuclear Material and Nuclear Terrorism Convention

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] N-1

International Convention for the Suppression of Acts of Nuclear Terrorism

Nuclear Security - Measures to Protect Against Nuclear Terrorism; Amendment to the Convention on the Physical Protection of Nuclear Material, Report by the Director General
[Reproduced from GOV/INF/2005/10-GC(49)/INF/6, 6 September 2005] N-7

Status of the Convention on the Physical Protection of Nuclear Material
[Reproduced from IAEA table dated 20 February 2008, Registration No. 1553] N-13

Status of Amendment to the Convention on the Physical Protection of Nuclear Material
[As of 3 April 2008] N-15

O — Bilateral Measures

Synopsis of the Strategic Arms Reduction Treaty (START) 1 Including Termination Clauses.
[Moscow, July 31, 1991] O-1
Announcement of Withdrawal from the ABM Treaty
[Statement by the White House Press Secretary, 13 December 2001] O-4

Statement by Russian President Vladimir Putin Regarding the Decision of the Administration of the United States of America to Withdraw from the Antiballistic Missile Treaty of 1972
[Moscow, 13 December 2001] O-4

Strategic Offensive Reductions Treaty

Joint Statement Between President George W. Bush and Prime Minister Mammohan Singh on Nuclear Cooperation

U.S.-India Joint Statement

Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006

Joint Statement by the Prime Minister of the Republic of India and the President of the Russian Federation of Cooperation in the Field of Peaceful Uses of Atomic Energy
[New Delhi, 25 January 2007] O-17

Joint Statement by US Secretary of State Condoleezza Rice and Indian Minister of External Affairs Shri Pranab Mukherjee
[27 July 2007] O-18

Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy (123 Agreement)
[Released 8 August 2007] O-18

Letter from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations, Addressed to the Secretary-General
[A/R.1/62/3 1 November 2007] O-23

P — Documents Relating to the Democratic People’s Republic of Korea

Joint Declaration for a Non-Nuclear Korean Peninsula
[Initiated 31 December 1991, signed 20 January 1992] P-1

Agreement on the Formation and Operation of the North-South Joint Nuclear Control Committee
[On denuclearization of the Korean Peninsula, 18 March 1992] P-1

Agreed Framework between the United States of America and the Democratic People’s Republic of Korea
[21 October 1994] P-1

Report by The Director General on the Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea

Statement by the DPRK on Withdrawal from the NPT
[Pyongyang, 10 January 2003, as reported by North Korean news agency KCNA (unofficial translation)] P-3

Report by The Director General on the Implementation of the Resolution Adopted by the Board on 6 January 2003 and of the Agreement Between the IAEA and the Democratic People’s Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons
[GOV/2003/4, 22 January 2003] P-3

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General
[GC(48)/19, 13 August 2003] P-4

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General
[GC(47)/19, 13 August 2003] P-6

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea
[Reproduced from GC(48)/17, 16 August 2004] P-6

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea
[Reproduced from GC(48)/RES/15, Resolution adopted 24 September 2004] P-7

Statement by the DPRK Ministry of Foreign Affairs on Suspension of the Six-Party Talks
[Pyongyang, 10 February 2005, as reported by North Korean news agency KCNA (unofficial translation)] P-7

IAEA Board of Governors; Chairman’s Conclusion on Item 5 (b): Nuclear Verification; Report by the Director General on the implementation of safeguards in the DPRK
[Vienna, 3 March 2005 [Extract]] P-8

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General
[GC(49)/13, 4 August 2005] P-8

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea
[GC(48)/RES/14, Resolution adopted 30 September 2005] P-9

UN Security Council Resolution 1695

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General
[GC(50)/15, 14 August 2006] P-10

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea
[GC(50)/RES/15, Resolution adopted 22 September 2006] P-11

Statement by the DPRK on Nuclear Test
[Pyongyang, 9 October 2006, as reported by North Korean news agency KCNA (unofficial translation)] P-11

UN Security Council Resolution 1718

Text of the Joint Agreement on North Korea’s Nuclear Disarmament (from the Third Session of the Fifth Round of the Six-Party Talks)
[Beijing, 13 February 2007] P-13

[13 February 2007] P-14

Statement on the Implementation of Safeguards in the Democratic People’s Republic of Korea by the IAEA Director General Mohamed ElBaradei
[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 5 March 2007] P-15

Implementation of Safeguards in the Democratic People’s Republic of Korea, by the IAEA Director General Mohamed ElBaradei
[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 5 March 2007] P-15
[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 11 June 2007]

Excerpts from Introductory Statement by the Director General Mohamed ElBaradei to the IAEA Board of Governors [P-15]

[Vienna, 9 July 2007]

Nuclear Talks to Resume Amid U.S. Hopes to Set Dates for N. Korean Disarmament [P-15]


Application of Safeguards in the Democratic People’s Republic of Korea (DPRK) [P-16]

[Report by the Director General GOV/2007/45-GC(51)/19, 17 August 2007]

Comments Made on the Six-Party Talks as Part of a Statement by the Director General Mohamed ElBaradei to the IAEA Board of Governors [P-17]

[22 November 2007]

CRS Report for Congress – North Korea’s Nuclear Weapons: Latest Developments Updated 5 December 2007 [P-17]

President-Elect’s Team to Link Inter-Korean Projects with Progress in N. Korea’s Denuclearization [P-18]


Q — Documents relating to Iran (Islamic Republic of)

Statement on the Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran by the IAEA Director General Mohamed ElBaradei [Q-1]

[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 6 March 2006]

Statement by the President of the Security Council [Q-1]

[Reproduced from S/PRST/2006/15; New York, 29 March 2006]

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran [Q-1]

[Reproduced from Report by the Director General GOV/2006/27, 28 April 2006]

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran [Q-4]

[Reproduced from Report by the Director General GOV/2006/38, 8 June 2006]

UN Security Council Resolution 1696 [Q-5]

[S/RES/1696 (2006), adopted 31 July 2006]

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran [Q-6]

[Reproduced from Report by the Director General GOV/2006/53, 31 August 2006]

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran [Q-8]

[Reproduced from Report by the Director General GOV/2006/64, 14 November 2006]

UN Security Council Resolution 1737 [Q-9]

[S/RES/1737 (2006), adopted 23 December 2006]


[Reproduced from Report by the Director General GOV/2007/7, 9 February 2007]


[Reproduced from Report by the Director General GOV/2007/8, 22 February 2007]

Statement on the Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran by the IAEA Director General Mohamed ElBaradei [Q-15]

[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 5 March 2007]

UN Security Council Resolution 1747 (2007) [Q-16]


Implementation of Safeguards in the Islamic Republic of Iran by the IAEA Director General Mohamed ElBaradei [Q-19]

[Excerpt reproduced from the Introductory Statement to the Board of Governors, Vienna, 11 June 2007]

Iran: Nuclear Intentions and Capabilities [Q-19]

[Excerpt reproduced from US National Intelligence Estimate, November 2007]


[Report by the Director General, GOV/2007/58, 15 November 2007]


[Report by the Director General, GOV/2008/4, 22 February 2008]

S – Resolutions and Decisions adopted by the UN General Assembly

Report of the International Atomic Energy Agency [S-1]

[Resolution A/RES/62/2, adopted by the General Assembly at its 62nd Session, October 2007]

Strengthening of International Cooperation and Coordination of Efforts to Study, Mitigate and Minimize the Consequences of the Chernobyl Disaster [S-1]

[Resolution A/RES/62/9, adopted by the General Assembly at its 62nd Session, December 2007]

African Nuclear-Weapon-Free Zone Treaty [S-2]

[Resolution A/RES/62/15, adopted by the General Assembly at its 62nd Session, December 2007]

Consolidation of the Regime Established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) [S-3]

[Resolution A/RES/62/16, adopted by the General Assembly at its 62nd Session, December 2007]

Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East [S-3]

[Resolution A/RES/62/18, adopted by the General Assembly at its 62nd Session, December 2007]

Conclusion of Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons [S-4]

[Resolution A/RES/62/19, adopted by the General Assembly at its 62nd Session, December 2007]

Prevention of an Arms Race in Outer Space [S-5]

[Resolution A/RES/62/20, adopted by the General Assembly at its 62nd Session, December 2007]

Verification in all Its Aspects, Including the Role of the United Nations in the Field of Verification [S-6]

[Resolution A/RES/62/21 adopted by the General Assembly at its 62nd Session, December 2007]

Follow-Up to Nuclear Disarmament Obligations Agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons [S-6]

[Resolution A/RES/62/24 adopted by the General Assembly at its 62nd Session, December 2007]
Towards a Nuclear-Weapon-Free World: Accelerating the Implementation of Nuclear Disarmament Commitments
Promotion of Multilateralism in the Area of Disarmament and Non-Proliferation
Convening of the Fourth Special Session of the General Assembly Devoted to Disarmament
Effects of the Use of Armaments and Ammunitions Containing Depleted Uranium
Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)
Reducing Nuclear Danger
Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction
Prohibition of the Dumping of Radioactive Wastes
Nuclear-Weapon-Free Southern Hemisphere and Adjacent Areas
Decreasing the Operational Readiness of Nuclear Weapons Systems
Renewed Determination Towards the Total Elimination of Nuclear Weapons
Nuclear Disarmament
Transparency and Confidence-Building Measures in Outer Space Activities
Preventing the Acquisition by Terrorists of Radioactive Materials and Sources
Relationship Between Disarmament and Development
Convention on the Prohibition of the Use of Nuclear Weapons
Report on the Conference on Disarmament
The Risk of Nuclear Proliferation in the Middle East
Comprehensive Nuclear-Test-Ban Treaty
Measures to Eliminate International Terrorism
Effects of Atomic Radiation
[Resolution A/RES/62/100, adopted by the General Assembly at its 62nd Session, December 2007] S-21
Missiles
Towards a Nuclear-Weapon-Free World: Accelerating the Implementation of Nuclear Disarmament Commitments
Declaration of a Fourth Disarmament Decade
2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee
[Resolution A/RES/61/70, adopted by the General Assembly at its 61st Session, December 2006] (See Section B) S-23
United Nations Study on Disarmament and Non-Proliferation Education
[Resolution A/RES/61/73, adopted by the General Assembly at its 61st Session, December 2006] S-23
Regional Disarmament
Follow-Up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons
Mongolia’s International Security and Nuclear-Weapon-Free Status
Establishment of a Nuclear-Weapon-Free Zone in Central Asia
Report of the Disarmament Commission
Reduction of Non-Strategic Nuclear Weapons

T – Documents of the Conference on Disarmament on the Issue of Fissile Materials

Report of Ambassador Gerald E Shannon of Canada on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty
[Reported from CD/1299, 24 March 1995] T-1
Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices
[Reproduced from the CD Report to the UNGA for 1998, CD/1557, 8 September 1998] T-1
The Formation of the Ad Hoc Committee on Fissile Materials in the Conference on Disarmament
[Extracted from the CD Report to the UNGA for 1998, CD/1557, 8 September 1998] T-1
US Draft Mandate of a Fissile Material Cut-Off Treaty
[Reproduced from the CD Report to the UNGA for 1998, CD/1557, 8 September 1998] T-1
US Statement to the Conference on Disarmament on an FMCT
[Statement by Christina Rocca, U.S. Permanent Representative to the CD, 8 February 2007] T-2
U — Other Documents and Declarations (in chronological order)


International Court of Justice: Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict (Request for Advisory Opinion by the General Assembly of the United Nations) [Reproduced from Communiqué No. 96/23, 8 July 1996] U-1


Towards a Nuclear-Weapons-Free World: The Need for a New Agenda [Declaration by Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, 9 June 1998] U-3


The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction [Statement by the G8 Summit (Canada, Germany, Italy, Japan, Russia, UK, US), Kananaskis, Alberta, Canada, 26–27 June 2002] U-4


Statement by Abdul Qadeer Khan [Islamabad, 4 February 2004] U-10


Global Threat Reduction Initiative Highlights U-12


The Japan-EU Joint Declaration on Disarmament and Non-proliferation [22 June 2004] U-14


Press Statement by the Permanent Mission of the Arab Republic of Egypt Concerning Implementation of the NPT Safeguards Agreement of Egypt (UN official Translation; Statement Contained in Communication to the IAEA Director General, dated 1 February 2005) [Excerpts reproduced from INFCIRC 638, 8 February 2005] U-23

Implementation of the NPT Safeguards Agreement in the Arab Republic of Egypt [Reproduced from Report by the Director General GOV/2005/9, 14 February 2005] U-23


Declaration on Behalf of the European Union on the Priorities of the Union in View of Strengthening the International Nuclear Non-Proliferation Regime Nicolas Schmit, Minister Delegate of Foreign Affairs and Immigration, 2 May 2005 U-33


Excerpts from ‘Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy’, Report of the UN Secretary-General [Reproduced from A/60/825, 27 April 2006] U-38


Proliferation Security Initiative, Chairman’s Statement [Warsaw, 23 June 2006] U-41


| U-54 | Excerpts from a Speech by UK Prime Minister Gordon Brown [Chamber of Commerce, Delhi, 5 February 2008] |
| U-55 | UN Statement by Mr Des Browne (United Kingdom Secretary of State for Defence) at Plenary Meeting of the Conference on Disarmament [Geneva, 5 February 2008] |
| U-57 | Transcript of Remarks by Russian Minister of Foreign Affairs Sergey Lavrov at the Plenary Session of the Conference on Disarmament [Geneva, 12 February 2008] |
| U-60 | Draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects [13 February 2008] |
| U-61 | Excerpts from ‘Reviving Nuclear Disarmament’ [Speech by Mohamed ElBaradei, Director General of IAEA at Conference on “Achieving the Vision of a World Free of Nuclear Weapons”, Oslo, 26 February 2008] |
| U-63 | Speech by Nicolas Sarkozy, President of the French Republic [Cherbourg, 21 March 2008] |
Nuclear Materials

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

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

Isotopes are normally identified by the sum of their protons and neutrons. Thus 'Uranium 235', often shortened to the notation U"sup>235" (or 'U-235') indicates the isotope of uranium that contains 235 (92+143) protons and neutrons in the nucleus of each atom. 'Plutonium 239', or Pu"sup>239" (or Pu-239) indicates the isotope of plutonium that contains 239 (94+145) protons and neutrons in the nucleus of each atom.

Nuclear Reactions

Fission

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

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

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

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

Fusion

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

Nuclear Reactors

Fission Reactors

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

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

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

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

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

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

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

There exist five different nuclear reactor technologies:

Light Water Reactors (LWRs)

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

Heavy Water Reactors (HWRs)

In these types 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 type of attraction of this 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 critical size 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 fission 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-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 necessary. 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 hydrodynamic 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 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

Part I Page 10
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 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 ultraviolet 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 the inevitable diffusion of information on the design and manufacture of nuclear explosives took place and supplies of uranium became more accessible, the number of states possessing nuclear weapons would increase. However, both superpowers, the United States (US) and the Soviet Union (USSR), were motivated to prevent this if they could, for very specific reasons of national interest. 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 recently discovered through the actions of China that it was not only NATO nuclear weapons that could be a potential threat to its security and, unlike the US, several of the potential nuclear-weapon states (NWS) bordered its territory.

The two most recent nuclear proliferators had been France (1960) and China (1964). The states 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). Yet despite the technological determinism infusing the views of those contemporary commentators on nuclear proliferation who argued that "those who could, would", the two superpowers embarked on an attempt to change these expectations by erecting a consensual, political and institutional barrier to further nuclear proliferation. They did not do this in a vacuum. Since 1945 both superpowers had been involved in intermittent negotiations to limit their nuclear arms race and engage in nuclear disarmament.
preventing further nuclear proliferation was an integral part of these activities.

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

In June 1946 the US had submitted the Baruch Plan to the UN Atomic Energy Commission, whose remit was to make proposals for the elimination of nuclear weapons and the implementation of international control over the exploitation of nuclear energy for peaceful purposes. 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 had responded by submitting a similar plan based on national, rather than international, ownership and control over nuclear facilities. Neither plan was implemented, due in part to the different attitudes of the two states towards international control of nuclear activities. One aspect of the US response to this situation was legislation imposing rigorous national controls over the transfer of nuclear-related information and materials, in the mistaken belief 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 this with its own explosion in Australia. Although both used information derived from the US wartime program to assist their work, these events demonstrated that the ‘secret’ of creating a fission explosive was no longer the exclusive monopoly of the US and, perhaps more significantly, that the necessary scientific knowledge to create such a device 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 the existing Belgian–Canadian–UK–US arrangements to monopolise world supplies and trade in this precursor nuclear material would not last. At the same time the prospects for an increased global supply of uranium opened the way to serious consideration on the use of nuclear energy as a civil power source, especially for electricity production. Yet such facilities could be operated to both produce civil power and weapon-useable plutonium, as the UK was already planning to do at Calder Hall, its first nuclear power station, that 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 proposing that the NWS should assist other states in developing the peaceful uses of atomic energy. One motivation for this was a desire to slow the expansion of the USSR nuclear arsenal, thus delaying its acquisition of the capability to mount a ‘knock-out blow’ upon the US. This would be achieved by forcing US transfers of weapon-useable fissile material to international agencies whose creators were programmed to assure their work, which events could supply them to other states for peaceful uses. Another motivation was a mistaken belief that plutonium produced in power reactors could not be used for military explosive purposes as it would be ‘denatured’. A third was a recognition of the need to start to grapple with what was perceived to be a new and pressing issue for the US, that of nuclear weapon control activities. This was the need to constrain the potential negative consequences for the non-proliferation of nuclear weapons that would flow from an ever increasing number of states developing nuclear power programmes, and the necessity to do this through voluntary and co-operative international arrangements, rather than attempts by the US and other technology holders to deny them access to nuclear energy capabilities.

Negotiations on such international arrangements started in 1954, based upon the USSR’s 1946 position of accepting national ownership and management of all nuclear activities within a state, but overlaying this with international arrangements to provide assurances that these activities were not being used for military explosive purposes. These negotiations culminated in a multilateral Conference on the Statute of the International Atomic Energy Agency (IAEA), held in New York during September and October 1955. Following agreement on its statute at this Conference, the Agency started its work in Vienna in July 1957 with a triple remit: to assist in the development of nuclear energy for peaceful purposes; to provide international safeguards over nuclear facilities; and to provide early warning if they were.

In parallel, the US had been engaged in two related activities on a bilateral, or a narrow multilateral, basis. Both were made possible by changes contained in its Atomic Energy Acts of 1954 and 1958, which had been enacted to respond to the new civil and military nuclear environment that confronted the US. The first was the negotiation of bilateral Agreements for Co-Operation in the Peaceful Uses of Atomic Energy with many states, permitting transfers of information, technology and materials forbidden by earlier legislation. The second was the planning of a limited range of technical information on its nuclear weapon designs to US allies, so that they could procure equipment that would enable them to deliver US nuclear weapons in times of war, as well as train their forces to operate in a nuclear weapon environment.

One consequence of the first of these arrangements was to undermine 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 ensure the agreements were initially 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, following an agreement for it to supply Canadian uranium to a Japanese research reactor.

There were several motivations behind the arrangements for limited transfers of technical information on US weapons to allies. One was a US desire to have its allies pay part of the costs of providing the West’s nuclear deterrent capability, by providing expensive delivery capabilities. Another was the necessity to respond in a constructive way to indications that several Western European states were engaged in active national nuclear weapon programmes, with the French one believed the most advanced. The arrangements involved the US supplying those of its allies who participated in these arrangements with the data to enable them to deliver US nuclear weapons in time of war in accordance with pre-determined NATO plans. The hope was that this would remove much of the incentive for such states to continue with national programmes to acquire their own weapons. In peacetime, the nuclear weapons earmarked for transfer to allies were to be stored under US military custody in the countries involved, and no formal transfer was to occur unless hostilities were well established.

In the US Atomic Energy Act of 1958, additional arrangements were made in respect of existing declared nuclear-weapon state allies which had made ‘substantial progress in the development of nuclear weapons’. At the time, the only state which qualified was the United Kingdom. The effect of the new legislation was to enable ‘limited exchange’ collaboration over the development and manufacture of nuclear weapons to occur with such countries, but not the transfer in peacetime of custody of complete nuclear devices. Similar arrangements were made with France in 1965.

One further factor complicating the development of the IAEA’s functions during this period 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 nuclear energy development within the EU, as well as implementing a regional safeguards system to ensure that materials were not diverted ‘to purposes other than for which they are intended’. EURATOM safeguards were based on a different concept to those of the IAEA, and one that was very similar to the ideas contained in the Baruch Plan. EURATOM claimed legal ownership over all the fissile materials in member states, except those in the military programmes of NWS, and dealt directly with the enterprises handling them, 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, thereby undermining the jurisdiction of the Agency.

By the first half of the 1960s, several developments relevant to nuclear non-proliferation were thus occurring in parallel. One was the slow evolution of the IAEA and its international safeguards 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 the fourth the development of a nuclear disarmament negotiating process.

In 1961, spurred on by the request from Japan, the IAEA promulgated its first set of arrangements for implementing Agency safeguards on nuclear materials and facilities, known by the number of the IAEA information document through which they were published, Information Circular (INFCIRC)/26. These arrangements were soon superseded by a second, more comprehensive, set, INFCIRC/66, which in its final form in 1968 incorporated a set of technical principles and procedures designed to verify compliance with existing safeguards agreements and
thus enable the IAEA to give assurances that the nuclear activities involved were not being used for military purposes. INFCIRC/66 covered research and power reactors, spent fuel reprocessing plants, fuel fabrication and conversion plants and fuel and materials storage facilities, but did not include uranium enrichment plants or production facilities for the heavy water used as a moderator in some nuclear reactors.

From 1962 onwards 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, thus promoting the growth of the Agency’s safeguarding functions. 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 states and their allies, at its existing levels, and the quantitative one of halting the production of fissile material for military purposes, thus placing a limit on the numbers of nuclear weapons that could be built by the existing nuclear weapon states. In addition, two other activities were taking place on a wider, multilateral basis. In 1959, through the Antarctic Treaty, the first attempt was made to agree on measures to prevent the emplacement of nuclear weapons in specific environments, while in 1958 Ireland had initiated moves within the UN General Assembly to highlight the dangers posed by additional states acquiring nuclear weapons. This culminated in 1961 in the ‘Irish Resolution’ being adopted by the UN General Assembly. This called both for measures to limit the spread of nuclear weapons to additional countries and for all states to refrain from the transfer or acquisition of such weapons.

Although negotiations on a Comprehensive Ban on Nuclear Testing (CTBT) led to a moratorium on nuclear testing by the three existing NWS from 1958–61, they did not produce agreement on a treaty, in the main because of irreconcilable differences over the intrusiveness of its verification system. In 1961 the IAEA returned to the US to discuss its intentions, followed rapidly by the USSR and, in 1963 the attempt to agree a CTBT was abandoned in favour of a treaty which banned tests in all environments except underground, known as 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 and nuclear weapon states. This was seen to generate insurmountable difficulties to the provision of credible assurances that any agreement was being complied with, especially in states such as the USSR where all facilities were owned by the government and where the distinction between military and civil use was inevitably somewhat arbitrary. This abandonment was tacitly announced through a series of statements made by leaders of the three NWS in the Spring of 1964, in which they announced unilateral measures to limit their future production of fissile materials for military purposes.

The demise of the attempt to place quantitative and qualitative limits on the existing nuclear arms race coincided with a more comprehensive attempt to address the issue of nuclear disarmament within the United Nations, through the medium of proposals for General and Complete Disarmament (GCD). The motivation for this stemmed, in part, from the existing military situation in Europe, where the expansion of NATO’s ability to fight a ground war with nuclear weapons was seen as a necessary response to the Warsaw Pact’s perceived qualitative superiority in conventional weaponry. It was only by addressing both conventional and nuclear weaponry in parallel that agreement on nuclear disarmament appeared possible. One consequence of this was the Macloy-Zorin principles of 1962, which attempted to lay down a set of guidelines for future nuclear disarmament negotiations. Another was an acceptance that negotiating GCD as a single package was probably impossible, and that the most practical way forward was to disaggregate it and conduct negotiations on the separate elements sequentially. The first items on this new agenda were to be measures such as a CTBT, an agreement to terminate 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 might not reduce the numbers of warheads deployed, they would support a nuclear disarmament process, and improve confidence between those involved in it. The development by the US in the later 1950s with bombers with intercontinental range, ballistic missiles (ICBMs) and submarine-launched ballistic missiles (SLBMs) had generated concern among its Western European allies that this would lead to a decoupling of the defence of Europe and defence of the US homeland in the minds of US leaders. They therefore sought enhanced measures to guarantee that an USSR aggression in Europe would meet with a nuclear response. Expanding numbers of US warheads available for the use of US allies in wartime was one way of doing this: another was 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 for this involved a mixed-manned force of surface vessels equipped with US Polaris ballistic missiles, known as a multilateral force or MLF (two Italian Cruisers were already under construction with provision for carrying such missiles). Later proposals included the creation of an Allied Nuclear Force (ANF) in which UK and some US forces would be committed for use by SACEUR. Not unnaturally, these proposals ran into strong opposition from the USSR and its allies, who viewed the idea of German involvement in such an enterprise with horror. One element in such opposition was a proposal by the Polish Foreign Minister, Rapacki, for a nuclear-weapon-free zone in Central Europe.

The Negotiations on the NPT

It was in this international context of stalled nuclear disarmament negotiations, considerable tensions over the nuclear aspects of European security, and the beginnings of a process of attempting to delimit specific geographical areas as nuclear-weapon-free that discussions, and then negotiations, started in the mid-1960s on a treaty on the Non-Proliferation of Nuclear Weapons (NPT). This was the one element of the GCD package that both the US and the USSR felt motivated to pursue immediately. After considerable informal consultations it proved possible for the 1965 UN General Assembly to adopt a resolution containing guidelines for negotiation of this Treaty. The resolution, 2028, listed five principles that should underpin it:

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

In early 1966, the multilateral negotiating forum for disarmament agreements was the Eighteen Nation Disarmament Committee (ENDC). Several leading non-aligned states were members of this, as well as a number of allies of the two superpowers. The ENDC was an entity linked to, but not part of, the United Nations system, although it met in UN premises in Geneva. One aspect of its structure was that the US and USSR were its co-chairmen. Discussions started in this forum on the text of an NPT and made relatively slow progress. One problem was that the ENDC did not contain either Germany or Japan, which were two of the states of particular non-proliferation concern at this time. It was left to the US, and to some extent Italy, to liaise with them and try to craft a treaty that they would be prepared to sign. In the autumn of 1966 the US and USSR therefore started bilateral discussions on how to word the sections of the treaty dealing with transfers from the NWS of nuclear weapons and the non-acquisition of such weapons by the non-nuclear weapon states (NNWS).

From a US perspective this treaty had to permit the existing US–UK collaborative arrangements to continue, as well as existing NATO arrangements for the transfer of nuclear weapons for use on NNWS-owned delivery systems in the event of hostilities. From a USSR perspective the key issue was to prevent any MLF type of arrangement being legitimate under the treaty. Early in 1967 language was agreed between the two states on these articles, which became...
and II of the NPT. Their text was based on the contemporary US nuclear energy legislation, which prohibited the transfer by its government of complete nuclear explosive devices to any other state or international entity in perpetuity. The article allowed existing NATO nuclear arrangements to continue, but effectively foreclosed on any move to adopt multilateral nuclear-weapon sharing within the alliance. They 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 an effective verification system could be incorporated in this draft treaty. Although all parties to the negotiations were agreed that it made no sense to create a new treaty-specific system of safeguards in parallel to the IAEA's system, there was disagreement over the position of EURATOM. Its existence meant that 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. However, 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 the states of Western Europe, in particular the Federal Republic of Germany, would uphold their non-proliferation obligations. It wanted full IAEA safeguards to apply to all states in the region. The US was in a difficult position on this issue, as its NNWS allies were arguing that any verification system should be as non-intrusive as possible, and above all offer no commercial advantages to the NWS who would not have to accept such a system. Eventually, in early 1968, wording was agreed for Article III to allow EURATOM to make an agreement with the IAEA enabling the Agency to apply its safeguards to EURATOM states.

Article III of the NPT left two issues undecided or ambiguous: the detailed nature of the verification system to be applied by the IAEA and the obligations of parties to the treaty in respect of transfers to non-parties. In the case of the former, the text indicated that the safeguards system was to be based on materials, not facilities and materials as was the case with the existing INFCIRC/66 system, but the details of how this was to be done were left to the IAEA to decide. In the case of the latter, the text left it unclear whether transfers to non-parties could be permitted or not. Details of these transfers were left to the IAEA to decide, or whether the recipient state had to accept IAEA safeguards on all materials within its jurisdiction (known variously as NFT, 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 all NNWS parties were contracting themselves to certain conditions on the exercise of their peaceful use of nuclear energy, the Treaty also recognised the apparently contradictory fact that their rights to peaceful uses were intrinsically 'inalienable'.

Two further articles of the eventual treaty, Article V dealing with peaceful nuclear explosions and Article VII dealing with NWFZ proved relatively uncontroversial. In order to prevent any state acquiring a nuclear weapon under the guise of it being a device for use in a civil context, the treaty specifically banned all work by its NNWS parties on any type of nuclear explosive device, but Article V permitted the supply of such devices for 'peaceful' purposes by existing NWS, as a consequence of international arrangements to be negotiated through the IAEA. In the case of NWFZs, Latin American states had decided by 1967 to go ahead with their own regional treaty, partly motivated by the belief that the provisions arising from Europe made agreement on an early NPT unlikely. The resultant Treaty of Tlatelolco was opened for signature in February 1967. Unlike the NPT, this only prohibited the acquisition, storage and deployment of nuclear weapons, rather than all nuclear devices, but it had its own regional verification system, which included provisions for challenge inspection, and a secretariat, OPANAL.

Two other elements of the draft Treaty did continue to generate significant problems throughout 1967: Article VI and related parts of the Preamble; and Articles VIII and and X. The debate over Article VI and the Preamble was especially over the commitments that would be made by the three nuclear weapon states negotiating the Treaty to end their nuclear arms race at an early date and to non-weapon states. The debates over Articles VIII and X were almost entirely conducted among the allies of the US through bilateral consultations with the Federal Republic of Germany and Italy, and in NATO forums, rather than in the ENDC or between its co-chairmen, the US and USSR. The uncertain nuclear security situation that some of the US NNWS allies felt confronted them, a lack of belief in the permanence of the existing US nuclear extended deterrence commitment, and a firm 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 provide for the case where gradual changes in the international environment and in perceptions of US policy made such withdrawal seem prudent. Thus Italy, in association with the Federal Republic of Germany, sought agreement on a text which would give all parties an unconditional right to withdraw from the Treaty at the end of a fixed period of time, through provisions which would require them to make a positive decision to continue. This would allow the parties to review their security situation at the end of the fixed period and decide whether to continue to accept the Treaty's constraints on acquiring nuclear weapons or abandon them.

Not surprisingly, the US and USSR were both opposed to inclusion of this element in the text, but the US was very sensitive to the need to meet some of these concerns if its allies, especially Italy, the Federal Republic of Germany and Japan, were to be persuaded to sign the draft treaty. The consequence was that by the time of a scheduled NATO summit at the end of 1967 a compromise arrangement had been negotiated consisting of two elements. One was the reinterpretation of Article VIII of a paragraph mandating the three NNWS, who were also the depositary governments for the treaty, to convene a conference to review the implementation of the Treaty after five years, with the option that the parties could, if they chose, 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 to review the security situation surrounding their non-possession of nuclear weapons every five years, and give them the possibility of arriving at a collective decision to terminate the Treaty after twenty-five years by agreeing that its duration should consist of a further short, fixed term or a series of renewable fixed periods.

Given the emphasis placed by the two co-chairmen of the ENDC on creating a treaty which would both meet their concerns and those of the allies who posed the most immediate threat of proliferation, 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.

The core of their argument over this issue was that since both superpowers were providing their ally, in particular, states with extended nuclear deterrence security guarantees, they should provide the non-aligned states with similar guarantees 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 attacked with such weapons.

Negative assurances 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 war, however, and thus could 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 of the same reason, among others, why India indicated that it was not prepared to sign this text. However, the three NWS did act on non-aligned concerns on this subject, 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 positive resolution on this matter, the NPT was opened for signature on July 1 1968, signed by the three depositary states on that day 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 exploited 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 did not occur, despite the commitments by all states in Article VI to negotiate on the latter in good faith. 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 rights given to 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 emphasis on one of these aspects: nuclear non-proliferation, nuclear disarmament or the unconstrained right to develop nuclear energy applications for peaceful purposes. 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 it should proscribe the stockpiling 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

Introduction

The entry into force of the NPT marked 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 persuading states not to proliferate through security guarantees and transfers of conventional arms continued, the NPT provided a vehicle for persuading states not to proliferate through security guarantees and transfers of conventional arms continued, the NPT provided a vehicle for

NPT Safeguards

The first of the tasks facing the international community once the NPT had been signed was to negotiate and implement its detailed safeguarding or verification system. As the decision had been taken by the drafters of the Treaty that the IAEA should be responsible for verifying that nuclear materials and technologies in NPT NNWS were not being used for nuclear explosive purposes, Agency officials had to draft, and seek the agreement of the IAEA’s Board of Governors to, the detailed arrangements for a new safeguarding system applicable to NNWS parties. These arrangements focused upon accounting for the presence and use of all fissile material within the jurisdiction of the NNWS parties to the Treaty, and rested upon them declaring to the Agency their initial inventories of such materials, and subsequently any changes in their location and size due to transfers between and within states, operations of existing plants or the opening of new plants. This system, agreed in April 1971, was often termed INFIRC/153, after the number of the IAEA information circular containing details of the model agreement between the IAEA and NPT NNWS. EURATOM states negotiated a collective agreement of this type, enabling the IAEA to safeguard activities within those states independently of EURATOM.

The INFIRC/153 system was a product of difficult negotiation between those industrial NNWS which desired as little interference in the operation and cost of their nuclear power systems as possible, and those states attempting to create a verification system to give early warning of any diversion from a civil fuel cycle. One consequence was that its focus was on the misuse of declared materials and known facilities, rather than searching for undeclared materials and plants. Another was that most of its inspection effort was focused upon Canada, the Federal Republic of Germany and Japan, even though by the 1980s they appeared to be unlikely candidates as prospective nuclear proliferators. A third was that the NWS made ‘voluntary offers’ to place elements of their civil industry under IAEA safeguards in order to engage in an exercise of ‘equality of misery’ with industrial NNWS in shovelling the burden of accepting IAEA safeguards.

One consequence of these initial compromises became apparent in early 1991, when Agency activities mandated by the Security Council in...
Iraq started to uncover the full extent of that state's clandestine attempts to manufacture fissile material for nuclear weapons, despite its NPT commitment not to do so. The result was that member states accepted that the Agency had to change some of its existing safeguarding procedures to enable it to handle future NPT renegades. This culminated in a set of 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 the negotiation of a protocol to the existing safeguards agreement to create the necessary legal authority for this. 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. Changes that did require legal authority were the subject of extended negotiations, and it was not until May 1997, that the 'Model Additional Protocol' incorporating them was approved by the IAEA Board of Governors.

The basic concept behind the 93+2 activities 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 that could indicate the presence of undeclared materials. The Additional Protocol (known as INFCIRC/540) provided the authority for these indirect activities, which included information about mining and weapon sensitive 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 in force would in future be known as being under 'integrated safeguards'. These would centre on frequent reviews of individual country profiles to provide assurances that not only existed that a state was diverting declared nuclear materials or was 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 to achieve maximum effectiveness and efficiency within the available resources.

Export Controls

Although national export controls were not specifically mentioned in the text of the NPT, India's 'peaceful nuclear explosion' of 1974 stimulated supplier states into action on this matter. As the materials for the explosion had been manufactured in a 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 the Federal Republic of Germany into the market for the export of nuclear technology, illuminated by the activities of Iraq, especially its use of engineering and US domestic legislation. In all cases, however, the main disagreements over these policies were between the US and its industrialised allies. The attempt to co-ordinate export policy, and in particular agree a common policy with France and the Federal Republic of 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, resulting in suspicions in some quarters, particularly among the non-aligned states who were not represented on the group, that this was a conspiracy to deny them the 'inalienable right' of access to all nuclear technology contained in the NPT text. 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 defining 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.

The NSG guidelines listed those plants and their components which the adherents agreed should in future require a licence before a state could divert its nuclear transfer 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, implemented 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 in the NSG that in future they would refrain from exporting any reprocessing or enrichment technology. As a result, France halted its assistance in the construction of reprocessing plants to both Pakistan and South Korea, and the Federal Republic of Germany constrained its efforts to transfer enrichment and reprocessing technology to Brazil.

The NSG guidelines of 1978 represented the extent of consensus in the late 1970s among the technology supplying states. What they could not agree on was how to interpret Article III.2 of the Treaty text which stated that exports by NPT parties to non-parties were only to take place if '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, among other reasons because of sensitivity to claims by non-aligned states that this was a discriminatory activity which breached the peaceful uses Article of the NPT. In February of that year, revelations of the clandestine activities of Iraq, and the Netherlands to organise a meeting of adherents to the NSG guidelines to consider their revision. This resulted in the creation of several working groups to consider specific weaknesses and limitations illuminated by the activities of Iraq, especially its use of engineering firms in the Federal Republic of Germany and elsewhere with no previous connections with the nuclear industry to manufacture materials or components for use in their clandestine plants. In April 1992 agreement was reached amongst these adherents on significant amendments to the guidelines at a further meeting in Warsaw. These were published by the IAEA in July 1992 as INFCIRC/254/Rev.1/Pts.1 and 2.

The main consequences of this agreement were that guidelines were issued covering exports of items of technology having both nuclear and non-nuclear uses (dual-use items); 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; and all members agreed to make comprehensive IAEA safeguards the condition for supply to non-NPT parties (they already were in respect of NPT parties). In addition, it was agreed that the NSG would meet annually in future, and make positive attempts to expand its membership.

The NSG's activities were conducted independently of the IAEA, but Article III of the NPT did give the Agency a specific task to perform in connection with national exports: 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. However, in theory the two lists remained independent of each other, as they performed different functions.

The major area of contention between the Western allies in the later 1970s, however, was generated by an increased US desire for more positive policies to limit the nuclear proliferation dangers arising from the anticipated global expansion of nuclear power plants and their associated reprocessing and enrichment facilities. While the NSG guidelines went some way to meeting this need, 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 the national fast-breeder reactor (FBR) development programme which provided a justification for such activities. Their Nuclear Non-Proliferation Act of 1978 also 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 the election of President Carter in 1976, who had made international 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 the technologies involved, 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. 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. It only time it reported in February 1980, however, the issue had become less pressing as the stalemate for new orders for nuclear power plants which had followed the 1973 oil crisis had peaked, and other issues were claiming the attention of the US government. However, the argument that all states should follow the lead of 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, which 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 the yield of nuclear weapon test explosions (the Threshold Test-Ban Treaty of 1974) and 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 missile (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 unilateral attempt by the United Kingdom, US and USSR to negotiate a CTBT, without any positive result.

One consequence of this activity was that while there was 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, two other trends could be discerned. One was that in the absence of limits on the numbers of nuclear warheads to be carried on individual delivery systems, the numbers of strategic warheads in the US and USSR arsenals increased from the date of signature of the NPT through to the early 1990s. The second was that all attempts to make progress in multilateral nuclear disarmament negotiations during this period 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 the US and USSR ceased to exist. One of the direct effects of these momentous changes was to stimulate the remaining states in the US, USSR, and then the Russian Federation, to retire and then dismantle large elements of their nuclear arsenals through a series of unilateral decisions. Two other NWS, France and the UK, also moved in a similar direction.

Another effect was to generate a new proliferation challenge as, although all its tactical nuclear weapons had been moved to the Russian Federation before the collapse of the USSR, strategic missiles and their nuclear warheads, bombs, and bombs, remained operational in Belarus, Kazakhstan and the Ukraine. However, the arrangements in existence between the US and its allies when the NPT was signed provided a precedent for one state’s nuclear weapons being stationed on another’s territory. By 1994 arrangements had been made to move all these warheads to the Russian Federation, and for all the constituent elements of the USSR, other than the Russian Federation, to accede to the NPT as additional NNWS parties.

The end of the East–West ideological confrontation also 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 1995 reveal details of its former weapon activities. Their Nuclear Non-Proliferation Act of 1978 also 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 the election of President Carter in 1976, who had made international non-proliferation a major campaign goal, was acute friction among the leading Western industrialised states over their nuclear energy and industrial policies.

Security Assurances and NWFZ

In 1968 an attempt had been 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. However, pressure for the provision of negative assurances continued and in 1978 they were provided, though in a form that was again regarded by states of the non-aligned movement as inadequate. In that year the first United Nations General Assembly Special Session on Disarmament (UNSSCD) was held, and in that context all five NWS made unilateral statements on negative security assurances. China’s statement was an unconditional one; the French one was limited to NWFZ’s; the US and UK statements were qualified, the US statement renouncing the production and acquisition of nuclear weapons and did not have them on their territories; while for the UK and the US, NNWS allied with a nuclear-weapon state were excluded from their commitment not to attack or threaten to attack a NNWS with
nuclear weapons. At the next UNSSOD, in 1982, France provided NWSs 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 South Africa 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. The second was that although China maintained the unconditional form of its security assurance, the other four NWS modified their conditional assurances to bring them broadly into line with each other. 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 uncertainty inherent in unconditional 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 encourage such a threat.

The NWS had also been engaged in providing 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 strategic nuclear weapons manufactured by the former USSR and still 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. Signature of the first effectively prevented any staking or claiming of nuclear weapons within the zone, while the second provided the states within with unconditional security assurances. As all the NWS had signed this protocol by the end of 1979, one consequence was that the parties were 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. In this case, however, the chief of the motivation for negotiation was French nuclear testing in the area, and 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, and 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 which would also offer unconditional negative security assurances to all those zonal states which chose to become parties to it. This work was completed in the summer of 1995, with the official signing ceremony for the document itself, known as the Treaty of Pretoria, 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 some of 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...'. As a consequence, the first of these review conferences took place in Geneva in 1975. The proceedings created by this conference were the basis for the procedural framework of future events of this type. 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 the main meeting of four weeks duration.

The standard format used for the Review Conferences involved three phases of work by delegations. The first phase involved 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 (later three) 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 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, although the Treaty text specified that this was optional. The two main Committees were increased to three at the 1980 conference, inter alia to allow a representative of each of the caucus groups to chair a Main Committee. Also, it became the accepted practice to have 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 was allowed, and who performed a limited mediating role between those groups. 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 key issues were apparent within in. In 1990, under a Peruvian president, irreconcilable differences emerged that a last minute attempt at Presidential leadership could not overcome.

The content of the conference remained relatively static from 1975 through 1990, in part because of the structure of the Treaty itself and the differing perceptions that existed of its main objectives and
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 where the former would offer gains to the latter. 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 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 parallelised 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 the heads of delegation until the final two days was the duration decision. However, 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.


One effect of the decisions in 1995 was to create a set of expectations concerning the future implementation of the NPT regime. It also offered a set of general guidelines for the ‘strengthened’ 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, a recommendation 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 directly relevant to the activities of the Review Conference or could also address current 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 adopted an agenda and structure for the meeting, and also to the discussions on recommendations being based upon an amended version of the 1997/8 rolling text. 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 subsidiary bodies at the Review Conference, 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, the parties immediately following the 1998 PrepCom, or their self-declared nuclear status. 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 NPTRC opened positively, despite the failure of the PrepCom to produce the recommendations mandated by the 1995 NPTREC. 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 plenary debate started on the first day and lasted into the middle of the second week. The speeches by the US Secretary of State, the Foreign Minister of the Russian Federation and the Head of Delegation of China stated their national positions on NMD, the ABM Treaty and future nuclear policy firmly, but not inflexibly. In the middle of the first week, the three MCs and the two SBs started their work, 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 lasting months in the margins of the CD in Geneva, and then in New York, all five NWS agreed the text of a joint statement. This was presented to the Conference at the start of the second week by France, which had co-ordinated these activities. By omitting any reference to the ‘immediate commencement and early conclusion’ of negotiations on an FMCT, some WEOG states saw it as containing a major concession to China. This led them to view it unfavourably, as they saw this commitment, which was contained in the 1995 Principles and Objectives document, as having been abandoned. It did, however, send out a clear signal that the NWS were prepared to shelve their differences on nuclear issues in the interests of a consensus NPTRC Final Document.

The second week of the Conference was spent collecting ideas, and converting them into draft texts. At the end of the week the President convened an informal plenary on the operations of the strengthened review process, which generated proposals ranging from the first two PrepCom sessions in any review cycle being open ended, with only the third considering recommendations to its NPTRC, through the creation of an NPT Management Board, to the more radical proposal from Ireland of replacing the 1995 PrepCom arrangements with four five-day NPT annual meetings serviced by a small secretariat.

Main Committee reports were scheduled for completion at the end of the third week, when the Drafting Committee was to start its work of putting the texts into an integrated document or documents. In practice, all five reports contained sections of non-agreed text, and the chairs of four of the five bodies were asked to continue seeking clean texts, while the President himself proposed taking over the MCI work. He was scheduled to leave for London on Saturday 13th May to attend a regional seminar, and was not due back in New York until the Monday afternoon. This served to stimulate the idea that, given his ‘hands-off’ approach, only direct action by the two main groups of protagonists would produce an agreed document. A meeting was therefore convened on the 13th between representatives of the NWS and the NAC in one of their national missions to discuss their differences over the backward-looking disarmament document. The constructive nature of this meeting encouraged the participants to engage in further private consultations.

Three types of activities then took place in parallel. One was that MCII and ILL met in open informal session to seek clean texts of their reports. The second was that the President, upon returning from London, convened a meeting of a group of ‘representative countries’ to identify agreed language for the text of the MCI report. This process was unsuccessful, and by mid-week had been abandoned. The third was private negotiations. One set of these was addressing the disagreements over the text on regional issues being negotiated in SBII. It involved mainly its chairman from Canada, the US, Egypt, Iraq and some other Arab states, and was occurring at the direct request of the President of the Conference.

Another set was between the NWS and the NAC. This concentrated initially on trying to agree a forward-looking document on disarmament. It eventually became ‘legitimised’ by moving its location from national delegation offices to the UN building, but by the Wednesday evening these discussions had become stalemated, though a core document did exist. When they reconvened the next morning, the UK and the US indicated that they were prepared to accept the document as it stood if the NAC three MCs did so. Russia surprised many delegations by voicing considerable reservations over the core document, but then indicating that it was prepared to go along with the UK – US proposal. France then followed its lead. This left China objecting to a paragraph on transparency that had been accepted by the other NWS and the NAC states. However, it eventually accepted this text.

Events then moved rapidly. Negotiations on the backward-looking text between the NWS and the NAC, now joined by Indonesia, Germany and the Netherlands, continued throughout Thursday.

Progress was slow, however, and it was agreed to reconvene early the next morning. Immediately prior to that meeting, the UK delegation concluded that the only way forward would be through a package-deal. This was agreeable to the French, the only delegation that could be fully consulted in the short time available, and to the US. As a consequence, when the meeting opened 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 then indicated its support for this approach and the specific proposals made by the UK. South Africa confirmed that they were in broad agreement with the UK approach, but asked for a brief adjournment while the NAC consulted on the matter. This resulted in a counter-proposal for some modifications to the UK package. These were acceptable to France, Russia, the UK and the US. Both China and Indonesia, representing the NAM in this context, thus found themselves confronted with a fait accompli, which they eventually accepted. By mid-day on the Friday, a consensus text existed of both 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, it became clear that another roadblock existed before a consensus Final Document was possible: the inability of the US and Iraq to agree language on Iraq’s non-compliance with the Treaty. Tortuous negotiations between the states involved and others, both in New York and capitals, eventually resulted in agreement at about 3pm on Saturday 20th May. The Drafting Committee then started its work of gaining agreement on the draft text of a Final Document, which was then circulated to delegations. This included a text on recommended changes to the review process, which up to that point had not been formally presented or discussed by delegations. Disagreements still existed over the text of MCII’s report, but the impetus to agree a text placed states under intense pressure to abandon disputed language. Agreement on a Final Document was therefore attained by this method at about 5pm. It was then left to several states to indicate the areas where they dissented from the text they had formally accepted, and by this device enable a consensus Final Document to be agreed.
Substantive Issues and Products of the Conference

i. Universality

The NPTRC in 2000 named for the first time all those states (Cuba, India, Israel and Pakistan) which were non-parties to the Treaty. They were urged to accede to the NPT as NNWS, and more particularly those with unsafeguarded nuclear facilities (i.e. India, Pakistan and India). More significantly, it ‘deplored’ the Indian and Pakistan nuclear-test explosions, and declared that ‘such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever’ upon those states. These statements were also repeated in a slightly different form elsewhere in the document. Both India and Pakistan were called upon to implement the measures set out in UN Security Council resolution 1172 (1998), and to strengthen their nuclear export control legislation. These statements constituted a robust response to Indian demands that ‘[t]he NPT community needs to understand that India cannot join the NPT as a non-nuclear weapon state’.

Differences over universality did exist, however, including the question of technical co-operation with non-parties and the creation of reporting mechanisms. On the former, some NAM states wished to see a total cessation of all nuclear-related assistance to non-parties, even though this appeared to be contrary to the text of the Treaty. The result was a rather weak paragraph on the subject, which did not specify that full-scope (FSS) IAEA safeguards should be a condition of material or equipment supply to such states. Although it had been proposed that formal dialogues should be conducted with non-parties, no agreement was possible on this, though all States Parties were requested to report to the President of the 2005 Review Conference and the Chairman of its PrepCom sessions on the realisation of 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, participants had little difficulty in agreeing a text noting that the IAEA had been unable to verify its initial declaration of nuclear material and thus was unable to conclude that no diversion of this material had occurred. The situation concerning Iraq was considerably more complicated in two respects: its delegations were in attendance and it had been certified by the IAEA to be non-compliant with its safeguards agreement prior to 1991. In nuclear matters, Agency reports had indicated that all clandestine activities had been accounted for, equipment destroyed and material removed, while a regular IAEA inspection had taken place in Iraq in early 2000 as required by its NPT safeguards agreement. This led Iraq to argue that it had been fully compliant with the Treaty since 1995, and that the UNSC resolutions were irrelevant in this context.

The US and some other states regarded it as unacceptable to say nothing about Iraq, or to note that it was in possible non-compliance with its Treaty obligations, given both the ongoing impasse over its compliance with the UNSC resolutions and the non-implementation of a comprehensive system for monitoring WMD activities within Iraq. This posture was reinforced by a statement made to the conference by a representative of the IAEA that ‘in all the years between 1991 and 1999, the Agency has not been able to conclude that Iraq complied with its safeguards agreement’. Iraq rejected this statement. The language eventually agreed involved noting that a regular inspection had been carried out in January 2000 which verified the presence of the material subject to safeguards and reaffirming ‘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 be a major issue at the NPTRC. This was not the case, however, and attention was focused upon the further reduction of non-strategic nuclear weapons; giving a diminishing role for nuclear weapons in security policies; and engaging ‘as soon as appropriate’ all the NWS in the process leading to the total elimination of nuclear weapons.

In effect, what the NPTRC did was to create a new nuclear disarmament agenda, containing a mixture of unilateral, bilateral and multilateral activities, rather than it being focused solely upon multilateral negotiations and agreements. It also implied a much less radical and more incremental vision of how to move towards nuclear disarmament than the ‘time-bound framework’ proposals which had been prominent before 2000. However, this ‘action plan’ begged many questions over what were the precise commitments that states parties had made in agreeing to it, and what some of them meant in practice.

The backward-looking element of the debate on the disarmament process concentrated on whether its pace had been satisfactory. In particular disagreement centred on how to characterise the numbers of nuclear weapons remaining; on the proposal by the UN Secretary General for the convening of a major international conference on ways of eliminating nuclear dangers; on the significance of the 1996 ICJ advisory opinion on Legality of the threat or use of nuclear weapons; and on the inability of the CD to initiate negotiations on an FMCT; and on the significance of the NWS detargeting declaration contained in their joint statement.

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 within Central Asia. Difficulties did emerge, however, over Central Europe and the Middle East. Belarus wished to see positive language in the Final Document concerning their initiative on the establishment of a ‘nuclear-weapon-free space’ in the former area, despite opposition from other states of the region. It continued to press this issue until the end of the Conference. Arab states wanted Israel to be urged by name to take the steps needed the implement a NWFZ in the Middle East, and this was resolved by restricting the naming of Israel in this context to the regional issues part of the Final Document.

Given that global security assurances had been one of the subjects allocated special time at the PrepCom sessions, and that both Myanmar in 1997 and South Africa in 1999 had made detailed proposals for Protocols on this, it had been anticipated that this would be a major issue at the NPTRC. This was not the case, however, and the Final Document limited itself to ‘calling upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue’.

v. IAEA Safeguards

IAEA safeguards generated considerable controversy, both in their own right and because of their links into other questions, such as regional issues. The number of specific disagreements were in double figures, but were concentrated in a limited number of areas. One was the Additional Protocol to national safeguards agreements, which gave complete disarmament pointed to the wording of Article VI, which is legally binding whereas the 2000 document is politically binding, which talks about pursuing negotiations on nuclear disarmament, and on a general and complete disarmament under strict and effective international control'.

On the second issue, 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 in 2000, usually termed ‘the 13 steps’, was much more comprehensive and wide ranging than that agreed in 1995, containing many practical steps in a wide range of areas. In particular, under the chapeau of ‘steps leading to nuclear disarmament in a way that promotes international stability’, it was agreed that the following should be implemented:

- further efforts by the NWS to reduce their nuclear arsenals unilaterally;
- increased transparency by the NWS with regard to nuclear weapon capabilities and as a voluntary confidence building measure;
- the further reduction of non-strategic nuclear weapons;
- concrete agreed measures to further reduce the operational status of nuclear weapons systems; giving a diminishing role for nuclear weapons in security policies; and
- engaging “as soon as appropriate” all the NWS in the process leading to the total elimination of nuclear weapons.
expanded powers to the IAEA safeguards system. Some indicated that in future they wanted to make this Protocol an integral part of Agency safeguards, in particular in the context of exports to non-parties. At the same time, there was concern that FSS as a condition of supply to non-parties was in danger of being eroded by a willingness to trade on the basis of safeguards being applied to the imported items and materials only. A further element in these debates was language directed originally at Israel by NAM countries calling for ‘the total and complete prohibition’ of the transfer of nuclear related equipment and materials, and of technical assistance, to non-parties, even though this was contrary to the language of the Treaty. None of these differences were resolved, and all the controversial wording was deleted in the last few hours of the Conference.

Another set of disagreements concerned export guidelines. Language on both the work of the Zangger Committee and on the transparency seminars organised by the Nuclear Suppliers Group (NSG), was opposed by these NAM states who perceived them to be a barrier to economic development. Iran also sought to contest the right of the United States and others to prevent nuclear-related transfers to states where allegations of non-compliance with the Treaty had not been verified by the IAEA. Other contentious issues included proposals that all the NWS should cease the production of fissile material for nuclear explosive devices, and a favourable reference to the Convention on the Suppression of Acts of Nuclear Terrorism. The contested language on the Zangger Committee and the NSG, and the Iranian sponsored language on an IAEA role in co-ordinating export controls, as well as these other issues, were all deleted in the final hours of the Conference. These deletions indicated that the issues that the Conference could not resolve.

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. Three different sets of state interests came into play in this latter debate: those states seeking support for their fledging nuclear power programmes; those states seeking to further domestic decisions to abandon such programmes; and those states concerned with Kyoto Protocol ‘greenhouse gas’ issues. Eventually, a form of words was agreed to meet some of these aspirations.

The safe transport of radioactive waste, liability for accidents, and technical cooperation were other issues that generated considerable friction. Nuclear transport and liability was mainly a west/west conflict between the nuclear exporting states involved in reprocessing and the sea transport of nuclear waste, plutonium and mox fuel and those adjacent to the routes used to transport this material. This latter group sought enhanced consultation over these shipments, and more effective and far-reaching liability mechanisms. Most of the demands of the latter group were successfully resisted by the three target states.

The Implications of the Conference

The successful conclusion of the 2000 NPTRC was by any criteria a very extraordinary achievement, especially given the increased complexity of the post-1995 review arrangements. The fact that the NWS were prepared to put aside their differences in order to facilitate this result appeared to be a recognition of their common interest in sending out a signal that they were united in sustaining the Treaty, the regime and global nuclear stability. For their part, the middle powers in the NAC were unprepared also to see negative signals emerge from states parties in areas such as disarmament and the Review Conferences. However, some new reporting commitments from states parties in areas such as disarmament and the Resolution on the Middle East did seem to have been created.

NPT parties were thus left with a stark choice of ‘muddling through’ by holding meetings which only prepared for review conferences in the most general of ways, or the Irish proposal of holding NPT annual meetings of 5 days duration in years other than those in which review conferences were to be held. The latter, however, would mean reaching agreement on two contested issues: the executive powers to be given to such annual meetings and whether a permanent secretariat arrangement or management board should be created.

ii. The Regime Context

Four main challenges confronted the nuclear non-proliferation regime at the 2000 NPTRC: its responses to the South Asian tests; its responses to the allegations of DPRK and Iraq non-compliance; the Egyptian–US differences over the Middle East; and the more general issues of enhancing IAEA safeguards, implementing export controls on exports to non-parties, and environmental concerns. The Conference took a relatively robust stand on the first of these issues. It deployed the test explosions; urged the two states to enter the NPT as NNWS; and called upon them to implement UNSC resolution 1172, including ratifying the CTBT and strengthening their nuclear export control legislation. In so doing, it demonstrated to India in particular that it was totally isolated on this issue.

The challenge of non-compliance was one which could be met without undue difficulty in the case of the DPRK due to its absence from the proceedings. In the case of Iraq, the contentious nature of claims of Iraqi non-compliance after 1995, plus the presence of Iraqi representatives at the conference, made it much more difficult to craft a robust response.

The Egyptian–US differences over Israel and the Resolution on the Middle East proved a complex problem to resolve, but both states eventually succeeded in doing so through some astute diplomacy. The initial issue of devoting an SB to the subject was evaded by having it focus on regional issues, which allowed concessions over Israel to be balanced by language on Iraq. For the first time in an NPT context, Israel was named in the Final Document, but not condemned, while all parties were requested to report at future NPT meetings on the implementation of the Resolution.
The enhancement of IAEA safeguards was a subject that generated disappointment for some states, especially those which wished for a stronger impetus to be given to signing and implementing Additional Protocols to national safeguards agreements. Resistance was also encountered over the suggestion that, in the context of trade with non-parties, such Protocols might at some future point be regarded as part of FSS. The Conference thus offered little assistance to the Agency in moving towards an integrated safeguards system incorporating in full the rights it had gained through the Additional Protocol. In addition, it said little about strengthening export controls on transfers to non-NPT parties, which are currently based on the activities of two informal bodies, the Zangger Committee and the NSG. No reference to either is to be found in the Final Document, because of opposition from coalitions of states with differing interests.

It is becoming increasingly apparent that concerns over the safety of maritime nuclear transport and the effects of global warming are becoming the prime interests of many of the small island states that are parties to the Treaty. In 2000 they sought to use their leverage to gain rights of consultation when such transport occurred close to their shores, as well as mechanisms to compensate them for the consequences of any accident that might occur. Their interests in the increase in greenhouse gas emissions, which if uncontrollable might submerge their territories, interacted with the debate between the NAM pro-nuclear power and Western European anti-nuclear power interests in a way not seen at previous NPTRCs. If this debate develops further at future meetings, it could challenge what is seen by several developing states as their greatest ‘peaceful’ benefit from the Treaty.

iii. The Wider Disarmament and International Security Context

The message generated by the NPTRC in this area was mixed. On the one hand the NWS were prepared to sideline their differences over START, NATO expansion, Iraq, Yugoslavia and NMD and TMD in order to achieve consensus on both a joint statement and a Final Document. This appeared to be a recognition of the high priority they assigned to their collective interest in sustaining the NPT regime. They also agreed a much more extensive programme of action to implement nuclear disarmament than that drawn-up in 1995. Indeed, some might argue that the Final Document acted as a preparation, or even a substitute, for the long-heralded fourth UN Special Session on Disarmament, given its range of unilateral, bilateral and multilateral actions, and in the priority it gave to confidence building measures, arms reductions, verification and the irreversibility of disarmament activities.

iv. The Caucus Groups

The 2000 NPTRC demonstrated that the politics of nuclear disarmament and non-proliferation is now taking place within a rapidly changing context. For while the three cold-war caucuses appeared indispensable for allocating conference offices, one no longer meets, and the others have predominantly informal, rather than policy co-ordination, functions. All are now starting to be overtaken in significance by regional and interest based groupings, which increasingly are forming the basic negotiating blocs at NPTRCs.

As a consequence, both the WEOG and the NAM found themselves in 2000 having to compete with regional and interest based blocks in their attempt to play a meaningful role at the Conference. In the case of the WEOG, the major player was the EU and its associated states, which included many from the former Eastern Bloc. The EU states came to the meeting with agreed positions on many issues and, unlike the WEOG, met almost daily to exchange information and consult on issues. They also generated perceptions of marginalising other states in the WEOG through their actions. 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 (CARIOS). It was the seven states of the NAC, however, which stood out as the complete new and highly significant player in this context. Although the NAC is an interest based coalition, seeking agreement on an expanded range of commitments on disarmament, it also pulled together the traditional groupings over this issue, with individual members persuading states within the other groups to which they belonged to go along with the language they had negotiated. To do this they had to negotiate with the loosely-linked grouping of the five NWS, and it was in this context that the key issues of the forward-and backward-looking language on disarmament were resolved.

One issue for the future posed by the 2000 NPTRC is that only the active and multi-linked states will be able to achieve their aims and objectives. The 2000 NPTRC may thus not only have marked a watershed both in the evolution of the nuclear disarmament agenda and in global attitudes towards nuclear disarmament, it may also have done so for the traditional groupings involved in this activity and the organizational structures underpinning its negotiating forums.

Section 5
The 2005 NPT Review Cycle

The First Session (8-19 April 2002)

This took place at the United Nations in New York under the Chairmanship of Ambassador Henrik Salander, the Swedish Ambassador to the CD in Geneva. The meeting was attended by 140 of the 187 States Parties to the Treaty. Also present as observers were Cuba; 7 intergovernmental organisations; and 62 NGOs. The session occurred at a time of uncertainty over US arms control and disarmament policies following its decision to give notice of withdrawal from the ABM Treaty, and in circumstances where the consequences of the changed procedures for PrepComs agreed in 2000 were not fully addressed. These consisted of 11 half-day sessions of substantive discussions, divided into three sets of meetings on ‘clusters’ of issues and three on ‘specific relevant issues’. The 2002 session then concluded with a final formal plenary session attended by observers.

The ‘cluster’ discussions took place on the basis of the areas addressed by the three main committees at Review Conferences. These covered implementation of the provisions of the Treaty relating to:

i. Structure of the Meeting

The meeting began with two days of opening statements from national delegations, and one half day from NGOs. The delegations then moved into informal discussions from which all observers were excluded. These consisted of 11 half-day sessions of substantive discussions, divided into three sets of meetings on clusters of issues and three on specific relevant issues. The 2002 session then concluded with a final formal plenary session attended by observers.

The ‘cluster’ discussions took place on the basis of the areas addressed by the three main committees at Review Conferences. These covered implementation of the provisions of the Treaty relating to:

i) non-proliferation of nuclear weapons, disarmament, and international peace and security.

ii) non-proliferation of nuclear weapons, safeguards, and nuclear-weapon-free zones; and

iii) 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.

The ‘specific relevant issues’ accorded special time were:

i) implementation of nuclear disarmament;

ii) regional issues, in particular with respect to the Middle East and implementation of the 1995 Resolution on the Middle East; and

iii) safety and security of peaceful nuclear programmes.

In addition to the 11 informal and thus closed meetings for substantive discussion, the Chairman also introduced an ‘Informational Session’ into the PrepCom to provide a non-controversial venue for the discussion of key substantive matters. During the first session, this consisted of informative presentations by the IAEA on the evolution of the strengthened safeguards system and on the security and safety of nuclear material.

Chairman’s Factual Summary

According to 2000 Review Conference Final Document, the 2002 PrepCom discussions were to be factually summarised and the results transmitted in a report to the next PrepCom session for further discussion. Throughout the 2002 session, the issue of how this was to be achieved generated considerable uncertainty. It was clearly the

Organization of the 2002 Session

The First Session (8-19 April 2002)

This took place at the United Nations in New York under the Chairmanship of Ambassador Henrik Salander, the Swedish Ambassador to the CD in Geneva. The meeting was attended by 140 of the 187 States Parties to the Treaty. Also present as observers were Cuba; 7 intergovernmental organisations; and 62 NGOs. The session occurred at a time of uncertainty over US arms control and disarmament policies following its decision to give notice of withdrawal from the ABM Treaty, and in circumstances where the consequences of the changed procedures for PrepComs agreed in 2000 were not fully appreciated.

Organisation of the 2002 Session

i. Structure of the Meeting

The meeting began with two days of opening statements from national delegations, and one half day from NGOs. The delegations then moved into informal discussions from which all observers were excluded. These consisted of 11 half-day sessions of substantive discussions, divided into three sets of meetings on ‘clusters’ of issues and three on ‘specific relevant issues’. The 2002 session then concluded with a final formal plenary session attended by observers.

The ‘cluster’ discussions took place on the basis of the areas addressed by the three main committees at Review Conferences. These covered implementation of the provisions of the Treaty relating to:

i) non-proliferation of nuclear weapons, disarmament, and international peace and security.

ii) non-proliferation of nuclear weapons, safeguards, and nuclear-weapon-free zones; and

iii) 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.

The ‘specific relevant issues’ accorded special time were:

i) implementation of nuclear disarmament;

ii) regional issues, in particular with respect to the Middle East and implementation of the 1995 Resolution on the Middle East; and

iii) safety and security of peaceful nuclear programmes.

In addition to the 11 informal and thus closed meetings for substantive discussion, the Chairman also introduced an ‘Informational Session’ into the PrepCom to provide a non-controversial venue for the discussion of key substantive matters. During the first session, this consisted of informative presentations by the IAEA on the evolution of the strengthened safeguards system and on the security and safety of nuclear material.

ii. Chairman’s Factual Summary

According to 2000 Review Conference Final Document, the 2002 PrepCom discussions were to be factually summarised and the results transmitted in a report to the next PrepCom session for further discussion. Throughout the 2002 session, the issue of how this was to be achieved generated considerable uncertainty. It was clearly the
responsibility of the Chairman, but both before and during the session informal debate occurred on who was going to draft this text; the degree to which the Chairman would and should consult delegations on its wording, and whether there should be an attempt to have it accepted as a consensus document.

However, Ambassador Salander made it clear late in the session that he was proposing to issue the text as an annex to the formal report on the session on the basis of his authority as Chairman alone, and while he might discuss some elements of a possible text privately with specific delegations in order to ‘anchor’ it, the definitive text would not be open to open to ‘amendment or amendment process of action’. This course of action was in line with one of the intentions of some of the drafters of the revised review process, which was to avoid the non-productive conflict over consensus wording that had occurred at the 1998 and 1999 PrepCom sessions.

The Chairman’s text was issued to delegations late on the penultimate evening of the session, too late for many delegations to consult captials on the matter, and then placed before the session late on the Friday morning, giving delegations limited time to respond before the end of the morning meeting. Although most of the NWS complained that the text was unbalanced in that it devoted too much space to disarmament issues, and Iraq found the characterisation of its behaviour unacceptable, there was general acceptance that the Chairman had made a reasonable effort to produce a ‘factual summary’, and all were prepared to accept that it should be ‘transmitted to the next session for further discussion’.

iii. Indicative Timetable

The main surprise in 2002 was that 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 wording in it referring to the commitments on reporting made in the disarmament and regional issues sections of the 2000 Final Document. This threatened to derail the session before it had started. The chairman obtained agreement that the meeting would proceed on the basis of the existing draft timetable, and a compromise was reached on this issue at the end of the first week which involved omitting from the text specific reference to these activities.

Substantive Issues in 2002

At the substantive level, the PrepCom session mainly focused upon providing information on the policies and attitudes of states parties towards a well-established and familiar range of topics. These included nuclear disarmament (including non-strategic nuclear weapons); compliance with nuclear non-proliferation commitments; universality of the Treaty; ‘Regional Issues’; IAEA safeguards; nuclear security assurances; nuclear-weapon-free zones; peaceful uses of nuclear energy; transport of nuclear materials; and export controls. What was new at this meeting was the decision, heavily influenced by the events of 11 September 2001, 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. The NATO-5 struggled to come up with a common position paper but eventually gave up, with Germany finally deciding to put forward its own paper focusing on non-strategic nuclear weapons.

i. Backtracking by the NWS

Although spokespersons for the United States tried to reassure delegations that the Bush Administration was committed to proceeding down the disarmament path, they had to contend with widespread perceptions that its actions suggested otherwise, as did leaked elements from its still classified Nuclear Posture Review (NPR). The US Information Paper on Article VI outlined the disarmament steps that had been taken since 1988, and asserted that ‘the United States was not developing new nuclear weapons’ and had no plans to undertake such activities. However, these and other NWS statements were perceived by some delegations to be selective in their mode of reporting, as they addressed only those of the 13 Steps that supported the argument that they were complying with their commitments under Article VI, and ignored the rest.

Reinforcing this scepticism, a statement by a US delegate that his country ‘no longer support[s] some of the Article VI conclusions in the Final Document’ was widely interpreted as meaning that the US did not consider itself to be bound by some of the commitments to disarmament it contained. This example of backtracking by the US was paralleled by French insistence that nuclear disarmament remained inseparable from general and complete disarmament, despite the apparent de-linking of these two activities in 2000.

ii. Security Assurances

The Final Document of the 2000 NPT Review Conference called upon the PrepCom to make recommendations to the 2005 Review Conference on the provision of legally binding security assurances by the five NWS. However, no discussion occurred on such recommendations in 2002. Concerns were expressed over alleged backtracking by some of the NWS on their existing unilateral nuclear security assurances to NNWS though the NPT and NWFZ treaties. These concerns were triggered by statements from UK and US government ministers and officials that appeared to conflict with their existing national negative security assurance commitments. Specifically, they were interpreted as implying that there were circumstances in their existing commitments not to use nuclear weapons against NNWS might be inoperable.

iii. Non-compliance & Universality

Vigorous statements about Iraqi non-compliance drew equally combative responses from Iraq but, in the absence of a DPRK delegation, there were no similar interchanges over their actions. Israel was also discussed, but given the unstable situation between itself, Pakistan and some of the other Arab League states, and Egypt’s role as the spokesman for the NAC, this situation was handled carefully and 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.

iv. IAEA Issues

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. Particular concern was expressed over the slow pace of adoption of the latter. However, it was also clear that some states in the Middle East 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, while covering traditional issues such as technical assistance, the alleged detrimental effects of nuclear export controls upon economic development, and the dangers of the sea transportation of nuclear waste, also covered several new 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.

v. Reporting

The reporting issue remained a source of friction throughout the meeting. It clouded significant differences over how the disarmament provisions of the 2000 Final Document should be implemented, and the idea that in 1995 the ‘permanence’ of the Treaty had been exchanged for ‘accountability’. Some states, such as those in the NAC and Canada, clearly regarded reporting to a common format at every NPT PrepCom session or Review Conference as a 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’. In addition, Canada and New Zealand regarded reporting as something that all states should undertake on all elements of the Treaty.

The Second Session (28 April-9 May 2003)

This took place at the United Nations in Geneva under the Chairmanship of Ambassador László Molnár, Hungary’s Permanent Representative to the UN in New York. The meeting was attended by representatives from 106 of the 188 State Parties to the Treaty. At the start of the session Timor Leste/East Timor acceded on 5 May 2003, thereby increasing the number to 189. Also present were 5 international and regional intergovernmental organisations, and 37 non-governmental organizations. Unlike 2003, no officials from non-party states attended as observers of the open meetings of the plenary. The meeting took place following several events which posed major challenges to the nuclear non-proliferation regime, most notably the DPRK’s January 2003 NPT announcement of its intention to withdraw from the Treaty. Other relevant events include 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.

Organisation of the 2003 Session

i. Structure of the Meeting

The 2003 session opened with the Hungarian Chairman using the procedural device of retaining the DPRK’s nameplate in his custodty, without removing it from the conference room, in order to avoid a debate on whether or not the DPRK had met the necessary legal conditions for withdrawal from the NPT. The meeting then proceeded as in 2002 with two days of opening statements from States Parties; a special half-day morning session for statements by NGOs; 12 half-days of closed informal sessions divided into three sets of ‘cluster’ discussions and three on ‘specific relevant issues’; and a closing plenary session. In addition there were two half-day sessions allocated for procedural matters, including the final session dedicated to the consideration and adoption of the draft report from the 2003 session.

ii. Chairman’s Factual Summary

The 2002 session had created a precedent for the 2003 document, and thus there was little discussion on how it was to be produced. As a consequence, it was made available to delegations as before in the evening of the penultimate day as a draft annex (annex II) to the formal report of the session. The text of the 2003 Chairman’s Factual Summary borrowed heavily from that of 2002, with many paragraphs being identical or very similar. Close reading of the text revealed, however, an attempt in certain instances to distinguish between issues on which there was some consensus among delegations and those where there was not, and also to take account of changes during the intervening period. During the session, the U.S. prioritization of allegations of Iranian non-compliance and undeclared nuclear activity was reflected in the document’s stress in Para.34 on the importance of signing the Additional Protocol to NPT safeguards agreements, and the need for transparency in peaceful nuclear activities. The text included several other direct and indirect references to concerns voiced by states parties regarding Iranian nuclear activity. By way of contrast to 2002, the only direct reference to Iraq, in paragraph 26, was in connection to progress in establishing a NWFZ in the Middle East.

This second PrepCom session continued the implementation of the major change made to the NPT review process in 2000, namely relieving the first two sessions in any review cycle of the need to arrive at consensual conclusions. As a consequence, it appeared to fulfill the aspirations of some of those who advocated the change, namely to allow full consideration of ‘principles, objectives and ways in order to promote the full implementation of the Treaty’, without engaging in an unproductive discussion on consensual language.

iii. Indicative Timetable

Unlike 2002, the indicative timetable was adopted without any dissent at the start of the session.

Substantive issues in 2003

At the substantive level, 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 which were generated by perceptions of the Iran and DPRK nuclear programmes and their implications, and some arising from the discussions at the 2002 session.

i. Disarmament

Although there were various statements highlighting the lack of progress by the NWS on their disarmament commitments and demanding more uniform reporting during the session of their implementation by the NWS, proliferation and non-compliance by NNWS tended to be the main contemporary issues addressed by delegations. Several NNWS expressed scepticism of the NWS intentions in the disarmament area, and in particular in implementing the ‘13 steps’ agreed in 2000. The NWS for their part offered individual accounts of the progress that had been achieved in this direction, 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 lunchtime presentation of their research on verification of nuclear weapon dismantling and decommisioning. France described the progress of its plans to dismantle its fissile material facilities and nuclear weapons testing site. China expressed support for general disarmament objectives, and criticized specific activities of other NNWS, such as the development of low-yield nuclear weapons; failures to ratify the CTBT; and the weaponization of outer space.

Concerns about the lack of momentum behind the implementation of disarmament commitments were expressed by several NNWS. Forceful statements on this issue were made by members of the NAC. Sweden’s delegates, for example, probed NWS on their slow progress in disarming and questioned the utility of nuclear weapons. Although the Moscow Treaty was generally welcomed by many NNWS, it was argued that the proposed reductions in deployments and in operational status could not substitute for irreversible cuts in, and the total elimination of, nuclear weapons. Several states urged the NWS to place all their ‘excess military fissile material under IAEA safeguards, and to ‘relevant states’ to desist from the production of fissile material for weapon-purposes, pending agreement on an FMCT. The NAM and others also stressed the need for the further expansion of education on disarmament and non-proliferation. 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.

ii. Security Assurances

As in the 2002 session, NNWS delegations such as those of Australia, Malaysia, Norway, the NAM, and several OPANAL states stressed the issue of unconditional negative security assurances and no-first-use policies. Malaysia, the NAM and Norway in particular reminded the session of the previous proposals for formalizing negative security assurances by drafting a legal instrument and the recommendation that a subsidiary body be established in Main Committee I at the 2005 RevCon on this topic. The NAC states went further by submitting a working paper (NPT/CONF.2005/PCI(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).

iii. Non-compliance

While the issue of non-compliance concentrated on Iraq in 2002, in 2003 the focus of debate, and particularly US and other western states’ allegations, was the nuclear activities of Iran. In response, a member of the Iranian delegation argued that its nuclear program ‘should be viewed on its own merit without the political burden of U.S.-Iran bilateral relations’. The DPRK situation was also a cause for great concern, but the absence of its delegation meant no dialogue was possible, and other delegations focussed on urging it to either abandon its non-compliant activities and allow the IAEA back into the country or to rejoin the Treaty as a NNWS.

iv. Non-Proliferation

One major change visible in 2003 was that the focus of concern in the area of nuclear proliferation strategies, and their prevention, moved towards states who were seeking to acquire semi-openly the front end of the nuclear fuel cycle (enrichment capabilities) or a full fuel cycle (fuel reprocessing and plutonium separation capabilities) for nationally peaceful purposes, but who would then be in a position to give three months notice of withdrawal from the Treaty and convert the plants involved to military production (i.e. uranium enrichment activities, or the separation of military-grade plutonium). This concern was triggered by the fact that these fuel cycle activities were not explicitly forbidden by the Treaty. Further enhancing the diversion concerns were the nuclear activities of the DPRK and Iran that had not been reported to the IAEA, and the NPT withdrawal notice given by the DPRK. This situation was a return to the proliferation debate of the 1970s, which was characterized then as involving the problem of ‘nuclear pregnancy’, where States Parties legitimately acquired the means to produce nuclear materials for weapon-purposes, pending agreement on an FMCT. The NAM and others had also stressed the need for the further expansion of education on disarmament and non-proliferation. 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.
NPT; creating new procedures for withdrawals to be handled immediately by NPT parties; and exploring the possibilities of regional or multinational fuel cycle facilities instead of national ones.

v. IAEA Issues

The 2003 PrepCom session witnessed a significant shift in opinion over the status of the Additional Protocol to IAEA comprehensive (NPT) safeguards agreements, as one of the several responses to the concerns over the emerging declared fuel-cycle route to nuclear weapons. As a consequence, the need for universal implementation of the Additional Protocol was accepted by almost all speakers. Indeed a range of parties promoted the idea that comprehensive safeguards coupled with the Additional Protocol should henceforth be adopted as the new IAEA safeguard standard. Furthermore, Australia urged that in order to ensure transparency in export controls, all nuclear supply should be based on this standard.

One more general issue raised in parallel to Agency safeguards was the relationship between the promotional and safeguarding activities of the IAEA. The Chinese delegation, for example, called for the 'maintenance of the correct balance' in the Agency’s activities between the promotion of international cooperation in the peaceful uses of nuclear energy and its safeguards functions. In addition, a range of statements confirmed the importance of timely and full contributions to the Agency’s Technical Cooperation Fund.

vi. Safety and Security of Nuclear Material and Facilities

The perceived threat posed by terrorism resulted in great emphasis being placed on strengthening the safety and security of nuclear material and facilities used in peaceful applications, including the transport of such material. Specifically, attention was focused on amending the Convention on the Physical Protection of Nuclear Material (CPPNM); strengthening the IAEA’s International Physical Protection Service (IPPAS); and the further development of the IAEA’s Code of Conduct on the Safety and Security of Radiological Sources, as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. 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.

vii. Export Controls

Export controls were linked into discussions of both the peaceful uses of nuclear energy and the prevention of terrorist access to fissile material, thus illustrating the polarisation of views on this subject that has been a characteristic of NPT discussions on the subject for decades. Norway called for the coordination of export control policies. Australia praised the role of efficient export control organisations, especially the work of the NSG and Zangger Committee, in denying unauthorized access to fissile material. Iran pointed out that unilateral enforcement of control regimes in contravention to the Treaty prevented developing states from accessing nuclear materials and equipment for peaceful purposes. Greece, on behalf of the EU, confirmed that EU technical cooperation was subject to recipient states’ compliance with international obligations, including effective controls on re-export.

viii. Universalism

With the accession of Cuba and Timor Leste (East Timor) to the Treaty, and the uncertainty over the DPRK’s status, universality was an issue having both positive and negative aspects. Although the Chairman’s custodial appropriation of the DPRK’s nameplate served to limit debate on the issues surrounding its January 2003 withdrawal announcement, widespread concerns were expressed regarding the consequences of this announcement. The accession of Israel was called for by a majority of delegations, most notably in connection with regional discussions in support of attempts to establish a NWFZ in the Middle East and the implementation of the 1995 Resolution on the Middle East. Calls for all the remaining non-NPT states (India, Israel and Pakistan) to accede to the Treaty as NNWS also continued to be articulated.

ix. NWFZ and Regional Issues

The importance of existing NWFZs was reiterated during the session, as well as calls being made for the establishment of a dialogue between their members. 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. Various proposals supporting the establishment of a NWFZ in Central Asia were included in the discussions on regional issues. Malaysia also made calls for support to the NWS for the Protocol of the Bangkok Treaty (SEANWFZ).

Less obvious were the implications for the linkage between the discussion and condemnation of Iraq's activities and the naming of Israel, which was one of the elements that had underpinned the 2000 NPT Review Conference Final Document. Resulting from the US-led 2003 Iraq war, this linkage was severed by the removal of the Iraqi political balancer to the naming and discussion of Israel. In addition, the removal of the perceived Iraqi obstacle to a regional denuclearized zone in the Middle East resulted in greater exposure for Israel and its nuclear status in relation to this issue.

x. Reporting & Transparency

Although not a central issue, procedural efforts to improve the implementation of the Treaty were one of the pervasive background issues during the session. Varied arguments were advanced for the need for greater transparency and accountability between NPT-party states, while reporting was singled out as an important means for achieving this.

The issue of reporting remained a source of friction between delegations, particularly concerning the implementation of the '13 practical disarmament steps' by NWS. Although inherently a procedural issue, the focus on it as a means of assessing disarmament implementation meant it was seen by a variety of states to have significant substantive implications. As in 2002, the emphasis on regular, transparent and complete reporting obligations by NWS was promoted by a range of NNWS, notably Canada, the NAC, New Zealand and South Africa. In addition, attempts were made at instituting an interactive exchange on substantive issues, particularly on disarmament issues.

The Third Session (26 April-7 May 2004)

This took place at the United Nations in New York under the Chairmanship of Ambassador Sudjiadin Pamohadiningrat of Indonesia. The meeting was attended by representatives from 123 of the 189 States Parties to the Treaty. Also present were representatives from the IAEA, as well as from 5 international and regional intergovernmental organisations, and 69 non-governmental organizations, organizations, but no official observers from the non-parties. The meeting took place following the emergence of a series of new challenges to the nuclear non-proliferation regime, including the gradual unveling of the A.Q. Khan network, the implications of Libya’s decision to dismantle its clandestine WMD programmes, and the admissions of major failures in assessments of intelligence on suspected Iraqi WMD activities.

Organisation of the 2004 Session

i. Structure of the Meeting

The 2004 session again opened with the Chairman announcing his decision to retain the DPRK’s nameplate in his custody to avoid debate over its NPT status. This was not opposed. Delegations then began two days of general debate, followed by a half-day of presentations by 13 representatives of NGOs. Further general debate, and discussions and decisions on some of the procedural items necessary for the 2005 RevCon to start its work, plus twelve meetings for substantive discussion, divided into three ‘clusters’ and three ‘specific relevant issues’ as in the previous two PrepCom sessions then followed. After the opening of the cluster discussions in closed sessions as had been the rule since 1997, the Committee agreed on the fifth working day of the PrepCom to allow NGO observers to attend the remaining meetings as observers and receive documents from these sessions “without it constituting a precedent”.

ii. Results of third session

The third session was not able 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. The main reason for this was the implicit linking of the wording of these procedural decisions with several substantive issues, in particular the status of, and significance to be attached to, the 2000 Review Conference Final Document (and the “13 steps’’ therein). In addition, no recommendations on substantive matters were made by the PrepCom to the Review Conference as mandated in the decision on Strengthening the Review Process for the Treaty in 1995; nor on the establishment of subsidiary bodies to the
Review Conference’s Main Committees as also mandated by this decision; nor on the issue of legally binding security assurances as mandated by the Final Document of the 2000 Review Conference.

What was decided in 2004 was the bare minimum of recommendations that would allow planning for the 2005 Review Conference to proceed. These included those on dates and venue, rules of procedure, the schedule of costs; and the Presidency and other officers for the Review Conference. In this latter context the PrepCom endorsed the nomination of Ambassador Sergio de Queiroz Duarte of Brazil for the Presidency of the Review Conference; a NAM representative (Ambassador Parnakhdingrat) as chair of Main Committee I; a representative from the Group of Eastern European States (Ambassador Molnar) as chair of Main Committee II; and a representative of the Western Group (Ambassador Bonnier) as chair of Main Committee III. At the last meeting of the session, a short, largely administrative, final report was adopted. A working paper consisting of proposals for amending the more detailed and detailed first draft of this report was also produced and circulated after the end of the meeting (NPT/CONF.2005/PC.III/WP.30, see Part II, page B-16).

iii. Chairman’s Factual Summary

The Chairman of the 2004 session had not been required by the amended arrangements for the Review Process agreed in 2000 to produce a Chairman’s Factual Summary, but nevertheless the chair did produce one covering all three sessions of the PrepCom. This text generated considerable criticism from some states, and no agreement was forthcoming to annex 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 (WP.27, see Part II, page B-9). The US delegation’s criticisms of the original text were also included in the official records as a working paper (WP.28, see Part II, page B-14).

iv. The Indicative Timetable for the session

No agreement was possible on the indicative timetable for the 2004 session until its fourth working day. The delay was a result primarily of disagreements over the allocation of special time for security assurances. No decisions had to be made on this issue until the end of the week when such sessions were scheduled to start. Agreement on the timetable 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 security assurances.

Substantive issues in 2004

i. Disarmament

Nuclear disarmament and the perceived lack of progress on implementation of previously agreed commitments in this area continued to generate significant frictions during this session of the PrepCom. While the NWS collectively continued to defend their progress in implementing disarmament measures, the US and France made significant efforts to allocate more importance to the ‘13 practical steps’ in recommendations to the Review Conference, and thus any recognition of the existence of a ‘cumulative’ element in the revised Review Process agreed in 1995. This also contributed to the lack of consensus on the final report and the Chairman’s summary of the session. Statements were made calling for the NWS to comply with their Article VI commitments, and implement more specific components of the ‘13 practical steps’ towards disarmament, including, the CTBT, an FMCT, a subsidiary body on disarmament in the CD, enhanced transparency of nuclear-weapon activities, reductions in non-strategic nuclear weapons, and reporting of disarmament activities.

As in previous PrepCom sessions, NNWS continued to stress the importance of regular reporting by NWS, and the need to pursue disarmament and peaceful use obligations. China, for example, stated that non-proliferation efforts should not undermine the right of all countries, especially that of the developing countries to the peaceful uses of nuclear energy. This right to access and pursue nuclear energy was argued to be equally important to the other two pillars of the NPT, namely non-proliferation and disarmament. This necessitated an equitable relationship between the implementation of these commitments, and thus any heightened concern with non-compliance or ‘break-out scenarios’ necessitated an equitable relationship between the implementation of these commitments, and thus any heightened concern with non-compliance or ‘break-out scenarios’.

The other side of the coin of the US-led emphasis on the existence of a ‘crisis of NPT noncompliance’ was the United States’ highest priority issue confronting the PrepCom, many of the NNWS, while not disagreeing with the significance of this issue, also sought to argue that non-compliance with other Treaty provisions was equally damaging, notably the disarmament commitments by NWS. Brazil, Japan, and Nigeria all commented on the importance of compliance with both non-proliferation and disarmament commitments, and reminded other States Parties that the success and credibility of the regime rested on the fundamental reciprocal bargain between the NWS and NNWS over these issues. The NNWS and NWS thus continued to define non-compliance in terms of their respective priorities and objectives, as in previous sessions of the PrepCom.

The United States, in the course of arguing that compliance with Article II provisions should take precedence over all other issues and also should be the criteria for assistance with peaceful nuclear programs, suggested that the standards of judging and enforcing non-compliance should be re-assessed and adjusted to prevent break-out scenarios arising. In their working paper on the subject, it was argued that the right of all countries, especially that of the developing countries to the peaceful uses of nuclear energy should not being allowed to overshadow or downgrade the need to pursue disarmament and peaceful use obligations. China, for example, stated that ‘non-proliferation efforts should not undermine the right of all countries, especially that of the developing countries to the peaceful uses of nuclear energy’ (WP.7).

NAM argued that reporting by the NWSs should provide information on future intentions and developments relating to the ‘13 practical steps’ (WP.24). Finally, Canada suggested that reporting on the progress on disarmament could be complemented by strengthened reporting by all states on the implementation of the Treaty in its entirety (WP.2).

ii. Security Assurances

The PrepCom was tasked with making recommendations to the 2005 RevCon on legally binding security assurances, but the issue proved so contentious that demands for the allocation of ‘special time’ to the subject in 2004 not only delayed the adoption of the session’s timetable, but also resulted in no recommendations being made to the 2005 Review Conference on the subject. However, during the cluster 1 discussions, China, Cuba, Indonesia, Iran, Malaysia (NAM), Mexico (NAC), and Nigeria all highlighted the need for strengthened security assurances. Whilst some statements called for the adoption of an unconditional and legally binding universal instrument, others stressed the need to establish a subsidiary body at the 2005 RevCon on the subject. Working papers were submitted by states parties, and on behalf of states parties, including the Arab League (WP.12), the ASEAN states (WP.21), China (WP.9), as well as a joint submission by Belgium, The Netherlands and Norway (WP.23). These stressed the importance of security assurances in addressing the concerns of NNWS and in strengthening the regime.

In previous sessions of the PrepCom, non-compliance with the NPT’s non-proliferation provisions was the United States’ highest priority issue within the review process. Its delegation sought to describe and highlight a perceived ‘crisis of NPT noncompliance’, particularly in connection with Iran’s nuclear activities. Whilst it emphasised that non-compliance with non-proliferation commitments was the highest priority issue confronting the PrepCom, many of the NNWS, while not disagreeing with the significance of this issue, also sought to argue that non-compliance with other Treaty provisions was equally damaging, notably the disarmament commitments by NWS. Brazil, Japan, and Nigeria all commented on the importance of compliance with both non-proliferation and disarmament commitments, and reminded other States Parties that the success and credibility of the regime rested on the fundamental reciprocal bargain between the NWS and NNWS over these issues. The NNWSs and NWSs thus continued to define non-compliance in terms of their respective priorities and objectives, as in previous sessions of the PrepCom.

The United States, in the course of arguing that compliance with Article II provisions should take precedence over all other issues and also should be the criteria for assistance with peaceful nuclear programs, suggested that the standards of judging and enforcing non-compliance should be re-assessed and adjusted to prevent break-out scenarios arising. In their working paper on the subject, it was argued that the right of all countries, especially that of the developing countries to the peaceful uses of nuclear energy should not being allowed to overshadow or downgrade the need to pursue disarmament and peaceful use obligations. China, for example, stated that ‘non-proliferation efforts should not undermine the right of all countries, especially that of the developing countries to the peaceful uses of nuclear energy’ (WP.7).
By contrast, the US and others presented proposals to deny access to nuclear fuel cycle technology on non-proliferation grounds. It proposed measures to limit nuclear enrichment and reprocessing facilities to NPT states-parties, or in possession already in possession of such facilities that are full-scale and functioning (WP.19). France also outlined seven conditions which should be the combined criteria 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’ (WP.22).

v. IAEA issues

A key issue here was the balance to be struck between efforts to make universal the IAEA’s Comprehensive safeguards agreements and efforts to strengthen safeguards implementation among those with such agreements. In the latter context, the need for universality of the Additional Protocol as a new safeguards standard was emphasised. A German Working Paper proposed that the Additional Protocol become the ‘standard’ for the implementation of Art. III and as such the indispensable prerequisite for cooperation and assistance to be granted in line with Art. IV of the Treaty (WP.16). Several States Parties argued that ratification of an Additional Protocol should be a condition for all future nuclear transfers, with some suggesting this constraint should enter into force by the end of 2005. At the same time, 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’ (WP.24).

States parties also stressed the importance of providing the IAEA with the political and financial support needed to carry out its verification duties. In addition, the US argued that states parties under investigation for non-compliance should be prevented from voting on their case in hearings before the Agency’s Board of Governors or any Special Committee that might be created in future to consider compliance and verification matters (WP.19).

vi. Safety and Security of Nuclear Materials and Facilities

States parties emphasized the importance of strengthening and improving the physical protection measures applicable to nuclear material and facilities, including improving national legislation on physical protection, improving border controls, supporting IAEA efforts in this area, and amending the Convention on the Physical Protection of Nuclear Material to extend its current focus beyond nuclear material in transit. Japan also suggested that the adoption of the Additional Protocol by states parties should be ‘promoted from the viewpoint of anti-terrorism’ (WP.11). The US recommended that states parties adjust their domestic legislation in response to the provisions of UN Security Resolution 1540, as well as supporting the IAEA’s efforts to combat the threat of terrorist accessing nuclear materials and facilities. It expressly mentioned the implementation of the IAEA’s Nuclear Security Action Plan, and the Code of Conduct on the Safety and Security of Radioactive Sources. 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’ (WP.24).

vii. Universality

As in preceding sessions, the 2004 one witnessed general calls for the accession of India, Israel and Pakistan to the Treaty as NNWS, as well as some more specific suggestions. These included India and Pakistan signing and ratifying the CTBT; ceasing production of fissile material for nuclear weapons; placing their fuel cycle programmes under IAEA safeguards; strengthening their national export controls; and starting a dialogue to reduce regional tensions. Calls were also made for Israel to conclude a Comprehensive Safeguards agreement with the IAEA.

viii. NWFZ and Regional Issues

States parties confirmed the importance of the existing NWFZs and called for the ratifications needed for the entry into force of the African NWFZ, as well as the establishment of new NWFZs in Central Asia, South Asia, and the Middle East. Calls were also made by China, Japan, France, and the NAM for the establishment of a WMDFZ in the Middle East. Other proposals for this region included all of its states adhering to the CTBT; all accepting and implementing IAEA Comprehensive safeguards agreements and their Additional Protocols; and accession by Israel to the NPT as a NNWS. 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 (WP.12). 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 Libyan decision to abandon pursuit of WMD programmes was highlighted as the way forward for states such as the DPRK. As in 2003, states parties expressed their opposition to the DPRK’s announcement of NPT withdrawal, and urged it to return to full compliance with its Treaty obligations. 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.

ix. Export Controls

Many states parties continued to emphasise the importance of measures to strengthen existing nuclear export controls. In its working paper, Japan called for the explicit endorsement of the roles of the Nuclear Suppliers Group and the Zangger Committee at the Review Conference (in contrast to the lack of mention of them in the 2000 Final Document). 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 (WP.14). In its working paper, France outlined seven necessary conditions that should exist before sensitive nuclear materials and equipment would be exported (WP.24). France further suggested that in order to reaffirm the Treaty’s provisions, supplier states could include in all their nuclear transfer agreements, clauses stating ‘that the items delivered should remain under IAEA safeguards if the recipient state withdraws from the NPT’ (WP.15).

The 2005 NPT Review Conference

The seventh review conference (RevCon) of the NPT took place over 19 working days from Monday, 2 May, to Friday, 27 May, 2005 at the United Nations in New York under the Presidency of Ambassador Sergio de Queiroz Duarte. The meeting was attended by 150 of the 188 States Parties to the Treaty. Also present as observers were the IAEA, five international and regional intergovernmental organizations, and 119 NGOs. Opening speeches were made by the chair of the 2004 NPT PrepCom, Ambassador Sudjadnan Parnohadiningrat; IAEA Director General Mohamed ElBaradei; UN Secretary General Kofi Annan; and the president of the conference, Ambassador Duarte. The president employed the tactic used in the preceding PrepComs, taking custody of the DPRK’s nameplate to limit discussion on its status vis-à-vis the NPT. The plenary debate then opened and heard 93 statements by states on their own behalf or by regional and other groupings. In addition, states parties, the afternoon session on May 11 was allocated for NGO statements.

The 2004 PrepCom had failed to reach consensus on an agenda of work for the Review Conference and the allocation of work to the main committees (MCs) and their subsidiary bodies (SBs). Although it was recognized that until the 2004 issues had been resolved or bypassed, the meetings of the main committees originally scheduled to start on the fourth working day of the RevCon could not proceed, no one sought to prevent the plenary session from starting. Informal discussions took place amongst the three regional groups, between the three chairs of the groups, the chairs of the main committees, and the president over a formula to resolve the impasse over the wording of the agenda. An initial proposal to use an approach suggested at the end of the 2004 PrepCom session by its chair was reportedly rejected by the Iranians, as it contained references to reviewing “recent” events. An attempt was then made to dissect the problem by splitting it into two components. One involved acceptance of the written agenda discussed in 2004 but stripped of references to the products of the 1995 and 2000 Review Conferences, thus making it acceptable to the United States and France. The second component was an exploration on agreement by Ambassador Duarte, which would be in the summary record and contain “coded language” reflecting the NAM position.

As a consequence, efforts focused on agreeing to the wording of this presidential statement, with Egypt insisting the draft statement was inadequate because it contained no obvious reference to the 2000 Final Document. In parallel, private exchanges started on states parties making their initial main committee statements informally to maximize the time available for negotiating texts. These efforts failed to generate significant support at this stage as there would be no interpretation or
summary record. Attention therefore switched to prolonging the initial plenary debate to provide a forum for these more detailed statements.

On the Friday of the first week of the RevCon, Ambassador Duarte called a plenary meeting to try to break the deadlock. Following intensive and extensive discussions among the regional groups, the president declared that agreement was possible on the part mechanism and the wording of both the agenda and his explanatory statement. However, when Duarte’s proposals were put to the plenary, the Egyptian delegation objected to the wording of his statement and offered alternative language, to the consternation of those NAM states who believed consensus had been reached on the matter. Consultations then had to start anew to elaborate further the two-component mechanism, in an atmosphere of friction and accusations of bad faith.

Three more days were expended on identifying a mechanism and wording acceptable to all states parties. On Wednesday afternoon of the second week of the conference, the president announced that accord had been reached on an elaboration of the proposed solution presented the previous week. This involved the president making his statement, followed by a statement from the Malaysian chair of the NAM group explaining its interpretation of his statement, followed by a similar statement from the UK chair of the Western European and Others Group (WEOG).

In order to progress the two groups had to agree to disagree in a manner that allowed both to claim that their position was the basis for the conference moving forward. However, in the Drafting Committee, it later became apparent that no clear understanding existed among the regional groups on how these statements were to be reflected in the conference report. In spite of this positive development regarding the agenda, time for there to be a reasonable chance of negotiating a Final Document was quickly diminishing.

This meant that three hurdles, rather than four, now prevented any immediate start on committee work. Outstanding were decisions on the wording of the allocation of work to the main committees, the numbers and subject matter of the subsidiary bodies and their parent MCs, and who should chair the MCs. Although Ambassador Duarte tried to address these issues in sequence, their resolution proved possible only by treating them as a package.

Another five working days, from the morning of Thursday, 12 May, to the evening of Wednesday, 18 May, were expended in trying to resolve these remaining procedural issues. Much of this time was taken up with meetings of the regional groups, the General Committee and the president’s “Executive Board” (i.e., the MC chairs, the regional chairs, and himself). The core problem was the allocation of subjects to the subsidiary bodies. At the start of this phase of the procedural negotiations, seven topics had been put forward by one or more states or groups as possible subject matters: negative security assurances (NSAs) and the 1995 Middle East resolution, regional issues, disarmament, the NPT’s institutional deficit, Article X and the process of withdrawal, and nuclear disarmament education.

Discussions focused on a proposal that one subsidiary body only should be attached to each main committee. 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 SBI to the Middle East Resolution, and no SB on Article X or the institutional deficit. By the evening of Friday, 13 May, the way forward appeared to be to circumscribe the issue on the allocation of topics to main committees and the other to subsidiary bodies, and for these to be tabled together for discussion by the General Committee. However, by the end of the working day there was no agreement within at least one of the regional groups on these documents, hence no meeting.

Discussions continued informally over the weekend, but with little discernable result. Pressure was meanwhile building to find some way of starting the discussions normally undertaken through the main committees. Monday, 16 May continued to be occupied with inter- and intra-group consultations, and a planned meeting of the General Committee was again postponed until the next day. However, a short plenary meeting was convened in which Australia asked the president to timetable a further plenary on Tuesday, 16 May, to enable the 38 conference documents and 37 working papers then in existence to be introduced formally. This was seen as a means of moving into the type of debate that would normally take place in the main committees.

This plenary duly took place, with five states introducing a range of papers either on their own behalf or on behalf of a group of states. At that point, Iran intervened to complain that the debate was extending into areas normally covered by the MC debates and suggested this would make agreement to move forward into MC discussions impossible. The response of Ambassador Duarte was that he was prepared to extend the debate and allow additional states to speak the following day.

That afternoon, the two documents that had been circulating informally since the previous Thursday were tabled, and all main groupings and states parties indicated they were reluctant to go along with the allocations contained within them, subject to agreement on the time to be allocated to each and the chairing arrangements. It was also indicated that main committees and subsidiary bodies would be scheduled to meet through to midday on Wednesday, 25 May. However, the need for continued consultations within and between elements of the non-aligned movement as a result of their internal disagreements resulted in no final decisions being made that day on the outstanding issues.

As a result, when Ambassador Duarte opened the next scheduled plenary on Wednesday morning, he 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. The president therefore ordered an arrangement over the allocation of time, which would have meant that the majority of the remaining available time should be allocated to the subsidiary bodies in line with the NAM negotiating position. When it became clear that this was not going to gain the agreement of the WEOG, Duarte adjourned the issue yet again for further consultations.

The plenary then heard a series of statements nominally to introduce conference papers, but in most cases the statements were apparently prepared by states for the MCs. This plenary was then adjourned to the afternoon to hear more speakers, and then to the end of the afternoon session, at which point the president announced that arrangements had been agreed on to permit the main committees and subsidiary bodies to start their work the next morning, Thursday, 18 May. The agreement involved accepting the documents first circulated five days previously on the allocation of work to the two types of group, 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” (i.e., the time for an SB was to be half the time allocated to the MC), and that the chairs of the SBs would be provided by New Zealand (SBI), Spain (SBII), and Chile (SBIII). The titles of the subsidiary bodies were to be “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 with respect to the Middle East and Other Regional Issues, including with respect to the Middle East and Implementation of the 1995 Middle East resolution” (SBIII). The time of the subsidiary bodies was to be divided into “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 with respect to the Middle East and Other Regional Issues, including with respect to the Middle East and Implementation of the 1995 Middle East resolution” (SBIII). The time of the subsidiary bodies was to be divided into “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 with respect to the Middle East and Other Regional Issues, including with respect to the Middle East and Implementation of the 1995 Middle East resolution” (SBIII).
from his capital were that he should allow only consensus documents to go forward to the Drafting Committee. One consequence of the possibly short time schedule was that in several instances, 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. As a result, all draft reports had square brackets around either sections of text not agreed to or the whole text.

The schedule meant that the first report to be considered for forwarding to the Drafting Committee was that 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 allow only consensus texts to go forward, he had no option but to send a short technical report to the Drafting Committee with no texts attached even though 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 by the conference report. This, however, required agreement on the MCI report before that of MCIII. The text of MCI was indeed agreed to first, and there was no objection to the attachment of non-consensus texts to it.

In the case of MCIII and SBIII, it was argued that this text should not go forward as there was no consensus over it, due in part to the 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, the actions of those who opposed any non-consensus texts going forward effectively made impossible any written substantive product from the conference. The only option that remained was for the president to put a document of his own to the conference. This had been mooted for some time, but Duarte chose not to do so, no doubt influenced by indications from a representative of a Middle Eastern state at a Track II conference the previous weekend that even the blandest of final declaratory statements was likely to be opposed.

On Friday, 27 May 2005 the conference agreed on a technical report on its activities, with the Main Committee I/Subsidiary Body I non-consensus drafts attached, whilst a range of states seized the occasion to make statements reflecting on what had happened. The two most perceptive statements from the perspective of the Review Process were perhaps those of Canada and Chile. Canada complained that short-term interests had overridden long-term concerns, and Chile that the concept of arriving at a product only by consensus made a positive outcome from NPT Review Conferences a near impossibility. Two more contentious statements from Iran and the United States seemed to suggest that even if more time had been available, inter-state friction would have made a consensus product difficult to obtain.

Section 6
The 2010 NPT Review Cycle

The 2007 PrepCom Session for the 2010 NPT Review Conference

In 2007, the NPT Review Cycle moved to Vienna for the first time, meeting from April 30 to May 11. Chaired by Ambassador Yukio Amano, Japan’s ambassador to the IAEA, the PrepCom took place against the background of an unproductive 2005 NPT Review Conference, and an overhanging set of procedural/substantive problems it had never fully resolved. These included the thorny issue of whether the so-called ‘13 practical steps’ toward disarmament contained in the 2000 Final Document were commitments or merely targets, and thus what would be the status of any agreements recorded in such documents in future.

Amano had made extensive efforts to agree the agenda for the meeting in advance, but these had become entangled in the ongoing negotiations and IAEA/UNSC activities aimed at constraining Iran’s indigenous nuclear enrichment and reactor programmes. When the meeting started he appeared to believe he had agreement from all of the main players in the debate in 2005 over the agenda, through his proposed inclusive wording in para.6 of the agenda for the 2010 PrepCom meetings, 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 realise its purpose, reaffirming the need for full compliance with the Treaty.

This formula satisfied Egyptian wishes to focus on the issue of Israel’s nuclear programme. It both allowed a focus on the 13 practical disarmament steps of 2000 as a yardstick for compliance with the NPT while at the same time accommodating 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. Iran had apparently objected to the elements at the end of the paragraph relating to developments affecting the operation of the Treaty and the reaffirmation of the need for full compliance with the Treaty as being an attempt to single it out. However, there appears to have been some uncertainty over the strength and consequences of its objections.

After the initial formalities, the Chairman opened the floor to general plenary statements. At the end of the afternoon session, he moved to have the PrepCom adopt its draft agenda. The Iranian delegation responded by proposing an amendment to the Chair’s formula to remove what they appeared to regarded as its anti-Iranian focus. This involved changing the final phrase to read ‘with all articles of the Treaty’, wording taken from the agenda agreed for the 2002-4 PrepCom cycle. This latter point generated considerable confusion among delegations over whether the text Iran wished to use was from the 2002 PrepCom or the 2005 Review Conference, as the reference was to a document with a 2005 number. At least one key delegation appeared to indicate indifference between the two formulations as they had the same meaning. Others were not prepared to accept any changes to the existing compromise formula which had taken many weeks to negotiate. The result was that the Chairman adjourned discussion of the issue to a later date to allow for further consultations. The plenary sessions continued to take place with the NGO statements being made on the Wednesday. Meanwhile the Chairman held bilateral meetings with interested parties to seek a resolution to the agenda issue.

By Thursday the general debate had run its course, and some delegations were discussing how to move forward with the cluster discussions, which had been due to start on Wednesday, within the plenary meetings. Since Iran appeared by now to be totally isolated in its wish to amend the draft agenda, the caucus groups had to confront the need to balance sustaining a common front in favour of the Chair’s Agenda against the uncertain consequences of taking action to start the cluster debates without agreement on the agenda. While the Chair had solid support for his refusal to accept the Iranian amended agenda, pressure for starting the cluster sessions in the plenary continued to rise, as concerns grew that Iran was intent on preventing any further
action during the session in order to avoid the meeting generating any
adverse statements about its nuclear policies.

A plenary was eventually convened on the Friday evening at 1800 to
see if it was possible to agree the Agenda and start work on the
clusters the following Monday. Iran had not changed its position, so
South Africa proposed that the PrepCom should keep the Chair’s
language for the Agenda, but adopt a decision that it understood the
contested language to mean compliance with all the provisions of the
Treaty. At the same time Cuba, on behalf of the NAM caucus,
indicated that it was 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. At that stage the PrepCom had to adjourn for the
weekend.

When participants reconvened on the Monday morning, it emerged that
the Iranian delegation was still awaiting instructions from Tehran.
These were unlikely to arrive before the next day. Many delegations
were asking themselves at what point in the week it would be judged
impossible to start any useful exchange of views, and thus when an
early closure of the session would become inevitable. Members of
some delegations had gone back to capitals to await events, while
others who had been scheduled to attend had cancelled their travel.
It was becoming apparent that even if there was agreement on the
agenda in the near future, there might then be further delay before a
schedule of work could be agreed, let alone the factual report from the
meeting. As a consequence, delegations started to turn their attention
to converting their planned cluster discussion speeches into working
papers to record their views in the formal report from the meeting, and
discussing scenarios for making the decisions needed to enable the
PrepCom to reconvene in 2008.

The PrepCom eventually reconvened in plenary at 1545 on Monday,
and took a decision on the date (April 28-May 9) and venue (Geneva)
of the next session. Although May 4-15 2009, in New York, had been
proposed for the third session, no decision was taken on this. The
Chair stated he had been informed by one state (Iran) that it was
waiting for instructions from its capital and therefore was adjourning the
Plenary until Tuesday morning. Informal discussions on Monday
afternoon therefore focussed on how to handle an anticipated choice
between having very little time for effective cluster discussions and
closing the session early.

At 1110 on the Tuesday, the 12th meeting of the Prepcom opened. The
Chair proposed that the meeting accept the South African proposal,
now circulated in written form as NPT/CONF.2010/PC/1.1, and also
take note of an indicative timetable (NPT/CONF.2010/PC/2). This
allocated one 3hr session for each of the three cluster and special time
sessions in the schedule, starting at 1500 that afternoon and finishing at
1300 on the Friday. The special time items were those eventually
used to delineate the focus of the subsidiary bodies at the 2005 Review
Conference. Iran asked for the floor and complained about the lack of
effective consultations with the Chair; the inflexibility shown by other
delugations; the continued necessity for the consensus rule and the
lack of participation by one delegation (US) in the discussions over the
Agenda. Its representative then stated that in a display of good will, his
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 Chair’s proposal.

Discussions on the implementation of Article VI started in Cluster 1 at
1500 prompt, without any opposition being voiced to the indicative
timetable. On Wednesday morning a focussed debate took place on
security assurances and disarmament on the future agenda issues,
followed in the afternoon by one on Article III IAEA safeguards issues in
Cluster 2. Thursday started with the special time session on regional
issues, including the 1995 resolution on the Middle East. This mainly
focussed on the Six-Party Talks and the DPRK, Israel and a NWFZ in
the Middle East; and Iran. It was followed by a Cluster 3 Article IV
debate on peaceful uses, export control mechanisms and nuclear fuel
supply assurances. The cluster debates then concluded on the Friday
morning with a session on ‘other provisions of the Treaty including
Article X’, which addressed issues connected to withdrawal from the
Treaty, plus arguments for and against making amendments to the way
the review cycle was organised and the need for stronger and more
permanent institutional mechanisms including a thorough review in
2010 of chairing arrangements.

These three days of cluster debates proved to be very positive in a
number of ways. Those present were determined to capitalise on the
positive atmosphere and consensus generated by the long-drawn out
process of agreeing the agenda. As suggested by the Chair, speeches
remained within the time limits of 5 minutes for states and 8 minutes for
groups. This resulted in 30-36 speeches being shoehorned into each
session, and in some cases left time at the end for spontaneous and
unprepared interactions between states. It also made for sharper and
more focussed debates, with key arguments only being articulated and
less issues being left for participants to react to in accompanying official
working papers. Due to the earlier delays these reached the record
number of 74 (including one for the first time from Palestine).

The Chair was left with 75 minutes on Friday lunchtime to finalise his
factual summary of the proceedings, and distribute it to delegations.
This proved to be an incisive and lengthy review of the proceedings. It
did not shirk mentioning issues over which individual states disagreed,
while seeking to balance them with comments they could support. In
short a document which many complained about in detail, but which
almost all states were prepared to support given their collective
determination to reverse the lack of visible agreement from the 2005
Review Conference, and the problems over the agenda.

Caucus meetings were then held over how to handle both the
substance of the report and the procedure for inserting it into the
procedural report from the 2007 session to that in 2008. Some states
had difficulty with the idea of the Chairman’s factual summary being
annexed to the report as had happened in 2002 and 2003 as they felt it
did not sufficiently reflect their own concerns, but they were prepared to
give it the status of a working paper from the conference, as had
happened in 2004. Iran was not prepared to accept this compromise.
This threatened to block any product emerging from the session,
including the recording of the agreement on the future agenda. After
some hours of argument and both bilateral and multilateral meetings
between the chair and key states and caucus group chairs, Iran was
persuaded to go along with the consensus view and not oppose
acceptance of a formal report containing the future agenda and with the
Chair’s factual summary being listed as a formal working paper of the
PrepCom session. As a result, at 1845 on Friday May 11, the final
plenary met for a short time and agreed the formal report from the
session.
Abbreviations and Acronyms

Abbreviations and Acronyms

Items that appear in the Glossary are marked *.

**ABBCC** Brazilian—Argentine Agency for Accounting and Control of Nuclear Materials

**ABM** anti-ballistic missile*

**ACDA** Arms Control and Disarmament Agency (US)

**ALCM** air-launched cruise missile

**ANF** Atlantic Nuclear Force

**ASW** anti-submarine warfare

**BMD** ballistic missile defence

**CAGNARE** Convention on Assistance in the Case of Nuclear Accident

**CANDU** Canadian Deuterium-Uranium reactor

**CAS** Committee on Assurances of Supply* (IAEA)

**CCD** Conference of the Committee on Disarmament*

**CD** Conference on Disarmament* (formerly Committee on Disarmament)

**CFE** Conventional Forces in Europe [Treaty]

**CMA** continuous material accountancy

**CMEA** Council for Mutual Economic Assistance (Eastern Europe)

**COCOM** Coordinating Committee on Export Controls

**CPPNM** Convention on the Physical Protection of Nuclear Materials

**CSBM** confidence- and security-building measure

**CSCE** Conference on Security and Co-operation in Europe

**CSNI** OECD Nuclear Energy Agency Committee on the Safety of Nuclear Installations

**CTBT** Comprehensive Test Ban Treaty*

**EC** European Community

**ENDC** Eighteen-Nation Disarmament Committee*

**EURATOM** European Atomic Energy Community

**EURODIP** European Gaseous Diffusion Uranium Enrichment Consortium

**FBR** Fast Breeder Reactor

**FSS** full scope safeguards*

**GCD** General and Complete Disarmament

**GPALS** Global Protection Against Limited Strikes

**GTRI** Global Threat Reduction Initiative

**GW** Gigawatt*

**HEU** highly enriched uranium*

**IAIA** International Atomic Energy Authority

**IAE** International Atomic Energy Agency*

**ICBM** inter-continental ballistic missile

**ICF** Inertial Confinement Fusion

**IFRC** International Fusion Research Council

**INF** Intermediate-range Nuclear Forces [Treaty]*

**IN** International Nuclear Fuel Agency

**INFCE(P)** International Nuclear Fuel Cycle Evaluation (Programme)

**INF CIRC** IAEA Information Circular*

**INIS** International Nuclear Information System (IAEA)

**INSAG** International Nuclear Safety Advisory Group (IAEA)

**IPSW** International Plutonium Storage

**IRBM** intermediate-range ballistic missile

**ISFS** International Spent Fuel Storage

**ISIS** International Safeguards Information System

**LEU** low enriched uranium*

**LTTB** Limited Test Ban Treaty (also known as the Partial Test Ban Treaty)*

**LWR** Light Water Reactor

**MBA** material balance area*

**MLF** Multilateral Force

**MMA** mixed material approach

**MOX** mixed oxide fuel

**MTCR** Missile Technology Control Regime*

**MW** Megawatt*

**NAM** Non-Aligned Movement

**NATO** North Atlantic Treaty Organization

**NNA** Neutral and Non-Aligned countries

**NNPA** United States Nuclear Non-Proliferation Act (1978)

**NPT** Non-Proliferation Treaty*

**NSG** Nuclear Suppliers Group*

**NWFZ** nuclear-weapons-free zone*

**NWS** nuclear weapon states*

**OAS** Organization of American States

**OECD** Organization for Economic Co-operation and Development

**OPANAL** Agency for the Prohibition of Nuclear Weapons in Latin America*

**OSI** on-site inspection*

**PNE** peaceful nuclear explosion

**PNET** Peaceful Nuclear Explosions Treaty*

**PSI** Proliferation Security Initiative

**PTBT** Partial Test Ban Treaty*

**PWR** Pressurized Water Reactor

**SALT** Strategic Arms Limitation Talks or Treaty

**SDI** Strategic Defense Initiative (US)

**SLBM** submarine launched ballistic missile

**SLCM** sea launched cruise missile

**SNV** Strategic Nuclear Delivery Vehicle

**SNF** Short Range Nuclear Forces

**SOR** Strategic Offensive Reductions Treaty (also known as the Moscow Treaty)

**SSBN** Ballistic missile-equipped, nuclear-powered submarine

**START** Strategic Arms Reduction Talks/Treaty*

**SWU** Separative Work Unit*

**TBT** Threshold Test Ban Treaty*

**UNAEC** United Nations Atomic Energy Commission

**UNPICPUNE** United Nations Conference on the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy

### Glossary

Terms defined elsewhere in the Glossary are indicated in italic type.

**Agency for the Prevention of Nuclear Weapons in Latin America (OPANAL)** Spanish title: Organismo para la Proscripción de las Armas Nucleares en la América Latina. Created by the Treaty of Tlatelolco ‘to ensure compliance with the obligations of the Treaty’.

**anti-ballistic missile (ABM)** A missile designed to intercept and destroy incoming ballistic missiles. It can also be used to describe the entire defence system, as well as the missile itself. For the US and Russia, such systems are covered by the Anti-Ballistic Missile Treaty which places limits on the siting and numbers of ABM systems.

**anti-tactical ballistic missile (ATBM)** An anti-ballistic missile system designed to intercept short-range ballistic missiles.

**atom** The atom is the basic building block of matter. It is formed from a nucleus and electrons. The electrons, which are negatively charged, surround the positively charged nucleus. The nucleus is formed from protons and neutrons. The number of protons in a nucleus affects the chemical properties of the atom (i.e., how it will react with other atoms) while the number of neutrons affects its physical properties (i.e., its mass and its fissile and radioactive characteristics). In an atom, the number of electrons equals the number of protons, and this number is called the atomic number. Thus, in an atom of uranium, atomic number 92, there are 92 protons in the nucleus. Atoms with the same atomic number are chemically identical and are known as elements. Nuclei of atoms of the
same element/atomic number may, however, contain different numbers of neutrons. These variations of atoms of an element are called isotopes. Isotopes have great significance for nuclear energy because only some isotopes of some elements can undergo fission. For example uranium-235 (commonly written as U-235 or U²³⁵) is fissile while U-238 is not. Therefore, to create fissile material, sufficient quantities of the fissile isotopes must be brought together.

b) ballistic missile (BM) A missile that gains its altitude through its source of propulsion, usually a rocket motor, rather than by aerodynamic lift with wings. A ballistic missile usually descends on its target under free-fall, following a ballistic trajectory. Long-ranged ballistic missiles will exit the atmosphere, before returning to earth, hence the term re-entry vehicle to describe the payload capsule of such a missile.

book inventory A term used in nuclear safeguards which means the algebraic sum of the most recent physical inventory of a material balance area and of all inventory changes that have occurred since that physical inventory was taken.

bulk handling facility A nuclear facility in which nuclear material is held, processed or used in a loose form, such as a liquid, gas or powder. Examples of such facilities are conversion, enrichment, fabrication and reprocessing plants.

calutron A device used in isotopic enrichment based on the principle that molecules of different masses follow different trajectories in an electro-magnetic field. The molecules being separated follow a curved path within the field before being collected.

centrifuge A device used in isotopic enrichment that separates molecules of different masses by spinning them at high speed in a container leaving comparatively heavier molecules on the walls and lighter ones in the centre.

chain reaction A reaction, in a body of fissile material, in which additional neutrons from atoms undergoing fission are sufficient in number for the reaction to be self-sustaining. The quantity of material at which this reaction first takes place is called a critical mass.

challenge inspection An on-site inspection called at short notice in order to check compliance with a treaty obligation. Some challenge inspections are known as ‘anytime, anywhere’ which, as the name implies, can be carried out at sites not declared in the relevant treaty.

Committee on Assurances of Supply (CAS) [IAEA] Established by the IAEA in 1980 to consider methods to assure supplies of nuclear materials to importing states, while minimizing risks of nuclear proliferation.

Committee on Disarmament (CD) Convened in January 1979 as a replacement for the Conference on the Committee on Disarmament following a recommendation by the First United Nations Special Session on Disarmament. The CD was comprised of 40 states. The CD became the Conference on Disarmament following a recommendation by the United Nations General Assembly in 1984.

Comprehensive Test Ban Treaty (CTBT) A treaty to prohibit all nuclear testing. Negotiations concluded in the CD in 1996 and it was opened for signature in that year.

Conference of the Committee on Disarmament (CCD) Formed in 1969, when the Eighteen-Nation Disarmament Committee was expanded to include additional members. An expansion to 31 members was agreed in 1975. Achievements of the CCD include the 1971 Seabed Treaty and the 1972 Biological Weapons Convention. The CCD was replaced by the Committee on Disarmament in 1979.

Conference on Disarmament (CD) The sole multilateral arms control and disarmament negotiating forum, based in Geneva, with a United Nations-provided secretariat. It tends to operate by creating ad hoc committees in which discussion takes place. Treaties negotiated by it include the Chemical Weapons Convention and the CTBT. Until 1984 the CD was known as the Committee on Disarmament. In 1996 its membership was increased from 38 to 61.

critical mass The quantity of material which is the minimum required to create a chain reaction. This quantity varies according to the following factors: the elements and isotopes involved; the concentration of the fissile isotopes in the material; and the pressure on the material. The last of these is highly significant in the designs of some nuclear weapons, as a near-critical mass can become critical by compressing the material with explosives to increase its density. This is the basis of an implosion weapon.

cruise missile A missile that gains its altitude from aerodynamic lift. Usually continuously propelled by a jet engine.

cumulative material unaccounted for (CUMUF) A statistical analysis of the material unaccounted for (MUF) figures for a nuclear activity under safeguards. As individual MUF figures are subject to errors, CUMUF gives a much clearer idea of whether material is being diverted from an activity or not.

effective kilogram (ekg) A term used in nuclear safeguards for quantifying 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.

Eighteen-Nation Disarmament Committee (ENDC) First convened in March 1962 following a resolution of the United Nations General Assembly in 1961. Achievements of the ENDC include assistance in the negotiation of the 1963 PTBT and completion of the NPT in 1968. In 1969 the ENDC was expanded and became the Conference of the Committee on Disarmament.

enrichment The process of increasing the concentration of one material within another. Most commonly used in relation to U-235 (a fissile isotope) and U-238 (non-fissile). ‘Enrichment’ is a subtractive process in which unwanted material is removed. Enrichment processes and equipment include gaseous diffusion, centrifuges, calutrons and laser enrichment. The work or energy required for enrichment is given in Separative Work Units. Enrichment facilities are sometimes known as ‘isotope separation plants’. The term enrichment is also used, when quantifying nuclear materials, to describe the ratio of the combined weight of the fissile to that of the total material in question.

European Atomic Energy Community (EURATOM) The EURATOM Treaty entered into force on 1 January 1958 and covers all areas of European Community nuclear policy, from co-ordinating nuclear energy development to operating a regional nuclear safeguards system.

fissile material Material containing atoms capable of undergoing fission.

fission A process by which a nucleus of an atom splits into two when struck by a neutron. This process, which only certain isotopes of certain elements can undergo, releases large amounts of energy and further neutrons. If conditions are right, these further neutrons can cause a chain reaction.

gaseous diffusion An enrichment or separation technique using the property that comparatively heavier molecules travel through a fine mesh at a slower rate than lighter ones.

Gigawatt (GW) A unit of power based on the Watt. One Gigawatt equals 1,000,000,000 Watts.

highly enriched uranium (HEU) Uranium that has been enriched such that it contains more than 20 per cent U-233 and/or U-235.

horizontal proliferation The increase in the number of states capable of possessing, manufacturing or deploying a given weapons technology.

IAEA information circular (INFCIRC) For example, INFCIRC/153. Used as a shorthand way of referring to documents, such as safeguards agreements. Significant documents circulated in this way include: INFCIRC/9 — Agreement on the Privileges and Immunities of the Agency.
INF/CIRC/299 — The Agency’s Inspectorate
INF/CIRC/66 — The Agency’s Safeguards System
INF/CIRC/152 — The Structure and Content of Agreements between the Agency and States required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons INFCIRC/209 — Communications Received from Members Regarding the Export of Nuclear Material from or to Certain States of Equipment and other Material
INF/CIRC/252 — The Physical Protection of Nuclear Material
INF/CIRC/254 — Communications Received from Certain Member States Regarding Guidelines for the Export of Nuclear Material, Equipment or Technology [London Club suppliers guidelines]
INF/CIRC/540 — Model Protocol Additional to the Agreement(s) between States(s) and the International Atomic Energy Agency for the Application of Safeguards.

Intermediate-range Nuclear Forces (INF) [Treaty] This treaty between the United States and the Soviet Union covers the verified elimination of all land-based missiles with ranges between 500 and 5500 km, irrespective of warhead type. The treaty does not cover the warheads, which may be re-used on other delivery systems.

International Atomic Energy Agency (IAEA) A United Nations agency with responsibilities to implement safeguards on nuclear materials and promote the peaceful uses of nuclear power.

Irish Resolution A resolution concerning nuclear non-proliferation introduced to the United Nations by Ireland in 1961 and passed unanimously.

isotope See atom

Joule (J) A primary unit of energy, used as an international standard. See Watt.

laser enrichment Laser enrichment exploits the fact that different isotopes of an element have slightly different energy levels due to their different masses. By tuning lasers to wavelengths of light that correspond to particular energy levels of specific isotopes, those isotopes will absorb the extra energy and can then be separated.

low enriched uranium Uranium that has been enriched such that its concentration of U-235 and/or U-233 is greater than in natural uranium, but is less than 20 per cent.

Material Balance Area (MBA) A term used in nuclear safeguards to describe an area such that the quantity of nuclear material in each transfer into or out of it can be determined and that the physical inventory of nuclear material in it can be determined when necessary, in order that the material balance for safeguards purposes can be established.

Material Unaccounted For (MUF) A term used in nuclear safeguards to describe the difference between the book inventory and the physical inventory of nuclear material at a location under safeguards.

Megawatt (MW) A unit of power based on the Watt. One Megawatt equals 1,000,000 Watts.

Missile Technology Control Regime (MTCR) Internationally agreed guidelines on the export or transfer of ballistic missile technologies between states.

moderator A material used to lower the energy levels of neutrons, to help sustain a fission reaction. Materials used as moderators include graphite and water.

multinational technical means (MTM) Technologies and techniques used in national technical means, but gathered by, or shared between, a group of states.

multiple independently targetable re-entry vehicles (MIRV) A system whereby more than one target may be attacked from warheads on a single missile. (see also re-entry vehicle)

national technical means (NTM) Technologies and techniques used for intelligence gathering that may be useful to ascertain compliance with a treaty or agreement. NTMs include reconnaissance satellites and signals intelligence gathering.

negative security assurance(s) A form of security assurance whereby a nuclear-weapon state guarantees that it will not use or threaten to use nuclear weapons against a non-nuclear-weapon state under all or certain circumstances.

neutron A particle carrying no electrical charge that forms part of the nucleus of an atom. It is of approximately the same mass as a proton. Neutrons also exist outside the nucleus. See also atom.

non-nuclear-weapons state (NNWS) A state that is not a nuclear-weapons state as defined by the NPT, i.e., a state which has not manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

Nuclear Non-Proliferation Treaty (NPT) Signed on 1 July 1968, entered into force 5 March 1970. The treaty’s formal title is ‘Treaty on the Non-Proliferation of Nuclear Weapons’.

Nuclear Suppliers Group (NSG) A grouping of nations, also called the London Club, that have reached agreement on controls on exports of nuclear materials and technologies. These are known as the Guidelines for Nuclear Transfers.

nuclear-weapons-free zone (NWFZ) A zone, normally established by treaty, that is free of nuclear weapons. Existing NWFZs cover the Antarctic (established by the Antarctic Treaty), Latin America (Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga), Southeast Asia (Treaty of Bangkok) and Africa (Treaty of Pelindaba). There are also NWFZs on the seabed (Seabed Treaty) and in outer space (Outer Space Treaty).

nuclear-weapon state (NWS) As defined in the Non-Proliferation Treaty, this is any state that ‘manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967’. These are the Russian Federation (as successor state to the Soviet Union), the United States, the United Kingdom, China and France.

nuclear-weapon state under the NPT definition

nucleus The centre of an atom, formed from protons and neutrons. The numbers of protons in a nucleus affect the chemical properties of the atom (i.e., how it will react with other atoms) while the number of neutrons affect its physical properties (i.e., its mass and its fissile and radioactive characteristics).

on-site inspection An inspection at a site within the realm of application of a treaty or agreement. Such an inspection may be a routine, confidence-building measure or may be a challenge inspection.

Partial Test Ban Treaty (PTBT) The PTBT, which entered into force in 1963, bans nuclear testing by its signatories in the atmosphere, in outer space or under water. The PTBT is also known as the Limited Test Ban Treaty.

Peaceful Nuclear Explosions Treaty (PNET) A bilateral treaty between the United States of America and the Soviet Union, signed in 1975 but not ratified until 1990. The treaty aimed to ensure that any nuclear tests carried out outside of established test sites were for peaceful purposes.

physical inventory A term used in nuclear safeguards which 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.’

positive security assurances A form of security assurance whereby a nuclear-weapon state guarantees to take action in support of a non-nuclear-weapon state in the event of a threat of attack or an actual attack with nuclear weapons.

proton A particle carrying a positive electrical charge that forms part of the nucleus of an atom. It is of approximately the same mass as a neutron. See also atom.

re-entry vehicle (RV) The component of a long-range ballistic missile that re-enters the atmosphere, and which contains the warhead, together with any terminal guidance equipment.

reprocessing The treatment of spent reactor fuel to separate plutonium, uranium and fission products.

safeguards (IAEA) Measures applied to peaceful uses of nuclear energy by the International Atomic Energy Agency to verify that they are not used for military purposes. Safeguards agreements made under the terms of INF/CIRC/66 are applied to nuclear and other materials, services, equipment, facilities and information specified in the agreement. Safeguards agreements made under the terms of INF/CIRC/152 are designed for non-nuclear-weapon state parties to the NPT and are applied to all nuclear materials in all of the peaceful nuclear activities of the state; such safeguards come under the category full-scope safeguards. Other, less common, forms of IAEA
safeguards include: those organized pursuant to the Tlatelolco Treaty, which are very similar to those made under the terms of INFCIRC/153; full-scope safeguards where a state is not a party to the NPT; and voluntary offer agreements by nuclear-weapon states in which some or all of their peaceful nuclear activities are covered by safeguards.

**seal** A device attached to an object designed to indicate, for example, by breakage or deformation, if that object has been interfered or tampered with in an unauthorised manner. The International Atomic Energy Agency uses seals to assist in their accounting of nuclear materials under safeguards.

**security assurances** See negative security assurances and positive security assurances.

**Separative Work Unit (SWU)** Unit for measuring the work required to separate different isotopes in an enrichment process. The formula is complex, but is related to the following factors: quantity of enriched product from the feed material required (more product = more SWUs per unit of product); quantity of feed material (more feed = fewer SWUs); level of enrichment required (more concentrated = more SWUs); concentration of required isotope in the feed material (higher concentration = fewer SWUs); and concentration of wanted material in the tails or waste (higher concentration = fewer SWUs).

**Strategic Arms Reduction Treaty/Talks (START)** Bilateral treaties between the United States of America and the Soviet Union (now Russian Federation). START-2 was signed in July 1991 with START-2 signed in January 1993.

**Strategic Offensive Reductions Treaty (SORT)** Also known as the Moscow Treaty, the Treaty on Strategic Offensive Reductions is a bilateral treaty between the U.S. and the Russian Federation. The treaty requires each state to reduce and limit its strategic nuclear warheads to 1,700-2,000 by December 31, 2012. (The Treaty was signed by the respective presidents (George W. Bush and Vladimir Putin) on May 24, 2002, and ratified by the respective domestic legislative bodies (the U.S. Senate on March 7, 2003 and the Russian Duma on May 15, 2003)).

**tactical air-to-surface missile (TASM)** A generic term covering air-to-surface missiles with ranges of a few hundred kilometres. Examples of these missiles are the Short-Range Attack Missile—Tactical (SPAM-T), recently under development by the United States; and the Air-Sol à Longue Portée (ASLP), currently under development by France.

**tag** A device attached to an object that makes that object individually identifiable. Tags have uses in verifying that a state has less than a certain number of items limited by a treaty or agreement by allowing accurate counting of such items. See also seal.

**Threshold Test Ban Treaty (TTBT)** A treaty between the United States and the Soviet Union that prohibits nuclear tests above 150 kilotons. First negotiated in 1976, it was not ratified by the United States until 1990.

**treaty-limited equipment (TLE)** Those items regulated by provisions of a treaty, such as the Intermediate-range Nuclear Forces Treaty. In some treaties the term treaty-limited item is used instead.

**treaty-limited item(s) (TLI)** See treaty-limited equipment

**vertical proliferation** The quantitative and/or qualitative increase in the possession, manufacture or deployment of a given weapons technology by an individual state. Usually used to describe the increase of nuclear weapon or ballistic missile capabilities.

**Watt (W)** Primary measuring unit of power, that is energy produced or consumed in a given unit of time. 1 Watt = 1 Joule produced or consumed in one second. More commonly used are the units Megawatt (MW = 1,000,000 Watts) and Kilowatt (kW = 1,000 Watts). NB — the power of the heat output of the core of a nuclear reactor is measured in MW(th) — Megawatts of thermal power, but the electrical output is given as MW(e) — Megawatts of electrical power, which is always less than the MW(th) figure.

**weaponization** Development required to make a technology usable as a weapon.
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 1965 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-weapons 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-weapons States.

Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapons 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 Depositary 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 Depositary 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-weapons 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-weapons 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 Depositary 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 Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries 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 Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or 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 Depositary 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 Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

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

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

---

**Parties to the NPT**

[as of 3 April 2008]

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Ratification/Succession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>1 July 1968</td>
<td>4 Feb. 1970</td>
</tr>
<tr>
<td>Albania</td>
<td>—</td>
<td>12 Sept 1990</td>
</tr>
<tr>
<td>Algeria</td>
<td>—</td>
<td>12 Jan. 1995</td>
</tr>
<tr>
<td>Andorra</td>
<td>7 June 1996</td>
<td>—</td>
</tr>
<tr>
<td>Angola</td>
<td>—</td>
<td>14 Oct. 1996</td>
</tr>
<tr>
<td>Antigua and Barbuda</td>
<td>—</td>
<td>17 June 1985</td>
</tr>
<tr>
<td>Argentina</td>
<td>—</td>
<td>17 Feb. 1995</td>
</tr>
<tr>
<td>Armenia</td>
<td>—</td>
<td>15 July 1993</td>
</tr>
<tr>
<td>Austria</td>
<td>1 July 1968</td>
<td>27 June 1969</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>—</td>
<td>22 Sept. 1992</td>
</tr>
<tr>
<td>Bahamas</td>
<td>—</td>
<td>11 Aug. 1976</td>
</tr>
<tr>
<td>Bahrain</td>
<td>—</td>
<td>3 Nov. 1988</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>—</td>
<td>31 Aug. 1979</td>
</tr>
<tr>
<td>Barbados</td>
<td>1 July 1968</td>
<td>21 Feb. 1980</td>
</tr>
<tr>
<td>Belarus</td>
<td>—</td>
<td>22 July 1993</td>
</tr>
<tr>
<td>Belgium</td>
<td>20 Aug. 1968</td>
<td>2 May 1975</td>
</tr>
<tr>
<td>Belize</td>
<td>—</td>
<td>9 Aug. 1985</td>
</tr>
<tr>
<td>Benin</td>
<td>1 July 1968</td>
<td>31 Oct. 1972</td>
</tr>
<tr>
<td>Bhutan</td>
<td>—</td>
<td>23 May 1985</td>
</tr>
<tr>
<td>Bolivia</td>
<td>1 July 1968</td>
<td>26 May 1970</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>—</td>
<td>15 Aug.1994</td>
</tr>
<tr>
<td>Botswana</td>
<td>1 July 1968</td>
<td>28 Apr. 1969</td>
</tr>
<tr>
<td>Brazil</td>
<td>—</td>
<td>18 Sept. 1998</td>
</tr>
<tr>
<td>Brunei Darussalam</td>
<td>—</td>
<td>26 Mar. 1985</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1 July 1968</td>
<td>5 Sept. 1969</td>
</tr>
<tr>
<td>Burundi</td>
<td>—</td>
<td>19 Mar. 1971</td>
</tr>
<tr>
<td>Cambodia</td>
<td>—</td>
<td>2 June 1972</td>
</tr>
<tr>
<td>Cameroon</td>
<td>17 July 1968</td>
<td>8 Jan. 1969</td>
</tr>
<tr>
<td>Canada</td>
<td>23 July 1968</td>
<td>8 Jan. 1969</td>
</tr>
<tr>
<td>Country</td>
<td>Date of Entry to NPT</td>
<td>Treaty Signatories</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>24 Oct. 1979</td>
<td>Morocco</td>
</tr>
<tr>
<td>Chad</td>
<td>10 Mar. 1971</td>
<td>Myanmar</td>
</tr>
<tr>
<td>Chile</td>
<td>25 May 1995</td>
<td>Namibia</td>
</tr>
<tr>
<td>Chine</td>
<td>9 Mar. 1992</td>
<td>Nauru</td>
</tr>
<tr>
<td>Colombia</td>
<td>8 Apr. 1986</td>
<td>Nepal</td>
</tr>
<tr>
<td>Comoros</td>
<td>4 Oct. 1995</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Congo</td>
<td>23 Oct. 1978</td>
<td>New Zealand</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>3 Mar. 1970</td>
<td>Nicaragua</td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>6 Mar. 1973</td>
<td>Niger</td>
</tr>
<tr>
<td>Croatia</td>
<td>29 June 1992</td>
<td>Nigeria</td>
</tr>
<tr>
<td>Cuba</td>
<td>4 Nov. 2002</td>
<td>Norway</td>
</tr>
<tr>
<td>Cyprus</td>
<td>10 Feb. 1970</td>
<td>Oman</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>1 Jan. 1993</td>
<td>Palau</td>
</tr>
<tr>
<td>Democratic People's</td>
<td>12 Dec. 1985</td>
<td>Panama</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>1 July 1968</td>
<td>Papua New Guinea</td>
</tr>
<tr>
<td>Denmark</td>
<td>3 Jan. 1969</td>
<td>Paraguay</td>
</tr>
<tr>
<td>Djibouti</td>
<td>16 Oct. 1996</td>
<td>Peru</td>
</tr>
<tr>
<td>Dominica</td>
<td>10 Aug. 1984</td>
<td>Philippines</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>24 July 1971</td>
<td>Poland</td>
</tr>
<tr>
<td>Ecuador</td>
<td>7 Mar. 1969</td>
<td>Portugal</td>
</tr>
<tr>
<td>Egypt</td>
<td>26 Feb. 1981</td>
<td>Qatar</td>
</tr>
<tr>
<td>El Salvador</td>
<td>11 July 1972</td>
<td>Republic of Korea</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>1 Nov. 1984</td>
<td>Republic of Moldova</td>
</tr>
<tr>
<td>Eritrea</td>
<td>16 Mar. 1995</td>
<td>Romania</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>5 Sept. 1968</td>
<td>Rwanda</td>
</tr>
<tr>
<td>Fiji</td>
<td>14 July 1972</td>
<td>Saint Kitts and Nevis</td>
</tr>
<tr>
<td>Finland</td>
<td>5 Feb. 1969</td>
<td>Saint Lucia</td>
</tr>
<tr>
<td>Francia</td>
<td>2 Aug. 1992</td>
<td>Saint Vincent and the bahamas</td>
</tr>
<tr>
<td>Gabon</td>
<td>19 Feb. 1974</td>
<td>Grenadines</td>
</tr>
<tr>
<td>Gambia</td>
<td>4 Sept. 1968</td>
<td>Samoa</td>
</tr>
<tr>
<td>Georgia</td>
<td>3 Mar. 1994</td>
<td>Guinea</td>
</tr>
<tr>
<td>Germany</td>
<td>28 Nov. 1969</td>
<td>Guinea-Bissau</td>
</tr>
<tr>
<td>Ghana</td>
<td>4 May. 1970</td>
<td>Guyana</td>
</tr>
<tr>
<td>Greece</td>
<td>11 Mar. 1970</td>
<td>Haiti</td>
</tr>
<tr>
<td>Grenada</td>
<td>2 Sept. 1975</td>
<td>Sao Tome and Principe</td>
</tr>
<tr>
<td>Holy See</td>
<td>25 Feb. 1971</td>
<td>Saudi Arabia</td>
</tr>
<tr>
<td>Honduras</td>
<td>16 May 1973</td>
<td>Senegal</td>
</tr>
<tr>
<td>Hungary</td>
<td>27 May 1969</td>
<td>Serbia</td>
</tr>
<tr>
<td>Iceland</td>
<td>18 June 1969</td>
<td>Seychelles</td>
</tr>
<tr>
<td>Indonesia</td>
<td>12 July 1979</td>
<td>Sierra Leone</td>
</tr>
<tr>
<td>Iran</td>
<td>2 Feb. 1970</td>
<td>Singapore</td>
</tr>
<tr>
<td>Iraq</td>
<td>29 Oct. 1969</td>
<td>Slovak Republic</td>
</tr>
<tr>
<td>Ireland</td>
<td>1 July 1968</td>
<td>Slovenia</td>
</tr>
<tr>
<td>Italy</td>
<td>2 May 1975</td>
<td>Solomon Islands</td>
</tr>
<tr>
<td>Jamaica</td>
<td>5 Mar. 1970</td>
<td>Somalia</td>
</tr>
<tr>
<td>Japan</td>
<td>8 June 1976</td>
<td>South Africa</td>
</tr>
<tr>
<td>Jordan</td>
<td>11 Feb. 1970</td>
<td>Spain</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>14 Feb. 1994</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>Kenya</td>
<td>11 June 1970</td>
<td>Sudan</td>
</tr>
<tr>
<td>Kiribati</td>
<td>18 Apr. 1985</td>
<td>Suriname</td>
</tr>
<tr>
<td>Kuwait</td>
<td>17 Nov. 1989</td>
<td>Swaziland</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>5 July 1994</td>
<td>Sweden</td>
</tr>
<tr>
<td>Lao People’s Democratic Republic</td>
<td>20 Feb. 1970</td>
<td>Switzerland</td>
</tr>
<tr>
<td>Republic of Macedonia</td>
<td>26 May 1975</td>
<td>Syria Arab Republic</td>
</tr>
<tr>
<td>Latvia</td>
<td>31 Jan. 1992</td>
<td>Taiwan</td>
</tr>
<tr>
<td>Lebanon</td>
<td>15 July 1970</td>
<td>Tajikistan</td>
</tr>
<tr>
<td>Lesotho</td>
<td>20 May 1970</td>
<td>Thailand</td>
</tr>
<tr>
<td>Liberia</td>
<td>5 Mar. 1970</td>
<td>The former Yugoslavia,</td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td>26 May 1975</td>
<td>Republic of Macedonia</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>20 Apr. 1978</td>
<td>Timor Leste</td>
</tr>
<tr>
<td>Lithuania</td>
<td>23 Sept. 1991</td>
<td>Togo</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>2 May 1975</td>
<td>Tonga</td>
</tr>
<tr>
<td>Madagascar</td>
<td>8 Oct. 1970</td>
<td>Trinidad and Tobago</td>
</tr>
<tr>
<td>Malaysia</td>
<td>18 Feb. 1986</td>
<td>Tunisia</td>
</tr>
<tr>
<td>Malaysia</td>
<td>5 Mar. 1970</td>
<td>Turkey</td>
</tr>
<tr>
<td>Maldives</td>
<td>7 Apr. 1970</td>
<td>Turkmenistan</td>
</tr>
<tr>
<td>Mali</td>
<td>10 Feb. 1970</td>
<td>Tuvalu</td>
</tr>
<tr>
<td>Malta</td>
<td>6 Feb. 1970</td>
<td>Uganda</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>30 Jan. 1995</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Mauritania</td>
<td>26 Oct. 1993</td>
<td>United Arab Emirates</td>
</tr>
<tr>
<td>Mauritius</td>
<td>8 Apr. 1969</td>
<td>United Kingdom**</td>
</tr>
<tr>
<td>Mexico</td>
<td>26 July 1968</td>
<td>United Republic of</td>
</tr>
<tr>
<td>Micronesia (Fed. States of)</td>
<td>14 Apr. 1995</td>
<td>United States of America**</td>
</tr>
<tr>
<td>Monaco</td>
<td>13 Mar. 1995</td>
<td>America**</td>
</tr>
<tr>
<td>Mongolia</td>
<td>14 May 1969</td>
<td>Uruguay</td>
</tr>
<tr>
<td>Montenegro</td>
<td>3 June 2006</td>
<td>Uzbekistan</td>
</tr>
<tr>
<td>Country</td>
<td>Date of Deposit</td>
<td>Date of Ratification</td>
</tr>
<tr>
<td>--------</td>
<td>----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>—</td>
<td>24 Aug. 1995</td>
</tr>
<tr>
<td>Venezuela</td>
<td>1 July 1968</td>
<td>25 Sept. 1975</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>—</td>
<td>14 June 1982</td>
</tr>
<tr>
<td>Yemens</td>
<td>23 Sept. 1968</td>
<td>14 May 1986</td>
</tr>
<tr>
<td>Zaire</td>
<td>22 July 1968</td>
<td>4 Aug. 1970</td>
</tr>
<tr>
<td>Zambia</td>
<td>—</td>
<td>15 May 1991</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>—</td>
<td>26 Sept. 1991</td>
</tr>
</tbody>
</table>
B — Materials Relating to the 2008 NPT Preparatory Committee for the 2010 NPT Review Conference

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee

[Resolution A/RES/61/70, adopted by the General Assembly at its 61st Session, December 2006]

[Editorial note: Footnotes not included]

The General Assembly,

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

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

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

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

Recalling further that the 2005 Review Conference of the Parties to the Treaty, held from 2 to 27 May 2005, was unable to produce a consensus substantive outcome on the review of the implementation of the provisions of 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 2010,

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,

1. Takes note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first session of the Preparatory Committee in Vienna from 30 April to 11 May 2007;

2. Requests the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee.

Draft Rules of Procedure

[Reproduced from NPT/CONF.2005/1 Annex III]

I. Representations and credentials

Delegations of Parties to the Treaty

Rule 1

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

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

Credentials

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 3

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

Provisional participation

Rule 4

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

II. Officers

Election

Rule 5

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

Acting President

Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Voting rights of the President

Rule 7

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

III. General Committee

Composition

Rule 8

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

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

Rule 9
The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. Conference Secretariat

Duties of the Secretary-General of the Conference Rule 10

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

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the Secretariat Rule 11

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

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

Costs Rule 12

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

1 It is understood that the financial arrangements provided by rule 12 do not constitute a precedent.

V. Conduct of business

Quorum Rule 13

1. A majority of the States Parties to the Treaty participating in the Conference shall constitute a quorum.

2. To determine whether the Conference is quorate, any State Party may call for a roll call at any time.

General powers of the President Rule 14

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

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Points of order Rule 15

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

Speeches Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19 to 22, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.

3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence Rule 17

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

Closing of list of speakers Rule 18

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

Right of reply Rule 19

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

Suspension or adjournment of the meeting Rule 20

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

Adjournment of debate Rule 21

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

Closure of debate Rule 22

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

Order of motions

Rule 23

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

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

Submission of proposals and substantive amendments

Rule 24

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

Withdrawal of proposals and motions

Rule 25

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

Decision on competence

Rule 26

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

Reconsideration of proposals

Rule 27

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

VI. Voting and elections

Adoption of decisions

Rule 28

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.

1. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.
2. 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.
3. 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.
4. 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.
5. In cases where a vote is taken, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

Voting rights

Rule 29

Every State party to the Treaty shall have one vote.

Meaning of the phrase “representatives present and voting”

Rule 30

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

Elections

Rule 31

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

Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in this special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

Rule 33

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes shall be elected.
2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the numbers of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.
3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

VII. Committees

Main Committees and subsidiary bodies

Rule 34

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

Representation on the Main Committees

Rule 35
Each State Party to the Treaty participating in the Conference may be represented by one representative on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

Drafting Committee

Rule 36
1. The Conference shall establish a Drafting Committee composed of representatives of the same States that are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It shall also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

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

Officers and procedures

Rule 37
The rules relating to officers, the Conference secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and subsidiary bodies, except that:

(a) Unless otherwise decided, any subsidiary body shall elect a chairman and such other officers as it may require;

(b) The Chairmen of the General, the Drafting and the Credentials Committees and the Chairmen of subsidiary bodies may vote in their capacity as representatives of their States;

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

VIII. Languages and records

Languages of the Conference

Rule 38
Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

Interpretation

Rule 39
1. Speeches made in a language of the Conference shall be interpreted into the other languages.

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

Language of official documents

Rule 40
Official documents shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 41
Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Main Committee concerned, no such recordings shall be made of the meetings of a subsidiary body thereof.

Summary records

Rule 42
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.

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. 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 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 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.

2 It is understood that any such decision will be in accordance with the practice of the General Assembly.


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


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
10:00 am – 1:00 pm General debate (item 4)
3:00 pm – 6:00 pm General debate (item 4)

Wednesday, 2 May
10:00 am – 1:00 pm Statements by NGOs (item 5)
3:00 pm – 6:00 pm General debate (item 4)

Thursday, 3 May
10:00 am – 1:00 pm Informal Consultations
3:00 pm – 6:00 pm Plenary

Friday, 4 May
10:00 am – 1:00 pm Plenary
5:00 pm – 6:00 pm Plenary

Monday, 7 May
10:00 am – 1:00 pm Plenary
3:00 pm – 6:00 pm Plenary

Tuesday, 8 May
10:00 am – 1:00 pm Plenary
3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6)

-Cluster 1 issues (NPT/CONF.2005/DEC.1, issues under point 1: implementation of the provisions of the Treaty relating to 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).

Wednesday, 9 May
10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000 and 2005 Review Conferences, including developments affecting the operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6)

-Specific issue: Nuclear disarmament and security assurances
3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its
Proposed Indicative Timetable for the First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (Vienna, 30 April-11 May 2007)

<table>
<thead>
<tr>
<th>Date</th>
<th>Monday 7 May</th>
<th>Tuesday 8 May</th>
<th>Wednesday 9 May</th>
<th>Thursday 10 May</th>
<th>Friday 11 May</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>10:00 am – 1:00 pm</td>
<td>10:00 am – 1:00 pm</td>
<td>10:00 am – 1:00 pm</td>
<td>10:00 am – 1:00 pm</td>
<td>10:00 am – 1:00 pm</td>
</tr>
<tr>
<td>Activities</td>
<td>Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty</td>
<td>Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty</td>
<td>Specific issue—Other provisions of the Treaty, including Article X</td>
<td>Specific issue—Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East Resolution</td>
<td>Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty</td>
</tr>
</tbody>
</table>

I. Introduction

1. At its sixty-first session, the General Assembly, in its resolution 61/70 of 6 December 2006, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), following appropriate consultations, to hold the first session of the Preparatory Committee in Vienna from 30 April to 11 May 2007.

2. Accordingly, the first session of the Preparatory Committee was opened on 30 April 2007 by Hannelore Hoppe, Officer-in-Charge, Office for Disarmament Affairs of the United Nations Secretariat. Furthermore, Ms. Hoppe read out the message from Secretary-General Ban Ki-Moon, to the first session of the Preparatory Committee.

3. A welcoming statement on behalf of the host country was delivered by Ursula Plassnik, Federal Minister for European and International Affairs of Austria.

4. The 106 following States parties to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the work of the Preparatory Committee at its first session: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Holy See, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Switzerland, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, and Zimbabwe.

Any other matters (item 11)
Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe.

5. The Preparatory Committee held 19 meetings, of which summary records were provided for the opening meeting (NPT/CONF.2010/PC.I/SR.1), the general debate (NPT/CONF.2010/PC.I/SR.1-14 and 16) and the closing meeting (NPT/CONF.2010/PC.I/SR.19), in accordance with the Committee’s decision. The summary records are issued separately as an annex to the present report.

6. Thomas Markram, Senior Political Officer, Weapons of Mass Destruction Branch, Office for Disarmament Affairs, served as Secretary of the Committee. Vilmpos Cserveny, Director, Office of External Relations and Policy Coordination, and Tariq Rauf, Head, Verification and Security Policy Coordination, International Atomic Energy Agency, Vienna, represented the Agency.

II. Substantive and procedural issues
A. Organization of work of the Preparatory Committee

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

All groups were encouraged to propose the representatives for the chairmanship of the various sessions of the Preparatory Committee and for the presidency of the 2010 Review Conference at their earliest possible convenience.

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

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

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.
6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1996, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting the operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty. (The Committee decides that it understands the reference in the agenda to “reaffirming the need for full compliance with the Treaty” to mean that it will consider compliance with all the provisions of the Treaty.)
7. Organization of work of the Preparatory Committee:
(a) Election of officers;
(b) Dates and venues for further sessions;
(c) Methods of work:
(i) Decision-making;
(ii) Participation;
(iii) Working languages;
(iv) Records and documents.
8. Report on the results of the session to the next session of the Preparatory Committee.
9. Organization of the 2010 Review Conference:
(a) Dates and venue;
(b) Draft rules of procedure;
(c) Election of the President and other officers;
(d) Appointment of the Secretary-General;
(e) Provisional agenda;
(f) Financing of the Review Conference, including its Preparatory Committee;
(g) Background documentation;
(h) Final document(s).
10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
11. Any other matters.

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

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

(a) Dates and venues of further sessions
At its 11th meeting, the Committee decided that it would hold its second session from 28 April to 9 May 2008 in Geneva.

(b) Methods of work
(i) Decision-making
At its 1st meeting, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2005 Review Conference, which would be applied mutatis mutandis;

(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.

Representatives of specialized agencies and international and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations’ nameplates and to receive documents of the Committee. They should also be entitled to submit, in writing, their views and comments on questions within their competence, which may be circulated as documents of the Committee. Furthermore, the Committee decided, based on the agreement at the third session of the Preparatory Committee for
the 2005 NPT Review Conference, which would be applied mutatis mutandis, that specialized agencies and international and regional intergovernmental organizations be invited to make oral presentations to the Committee upon the decision of the Committee, on a case-by-case basis. Accordingly, the following specialized agencies and international and regional intergovernmental organizations were represented as observers at the meetings of the Committee: European Commission, League of Arab States, Organization for the Prohibition of Chemical Weapons and 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. The Committee shall also allocate a meeting to non-governmental organizations to address each session of the Committee.

Accordingly, representatives of 66 non-governmental organizations attended the meetings of the Committee.

Furthermore, in terms of rule 44, Palestine participated in the work of the Preparatory Committee as an observer.

(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 five meetings for a general debate on issues related to all aspects of the work of the Preparatory Committee, in the course of which 47 statements were made. The statements are reflected in the summary records of those meetings.

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

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

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

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

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

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

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

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

(a) Nuclear disarmament and security assurances; Arab Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution;

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

18. During the session, the Committee had before it the following documents:

NPT/CONF.2010/PC.I/1 Provisional agenda
Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.2 Working paper submitted by Japan

NPT/CONF.2010/PC.IWP.3 Japan’s efforts in disarmament and non-proliferation education: working paper submitted by Japan

NPT/CONF.2010/PC.IWP.4 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Japan

NPT/CONF.2010/PC.IWP.5 Verification: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.6 Procedural and other arrangements for the effective and successful outcome of the Preparatory Committee and 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.7 Regional issues: Middle East: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.8 Nuclear disarmament: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.9 Nuclear testing: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.10 Security assurances: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.11 Nuclear-weapon-free zones: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.12 Safeguards: working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.IWP.13 Implementation of the 1995 resolution and the 2000 outcome on the Middle East: working paper submitted by Egypt

NPT/CONF.2010/PC.IWP.14 Some principal and substantive issues relating to the effectiveness of the Treaty and its review process: working paper submitted by Egypt

NPT/CONF.2010/PC.IWP.15 Working paper submitted by Ireland on behalf of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden as members of the New Agenda Coalition

NPT/CONF.2010/PC.IWP.16 Peaceful uses of nuclear energy: working paper submitted by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons


NPT/CONF.2010/PC.IWP.18 Challenges of non-proliferation non-compliance: working paper submitted by the United States of America

NPT/CONF.2010/PC.IWP.19 Disarmament, the United States and the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America

NPT/CONF.2010/PC.IWP.20 Facilitating disarmament: working paper submitted by the United States of America

NPT/CONF.2010/PC.IWP.21 Achieving and sustaining nuclear weapons elimination: working paper submitted by the United States of America

NPT/CONF.2010/PC.IWP.22 Article X of the Treaty on the Non-Proliferation of Nuclear Weapons: deterring and responding to withdrawal by Treaty violators: working paper submitted by the United States of America

NPT/CONF.2010/PC.IWP.23 Promoting expanded and responsible peaceful uses of nuclear energy: working paper submitted by the United States of America

NPT/CONF.2010/PC.IWP.24 Safeguards and nuclear security: working paper submitted by the United States of America


NPT/CONF.2010/PC.IWP.26 Fissile Material Cut-off Treaty as the next logical multilateral instrument to be negotiated for the cessation of the nuclear arms race and nuclear disarmament in accordance with article VI of the NPT: working paper submitted by the European Union

NPT/CONF.2010/PC.IWP.27 Security assurances: working paper submitted by Italy

NPT/CONF.2010/PC.IWP.28 Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by Oman on behalf of the States members of the League of Arab States

NPT/CONF.2010/PC.IWP.29 Cluster one: nuclear disarmament and negative security assurances: working paper submitted by Canada

NPT/CONF.2010/PC.IWP.30 Preparing for a successful Review Conference 2010: working paper submitted by the European Union

NPT/CONF.2010/PC.IWP.31 Perspectives on issues related to cluster 1: working paper submitted by Australia

NPT/CONF.2010/PC.IWP.32 Perspectives on issues related to cluster 2: working paper submitted by Australia

NPT/CONF.2010/PC.IWP.33* Perspectives on issues related to cluster three: working paper submitted by Australia

NPT/CONF.2010/PC.IWP.34 Perspectives on issues related to article X of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by Australia

NPT/CONF.2010/PC.IWP.35 Australia’s commitment to article IV of the NPT: paper submitted by Australia

NPT/CONF.2010/PC.IWP.36 Perspectives on issues related to nuclear terrorism: working paper submitted by Australia

NPT/CONF.2010/PC.IWP.37 Nuclear security: working paper submitted by the European Union

NPT/CONF.2010/PC.IWP.38 Export controls: working paper submitted by the European Union


NPT/CONF.2010/PC.IWP.40 Cluster two: non-proliferation and safeguards: working paper submitted by Canada

NPT/CONF.2010/PC.IWP.41 Cluster three: peaceful uses of nuclear energy: working paper submitted by Canada

NPT/CONF.2010/PC.IWP.42 Other provisions: institutional reform, article X and withdrawal: working paper submitted by Canada

NPT/CONF.2010/PC.IWP.43 Security assurances: working paper submitted by China

NPT/CONF.2010/PC.IWP.44 Peaceful uses of nuclear energy: working paper submitted by China

NPT/CONF.2010/PC.IWP.45 Nuclear-weapon-free zone: working paper submitted by China

NPT/CONF.2010/PC.IWP.46 Nuclear disarmament and reduction of the danger of nuclear war: working paper submitted by China

NPT/CONF.2010/PC.IWP.47 Non-proliferation of nuclear weapons: working paper submitted by China
NPT/CONF.2010/PC.I/WP.48 Nuclear issues in the Middle East: working paper submitted by China
NPT/CONF.2010/PC.I/WP.49* International Atomic Energy Agency: Fiftieth anniversary and ongoing contribution to the NPT: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.50* Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7: compliance and verification: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.51* Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7: physical protection and illicit trafficking: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.52* Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7: export controls: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.53* Article III (3) and article IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5: nuclear safety: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.54* Article V and article VI and preambular paragraphs 8 to 12: Comprehensive Nuclear-Test-Ban Treaty: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.55* Article III (3) and article IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5: approaches to the nuclear fuel cycle: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.56* Article III (3) and article IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5: cooperation in the peaceful uses of nuclear energy: working paper by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2010/PC.I/WP.57 Cluster one: article VII: working paper submitted by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan
NPT/CONF.2010/PC.I/WP.58 Establishment of a nuclear-weapon-free zone in the Middle East: working paper submitted by the Islamic Republic of Iran
NPT/CONF.2010/PC.I/WP.59 Working paper on disarmament submitted by the United Kingdom of Great Britain and Northern Ireland
NPT/CONF.2010/PC.I/WP.60 Working paper on cluster 2 issues submitted by the United Kingdom of Great Britain and Northern Ireland
NPT/CONF.2010/PC.I/WP.61 Multilateralization of the nuclear fuel cycle/guarantees of access to the peaceful uses of nuclear energy: working paper submitted by the European Union
NPT/CONF.2010/PC.I/WP.62 Environmental consequences of uranium mining: working paper submitted by Kyrgyzstan, on behalf of Kyrgyzstan, Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan
NPT/CONF.2010/PC.I/WP.63 Cluster I: working paper submitted by Norway
NPT/CONF.2010/PC.I/WP.64 Cluster II: working paper submitted by Norway
NPT/CONF.2010/PC.I/WP.65 Cluster III: working paper submitted by Norway
NPT/CONF.2010/PC.I/WP.66 Nuclear power development: meeting the world’s energy needs and fulfilling article IV: working paper submitted by Canada and France
NPT/CONF.2010/PC.I/WP.67 The question of the agenda of the first session of the Preparatory Committee for the 2010 NPT Review Conference: working paper submitted by the Islamic Republic of Iran
NPT/CONF.2010/PC.I/WP.68 Regional issues and security assurances: working paper submitted by the Islamic Republic of Iran
NPT/CONF.2010/PC.I/WP.69 Working paper submitted by the Islamic Republic of Iran
NPT/CONF.2010/PC.I/WP.70 Nuclear disarmament: working paper submitted by the Islamic Republic of Iran
NPT/CONF.2010/PC.I/WP.71 Nuclear-weapon-free zones: working paper submitted by Peru
NPT/CONF.2010/PC.I/WP.72 Nuclear disarmament and security assurances: working paper submitted by the Republic of Korea
NPT/CONF.2010/PC.I/WP.73 Nuclear non-proliferation and non-compliance: working paper submitted by the Republic of Korea
NPT/CONF.2010/PC.I/WP.74 Working paper submitted by Palestine
NPT/CONF.2010/PC.I/WP.75 Peaceful uses of nuclear energy: working paper submitted by the Islamic Republic of Iran
NPT/CONF.2010/PC.I/WP.76 New Zealand perspective on issues under cluster III
NPT/CONF.2010/PC.I/WP.77 Non-proliferation and the Middle East: working paper submitted by the United States of America
NPT/CONF.2010/PC.I/WP.78 Chairman’s working paper
NPT/CONF.2010/PC.I/CRP.1 Dates and venues for further sessions of the Preparatory Committee and for the 2010 Review Conference: draft proposal by the Chairman
NPT/CONF.2010/PC.I/CRP.2 Financing of the Review Conference, including its Preparatory Committee (draft decision)
NPT/CONF.2010/PC.I/CRP.3 Draft report of the Preparatory Committee on its first session
NPT/CONF.2010/PC.I/INF.1 Information note
NPT/CONF.2010/PC.I/INF.2* List of non-governmental organizations
NPT/CONF.2010/PC.I/INF.3 and Rev.1, 2 and 3 Indicative timetable
NPT/CONF.2010/PC.I/INF.4 and Rev.1 Proposed indicative timetable
NPT/CONF.2010/PC.I/INF.5 List of officers and telephone numbers
NPT/CONF.2010/PC.I/INF.6 and Add.1 and Corr.1 List of participants
NPT/CONF.2010/PC.I/INF.7 Proposed indicative timetable (week 2)
NPT/CONF.2010/PC.I/MISC.1 Provisional list of participants
19. A list of the delegations to the Preparatory Committee, including States parties, observer States, specialized agencies and international and regional intergovernmental and non-governmental organizations, is contained in document NPT/CONF.2010/PC.I/INF.6.

B. Organization of the 2010 Review Conference

20. The Preparatory Committee, in conformity with its task to prepare for the 2010 Review Conference, took the following action:

Financing of the Review Conference, including its Preparatory Committee
The Committee decided to request the Secretariat to provide for its second session an estimate of the costs of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including its Preparatory Committee.

Annex

Summary records of the first session of the Preparatory Committee

[To be distributed individually as NPT/CONF.2010/PC.I/SR.1-4, 6, and 19]

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

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

[Editorial note: Footnote not included]

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

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

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

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

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

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

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

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

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

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

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

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

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

14. In that regard, the Treaty on Strategic Offensive Reductions (the Moscow Treaty) was acknowledged as a positive trend towards nuclear disarmament. While noting those achievements and presentations, States parties called for further reductions beyond those required by the Moscow Treaty and stressed that reductions in deployments and in operational status could not be a substitute for irreversible cuts in, and the total elimination of, nuclear weapons. States parties noted that START I and the Moscow Treaty were due to expire in 2009 and 2012 respectively, and called for bilateral follow-up agreements. It was stressed that the principles of irreversibility, verifiability and transparency should guide all nuclear disarmament measures. The need to create an environment conducive to nuclear disarmament was noted.

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

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

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

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

19. The termination of the Anti-Ballistic Missile Treaty and the development of missile defence systems drew concern as adversely affecting strategic stability and having negative consequences on nuclear disarmament and non-proliferation.  

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

21. The importance of the immediate commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices was stressed as a logical step in the process of nuclear disarmament. Calls were made to address the verifiability of such an instrument and the need for coverage of existing stocks. The hope was expressed that such a treaty might be concluded prior to the 2010 Review Conference.  

22. Stress was put on the importance of arrangements by all nuclear-weapons States to convert excess highly enriched uranium for civilian use was commended and encouraged. While welcoming the recent entry into force of comprehensive safeguards agreements, as well as the steps taken towards their application. States parties stressed the importance of IAEA safeguards as a fundamental pillar of the nuclear non-proliferation regime and its completion of the conceptual framework for integrated safeguards to verify compliance with the non-proliferation obligations under the Treaty. States parties reaffirmed that IAEA was the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1 of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. States parties underlined the need for strengthening the role of IAEA and reaffirmed that nothing should be done to undermine the authority of IAEA in verifying non-diversion. States parties noted the need for effectively addressing violations of safeguards obligations in order to uphold the integrity of the Treaty.  

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

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

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

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

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

28. States parties congratulated IAEA on its fiftieth anniversary and welcomed the efforts of the Agency in strengthening safeguards and its completion of the conceptual framework for comprehensive safeguards, as well as the steps taken towards their application. States parties stressed the importance of IAEA safeguards as a fundamental pillar of the nuclear non-proliferation regime and commended the important work of IAEA in implementing safeguards to verify compliance with the non-proliferation obligations of the Treaty. The IAEA safeguards thereby promoted further confidence among States, helped to strengthen their collective security and played a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. States parties expressed the need to strive towards the universalization and strengthening of the IAEA safeguards system. While welcoming the recent entry into force of comprehensive safeguards agreements and additional protocols with a number of States parties, concern was expressed that some 30 States parties had yet to bring into force safeguards agreements, as required by Article III, and that only 80 had additional protocols in force. States that had not yet concluded comprehensive safeguards agreements with IAEA were called upon to do so without further delay.  

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

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

31. It was reiterated that export controls were a key element of the non-proliferation regime in the Middle East. States parties stressed that effective export controls, together with comprehensive safeguards, were recognized as forming an integral part of the non-proliferation regime and would facilitate peaceful nuclear cooperation. The important role played by the international export control framework for nuclear-related materials and technologies, specifically the IAEA’s “Guidelines for Export Controls” and the G20 group, were noted, in particular their utility in guiding States in setting up their national export control policies.

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

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

34. States parties reaffirmed the importance of the resolution on the Middle East adopted at the 1995 Review and Extension Conference, and recognized that the resolution remained valid until its goals and objectives were achieved. The resolution was both an essential element of the outcome of the 1995 Conference and an essential part of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons had been indefinitely extended without limitations. States parties reaffirmed the importance of establishing nuclear-weapon-free zones in the Middle East, as the Middle East peace process. It was also noted that a solution to the Iranian nuclear issue would contribute to the objective of establishing a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

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

36. The importance of the creation of an environment conducive for implementation of the resolution was underlined. The continued possession of nuclear weapons or ambitions to possess such weapons by States in the region was seen as an impediment to aspirations for the region to become a nuclear-weapon-free zone. States parties welcomed the voluntary decisions by the Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery, as well as its ratification of the Additional Protocol. More generally, States parties also expressed full support for taking forward the Middle East Peace Process. The IAEA’s efforts to achieve universal application of the NPT should therefore be made a priority.

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

38. States parties expressed grave concern over the nuclear programme of the Democratic People’s Republic of Korea and its announcement of a nuclear test in October 2006, which represented not only a clear threat to international security but also a serious challenge to the non-proliferation regime. The Council urged that country to comply with Security Council resolutions 1695 (2006) and 1718 (2006) and the joint statement of September 2005, abandoning all nuclear weapons and existing nuclear programmes as well as ballistic missiles programmes in a complete, verifiable and irreversible manner, returning promptly to compliance with the obligations under the NPT and the IAEA safeguards agreement. States parties stressed the importance of achieving the goal of the denuclearization of the Korean peninsula. They underlined the need for a peaceful solution of this issue and welcomed the diplomatic efforts undertaken in the framework of the six-party talks. They welcomed the agreement reached on 23 February 2007 regarding initial actions towards the implementation of the joint statement, and called on the parties to faithfully and expeditiously implement the agreement.

39. States parties reaffirmed the inalienable right under article IV of the NPT of all States to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with article II of the Treaty. They noted, as part of the fundamental bargain, nothing in the NPT should be interpreted as affecting that right. It was stressed that participating in and facilitating the exchange of nuclear technology for peaceful uses must be consistent with the Treaty’s non-proliferation obligations.

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

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

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

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

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

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

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

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

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

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

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

51. States parties emphasized the value of the involvement and contribution of civil society in the process of Treaty review. Substantive proposals were made for the enhanced participation of non-governmental organizations.
C — Materials from the 2005 NPT Review Conference and its Preparatory Committee

Allocation of Items to the Main Committees of the Conference
[Reproduced from NPT/CONF.2005/DEC.1, 18 May 2005]

1. Main Committee I
Item 16. Review of the operation of the Treaty:
(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
   (i) Articles I and II and preambular paragraphs 1 to 3;
   (ii) Article VI and preambular paragraphs 8 to 12;
   (iii) Article VII, with specific reference to the main issues considered in this Committee;
(b) Security assurances:
   (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
   (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;
Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

2. Main Committee II
Item 16. Review of the operation of the Treaty:
(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
   (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
   (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
   (iii) Article VII;
Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

3. Main Committee III
Item 16. Review of the operation of the Treaty:
(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
   (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
   (ii) Article V;
   (e) Other provisions of the Treaty.
Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

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

Decision on Subsidiary Bodies
[Reproduced from NPT/CONF.2005/DEC.2, 18 May 2005]

The Conference of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons decides to establish for the duration of the 2005 Review Conference a subsidiary body under Main Committee I, Main Committee II and Main Committee III, respectively.

The Conference further decides that:
(a) The subsidiary body established under Main Committee I as subsidiary body 1 will focus on nuclear disarmament and security assurances. The subsidiary body will be chaired by Ambassador Tim Caughley. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private;
(b) The subsidiary body established under Main Committee II as subsidiary body 2 will examine “Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution”. The subsidiary body will be chaired by Ambassador Antonio Núñez García-Saquo. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private;
(c) The subsidiary body established under Main Committee III as subsidiary body 3 will address agenda item 16 (e), “Other provisions of the Treaty, including article X”. The subsidiary body will be chaired by Ambassador Alfredo Labbé. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private.

The outcome of the work of the subsidiary bodies will be reflected in the reports of the respective Main Committees to the Conference.

Report of Main Committee I
[Reproduced from NPT/CONF.2005/MC.I/1, 25 May 2005]

Establishment and terms of reference
1. Pursuant to rule 34 of its rules of procedure, the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee I as one of its three Main Committees, and decided to allocate to it the following items for its consideration (see NPT/CONF.2005/DEC.1):
Item 16. Review of the operation of the Treaty:
(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
   (i) Articles I and II and preambular paragraphs 1 to 3;
   (ii) Article VI and preambular paragraphs 8 to 12;
   (iii) Article VII, with specific reference to the main issues considered in this Committee;
(b) Security assurances:
   (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
   (ii) effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
Item 17 Role of the Treaty in the promotion of non-proliferation of nuclear weapons and nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality. Additionally, the issue of disarmament and non-proliferation education was also dealt with under item 17.
Officers of the Committee

2. The Conference elected Ambassador Sudjadnan Panohadingratin (Indonesia) as the Chairman of the Committee, and Josef Vitek (Czech Republic) and Lew Kwang-chul (Republic of Korea) as Vice-Chairmen of the Committee.

Establishment of Subsidiary Body I

3. At its 19th plenary meeting, on 18 May 2005, the Conference decided to establish, for the duration of the 2005 Review Conference, a subsidiary body under Main Committee I, which would focus on nuclear disarmament and security assurances (see NPT/CONF.2005/DEC.2). Furthermore, the Conference decided that the subsidiary body would be open-ended, that its meetings would be held in private and that the outcome of its work would be reflected in the report of Main Committee I to the Conference. The subsidiary body was chaired by Ambassador Tim Caughley (New Zealand).

4. Accordingly, Subsidiary Body I held two private meetings and a number of informal meetings between 19 and 24 May 2005. The outcome of its work is contained in paragraph 9 below.

Documents before the Committee

5. The following documents were submitted to the Conference on the items allocated to the Committee:

- NPT/CONF.2005/3 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Switzerland


- NPT/CONF.2005/7 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Canada

- NPT/CONF.2005/8 Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Ukraine

- NPT/CONF.2005/9 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Austria

- NPT/CONF.2005/10 Implementation of article VI of the Nuclear Non-Proliferation Treaty pursuant to the Final Document of the 2000 Review Conference with particular reference to the 13 practical steps: report submitted by Argentina

- NPT/CONF.2005/11 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Spain

- NPT/CONF.2005/12 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Australia


- NPT/CONF.2005/16 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Poland

- NPT/CONF.2005/21 National report of Cuba on the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Indonesia

- NPT/CONF.2005/22 Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Poland


- NPT/CONF.2005/26 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the conclusions in the Final Document of the 2000 Review Conference and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Turkey

- NPT/CONF.2005/27 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by the Netherlands

- NPT/CONF.2005/28 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Latvia

- NPT/CONF.2005/29 National report on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons by the Russian Federation

- NPT/CONF.2005/33 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the principles and objectives for nuclear non-proliferation and disarmament adopted in 1995: national report of Mexico

- NPT/CONF.2005/34 National report of Mexico on measures taken to implement the United Nations study on disarmament and non-proliferation education

- NPT/CONF.2005/36 Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Norway

- NPT/CONF.2005/37 National report of Guatemala as called for in the 2000 review of the operation of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty, with a focus on the implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the Decision adopted in 1995 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Guatemala


- NPT/CONF.2005/43 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Brazil

- NPT/CONF.2005/44 Implementation of article VI of the Treaty on Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Nigeria


- NPT/CONF.2005/46 Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Sweden

- NPT/CONF.2005/48 Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Italy

- NPT/CONF.2005/WP.1 Verification of nuclear disarmament: final report on studies into the verification of nuclear warheads and
their components: working paper submitted by the United Kingdom of Great Britain and Northern Ireland

NPT/CONF.2005/WP.2 Nuclear disarmament and reduction of the danger of nuclear war: working paper submitted by China

NPT/CONF.2005/WP.7 Security assurances: working paper submitted by China

NPT/CONF.2005/WP.8 Working paper presented by the members of the Group of Non-Aligned Movement States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.9 Article V, article VI and preamble paragraphs 8 to 12 [Comprehensive Nuclear-Test-Ban Treaty]; working paper for submission to Main Committee I and to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

NPT/CONF.2005/WP.17 Procedural and other arrangements for the effective and successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.18 Substantive issues to be considered by Main Committee I of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.21** Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons, twenty-one measures for the twenty-first century: working paper submitted by Japan

NPT/CONF.2005/WP.22* Working paper submitted by Japan


NPT/CONF.2005/WP.24 Transparency, verification and irreversibility: essential principles in the process of nuclear disarmament: working paper by the Republic of Cuba

NPT/CONF.2005/WP.26 Proliferation security initiative: legal consequences from the standpoint of international law: working paper of the Republic of Cuba

NPT/CONF.2005/WP.27 Working paper on nuclear disarmament for Main Committee I: recommendations submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, South Africa and Sweden as members of the New Agenda Coalition

NPT/CONF.2005/WP.30 Working paper on disarmament and non-proliferation education: submitted by Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland and Sweden

NPT/CONF.2005/WP.31 Japan’s efforts in disarmament and non-proliferation education: working paper submitted by Japan

NPT/CONF.2005/WP.34** Further measures to be taken to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons regime (Main Committee I issues): working paper submitted by Japan and Australia

NPT/CONF.2005/WP.35 Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Spain, Poland and Turkey for consideration at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.37 European Union common approach, Cooperative Threat Reduction-Global Partnership initiative: working paper submitted by Luxembourg on behalf of the European Union

NPT/CONF.2005/WP.38 Nuclear disarmament: working paper submitted by Canada

NPT/CONF.2005/WP.39 Achieving permanence with accountability: working paper submitted by Canada

NPT/CONF.2005/WP.41 Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat of Use of Nuclear Weapons: legal, technical and political elements required for the establishment and maintenance of a nuclear weapon-free world: working paper submitted by Malaysia, Costa Rica, Bolivia, Democratic Republic of Timor-Leste, Nicaragua and Yemen


NPT/CONF.2005/WP.43 Working paper based on the European Union statement for Main Committee I: submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area

NPT/CONF.2005/WP.47 Working paper submitted by the Islamic Republic of Iran for Main Committee I

NPT/CONF.2005/WP.49 Working paper by the Islamic Republic of Iran on negative security assurances

NPT/CONF.2005/WP.52 Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs

NPT/CONF.2005/WP.57 Strengthening implementation of article IV of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States

NPT/CONF.2005/WP.58 Strengthening implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States

NPT/CONF.2005/WP.59 Strengthening the implementation of article X of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States

NPT/CONF.2005/WP.60 Strengthening the implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States

6. The following documents were submitted to the Committee on the items allocated to it:

NPT/CONF.2005/MC.I/WP.1 Fundamental elements proposed by the European Union, in conformity with Common Position adopted by the EU Council of Ministers, to be inserted in the Final Document of the 2005 NPT Conference concerning Main Committee I

NPT/CONF.2005/MC.I/WP.2 Issues to be considered by Main Committee I: working paper submitted by Nigeria


NPT/CONF.2005/MC.I/CRP.1 Strengthening the NPT regime: assessing comprehensive compliance and implementation: submitted by Mexico

NPT/CONF.2005/MC.I/CRP.2 Draft report of Main Committee I

NPT/CONF.2005/MC.I/CRP.3 Chairman’s working paper of Main Committee I

7. The following documents were submitted to Subsidiary Body 1 of Main Committee I on the items allocated to it:

NPT/CONF.2005/MC.I/SB/CRP.1 Conference room paper submitted by Egypt

NPT/CONF.2005/MC.I/SB/CRP.2 Achievable and implementable measures towards nuclear disarmament, working paper presented by South Africa

NPT/CONF.2005/MC.I/SB/CRP.3 Text proposals to the papers of Subsidiary Body 1, Main Committee I, paper on nuclear disarmament, submitted by the Chinese delegation

NPT/CONF.2005/MC.I/SB/CRP.4 Working paper of the Chairman of Subsidiary Body 1
Work of the Committee

8. The Committee held six formal meetings and a number of informal meetings between 19 and 25 May 2005. An account of the discussions of the open meetings is contained in the relevant summary records (NPT/CONF.2005/MC.I/SR.1-4). After an initial general exchange of views on the agenda items allocated to it, the Committee considered proposals contained in the documents listed in paragraphs 5 to 7 above.

9. The Committee was not able to reach a consensus on the text of the Chairman’s working paper of Main Committee I (NPT/CONF.2005/MC.I/CRP.3) and the Chairman’s working paper of Subsidiary Body I (NPT/CONF.2005/MC.I/SPR/4), as they do not reflect fully the views of all States parties. Nevertheless, the Committee agreed to annex the papers to this report.

Annex

Chairman’s working paper of Main Committee I (Previously issued as document NPT/CONF.2005/MC.I/CRP.3)

1. The Conference reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the purpose of nuclear disarmament, in accordance with the relevant provisions of the Treaty.

2. The Conference underscores that the Treaty rests on three pillars: nuclear nonproliferation, nuclear disarmament and peaceful uses of nuclear energy and agrees that these pillars represent a set of interrelated and mutually reinforcing obligations and rights of States parties.

3. The Conference reaffirms that compliance and implementation of the Treaty need to be assessed comprehensively, taking into account all the pillars of the Treaty and the outcomes of the Review Conferences.

4. The Conference expresses its concern with cases of non-compliance with the provisions of the Treaty by States parties and reaffirms that the strict observance of the provisions of the Treaty remains central to achieving the shared objectives of preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty’s vital contribution to international peace and security.

The Conference affirms the importance of strengthening compliance with and enforcement of the Treaty’s obligations.

Articles I and II and preambular paragraph 1 to 3

1. The Conference welcomes the accession of Cuba, as well as of Timor-Leste as States Parties to the Treaty, which brings the Treaty closer into its universality.

2. The Conference urges three States that have not yet adhered to the Treaty —India, Israel and Pakistan — to accede promptly to the Treaty as non-nuclear weapon States, without condition and without delay, and to place all their nuclear facilities under comprehensive IAEA safeguards. The Conference calls upon States not party to the NPT to refrain from acts which would defeat the object and purpose of the Treaty, and to take practical steps in support of the Treaty pending their accession to it as non-nuclear weapon States.

3. The Conference emphasizes that the full and effective implementation of the Treaty is vital to international peace and security. The Conference reaffirms that each Article of the Treaty is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States be held fully accountable with respect to the strict compliance with their obligations under the Treaty.

4. The Conference recognizes that the nuclear-weapon States parties to the Treaty reaffirmed their commitment not to transfer to any recipient whatsoever 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. The Conference also calls upon the non-nuclear-weapon States to refrain from any activities designed to develop nuclear weapons capability.

5. The Conference recognizes that the non-nuclear-weapon States parties to the Treaty reaffirmed their commitment not to receive the transfer from any transfer or 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. The Conference also calls upon the non-nuclear-weapon States to refrain from any activities designed to develop nuclear weapons capability.

6. The Conference reaffirms the importance of transparency and making available an exchange of information, as appropriate, among States parties on measures related to the implementation and enforcement of their obligations under articles I and II.

7. The Conference expresses grave concerns over the risk that non-State actors may acquire nuclear weapons and their means of delivery and stresses that the most effective way to address this concern is the total elimination of nuclear weapons. In this connection, the Conference notes the adoption of Security Council resolution 1540 (2004) and General Assembly resolution 59/80 as measures to prevent non-State actors from acquiring such weapons.

8. The Conference encourages States parties to consider a wide range of measures against proliferation of nuclear weapons and their means of delivery in conformity with national legislation, the principles of international law and the Charter of the United Nations.

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

The Conference recognizes the threat to international peace and security posed by proliferation of weapons of mass destruction and their means of delivery. In order to address such challenges, the Conference reaffirms its determination to preserve the integrity of and to implement fully the Treaty and to make efforts towards the achievement of the goal of universality of the Treaty.

Disarmament and non-proliferation education

1. The Conference recognizes that disarmament and non-proliferation education can ensure the continuation of institutional knowledge of those working on disarmament and non-proliferation issues and contribute to create understanding on such issues by the general public.

2. The Conference encourages States parties to undertake concrete activities to implement, as appropriate, the recommendations of the report of the United Nations Secretary-General on disarmament and non-proliferation education submitted by the Secretary-General to the General Assembly at its fifty-seventh session, and to voluntarily share information on efforts they have been undertaking in this area.

Working paper of the Chairman of Subsidiary Body I

(Article VI and the eighth to twelfth preambular paragraphs of the Treaty

1. The Conference remains alarmed by the continued threat to humanity posed by the existence of nuclear weapons, reaffirms the need to make every effort to avert the danger to all mankind of nuclear war and nuclear terrorism and to take measures to safeguard the security of peoples.

2. The Conference recalls the Principles, Objectives and Undertakings for Nuclear Non-Proliferation and Disarmament including the principles of irreversibility, transparency, verifiability and undiminished security for all.

3. The Conference recalls the commitments to pursue effective measures and make systematic and progressive efforts to
implement article VI including the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, and other steps.

4. The Conference recognizes the importance of the Moscow Treaty and seeks sustained efforts to implement it, and urges its Parties to undertake the reductions by 2012 to the lowest target number of nuclear warheads and by agreed timetables.

5. Building upon the decisions taken at the 1995 and 2000 Review Conferences, the Conference urges more intensified progress by the nuclear-weapon States in reducing or continuing to reduce their non-strategic and strategic nuclear arsenals.

6. The Conference affirms the value of full implementation of the Presidential Nuclear Initiative and of the extension of such a mechanism to all States possessing non-strategic nuclear weapons.

7. Pending the achievement of nuclear disarmament, the Conference calls upon the nuclear-weapon States to resolve further to restrict the deployment of nuclear weapons, their operational readiness and their potential role as defined in national security doctrines.

8. The Conference calls on the nuclear-weapon States to forego any efforts to research and develop new types of nuclear weapons or other nuclear explosive devices.

9. In looking forward to the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the Conference welcomes efforts since 2000 against the testing of nuclear weapons or other nuclear explosive devices, including through maintenance of the existing moratoria, support for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, progress made in developing the International Monitoring System, and the increased membership of the Treaty.

10. The Conference pledges urgent efforts, especially in the Conference on Disarmament, to pursue and implement options for enhanced multilateral and other action on nuclear disarmament, including compliance aspects, and appeals to all members of the Conference on Disarmament to demonstrate the necessary flexibility to enable adoption of a programme of work that will advance crucial NPT-related tasks.

11. The Conference seeks affirmation by the nuclear-weapon States that they will place, as soon as practicable, fissile material designated as no longer required for weapons purposes under IAEA or other relevant international verification, and, welcoming work already undertaken on the development of verification capabilities for nuclear disarmament, urges that such work be initiated by those nuclear-weapon States not already doing so.

12. Reaffirming the importance of reporting, the Conference welcomes the reports and information submitted to the Conference and agrees to provide reports on implementation of article VI on an annual basis.

**Negative security assurances**

1. The Conference recognizes that assuring non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons works towards the Treaty’s principle of easing international tension and strengthening trust between States, thereby advancing the non-proliferation goals of the Treaty.

2. The Conference recalls the unilateral declarations by the nuclear-weapon States as recognized by United Nations Security Council resolution 984 (1995) regarding the provision of security assurances for non-nuclear-weapon States Parties to the Treaty, and the expectations of the 1995 Review and Extension Conference and the 2000 Review Conference that further steps should be recommended to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons.

3. The Conference calls upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for all non-nuclear-weapon States Parties.

4. The Conference reaffirms that the establishment of nuclear-weapon-free zones is an effective measure towards strengthening the nuclear non-proliferation regime, acknowledges that States that engage in creating such zones enhance regional and international security while increasing levels of mutual trust.

5. The Conference welcomes the readiness of nuclear-weapon States to provide future security assurances to non-nuclear-weapon States within the context of nuclear-weapon-free-zones, and encourages further steps to be taken to bring into effect the assurances provided by nuclear-weapons-free zone treaties and their protocols.

6. The Conference recognizes that assurances against the use or threat of use of nuclear weapons are conditional and not applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the Treaty.

7. The Conference agrees on the need for further work, in the context of the strengthened review process, to be undertaken during the next review period on how security assurances would be encapsulated in a legally binding instrument with a view to endorsing the outcome of these deliberations at the 2010 NPT Review Conference.

**Report of Main Committee II**

[Reproduced from NPT/CONF.2005/MC.II/1, 25 May 2005]

### Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee II as one of its three Main Committees and decided to allocate to it the following items for its consideration (see document NPT/CONF.2005/DEC.1):

- **Item 16.** Review of the operation of the Treaty:
  - (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weaponfree zones:
    - (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
    - (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
    - (iii) Article VII;

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

Additionally, institutional issues were also dealt with under agenda item 17.

2. Also, pursuant to rule 34 of its rules of procedure, the Conference approved the establishment of subsidiary body 2, under Main Committee II. The Conference decided that subsidiary body 2 would examine “Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution”. It further decided that the subsidiary body would be open-ended and that the meetings of the subsidiary body would be held in private. The Conference decided that subsidiary body 2 would hold two meetings and a proportionally shared meeting within the overall time allocated to Main Committee II and that the outcome of the work of the subsidiary body would be reflected in the report of Main Committee II to the Conference (NPT/CONF.2005/DEC.2).

### Officers of the Committee

3. The Conference unanimously elected Ambassador László Molnár (Hungary) as the Chairman of the Committee and Ambassador Jorge Taians (Argentina) and Ms. Saja Sattam Habes Majali (Jordan) as Vice-Chairpersons of the Committee.

4. Subsidiary body 2 was chaired by Ambassador Antonio Nuñez Garcia-Sauco (Spain).
Documents before the Committee

The Committee had before it the following documents that were relevant for the work of the Committee:

(a) Conference papers

NPT/CONF.2005/1  Final report of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/15  Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: Compilation of reports

NPT/CONF.2005/41  Note verbale dated 17 May 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

(b) Conference working papers

NPT/CONF.2005/WP.3*  Non-proliferation of nuclear weapons: working paper submitted by China

NPT/CONF.2005/WP.4  Nuclear-weapon-free zone: working paper submitted by China

NPT/CONF.2005/WP.5  Nuclear issues in the Middle East: working paper submitted by China

NPT/CONF.2005/WP.6  Peaceful uses of nuclear energy: working paper submitted by China

NPT/CONF.2005/WP.8  Working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.10  Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Compliance and verification): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden NPT/CONF.2005/WP.13  Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Physical protection and illicit trafficking): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

NPT/CONF.2005/WP.14  Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Export Controls): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

NPT/CONF.2005/WP.15  Multilateral nuclear supply principles of the Zangger Committee: working paper submitted by Argentina, Australia, Austria, Bulgaria, Belgium, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee

NPT/CONF.2005/WP.19  Substantive issues to be considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.19/Cor.1  Substantive issues to be considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Corrigendum

NPT/CONF.2005/WP.21**  Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons: twentyone measures for the twenty-first century: working paper submitted by Japan

NPT/CONF.2005/WP.22*  Working paper of Japan

NPT/CONF.2005/WP.23  Working paper submitted by Norway:

NPT — a dynamic instrument and core pillar of international security


NPT/CONF.2005/WP.26  Proliferation security initiative: legal consequences from the standpoint of international law: working paper of Cuba


NPT/CONF.2005/WP.29  Note verbale dated 6 May 2005 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Secretariat

NPT/CONF.2005/WP.35  Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Poland and Turkey for consideration at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.36  Implementation of the 1995 resolution and 2000 outcome on the Middle East: working paper submitted by Egypt to Main Committee II

NPT/CONF.2005/WP.39  Achieving permanence with accountability: working paper submitted by Canada

NPT/CONF.2005/WP.40  The implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by Qatar on behalf of the States members of the League of Arab States


NPT/CONF.2005/WP.44  Working paper based on the European Union statement for Main Committee II submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area NPT/CONF.2005/WP.46  Note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

NPT/CONF.2005/WP.48  Working paper submitted by the Islamic Republic of Iran for Main Committee II

NPT/CONF.2005/WP.51  Enhanced strengthened review process for the Treaty: working paper submitted by the Netherlands

NPT/CONF.2005/WP.54  Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs

NPT/CONF.2005/WP.55  Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs

NPT/CONF.2005/WP.56  Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs

NPT/CONF.2005/WP.58  Strengthening the implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America
6. The Committee held three plenary meetings and a fourth

Work of the Committee

submitted by the Chairman

(NPT/CONF.2005/MC.II/SR.1-4). Subsidiary body 2 of Main

in public, is contained in the relevant summary rec ords

proceeded to a detailed discussion of the proposals  and

to it, the Committee, both at its formal and inform al meetings,

After an item-by-item consideration of the agenda items allocated

2 also held informal meetings and consultations during that period.

Committee took note of the Chairman's statement and agreed to

and to forward it to the Conference for further consideration. The

documents before it. The various views expressed and proposals

made are reflected in the summary records of the Committee and

in the working papers submitted to it. Those summary records and

working papers form an integral part of the report of the Committee

to the Conference.

7. At the fourth meeting of Main Committee II, on 24 May 2005,

Ambassador Antonio Nuñez Garcia-Sauco (Spain), as Chairman

of subsidiary body 2 and subsidiary body 2 also held informal meetings and consultations during that period.

After an item-by-item consideration of the agenda items allocated to it, the Committee, both at its formal and informal meetings, proceeded to a detailed discussion of the proposals and documents before it. The various views expressed and proposals made are reflected in the summary records of the Committee and in the working papers submitted to it. Those summary records and working papers form an integral part of the report of the Committee to the Conference.

8. At the fourth meeting of Main Committee II, on 24 May 2005, the Chairman concluded that the Main Committee has not reached consensus to attach the Chairman's draft, as included in document NPT/CONF.2005/MC.II/CRP.3, to the final report of the Committee and to forward it to the Conference for further consideration. The Committee took note of the Chairman's statement and agreed to adopt its final report. Subsequently, the Chairman announced the work of Main Committee II to be concluded.
NPT/CONF.2005/WP.6 Peaceful uses of nuclear energy: working paper submitted by China
NPT/CONF.2005/WP.8 Working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.9 Article V, article VI and preambular paragraphs 8 to 12 [Comprehensive Nuclear-Test-Ban Treaty]: working paper for submission to Main Committee I and to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.10 Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Coherence and verification): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.11 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 (Cooperation in the peaceful uses of nuclear energy): working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.12 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 (Approaches to the nuclear fuel cycle): working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.13 Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Physical protection and illicit trafficking): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.14 Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (export controls): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.15 Multilateral nuclear supply principles of the Zangger Committee: working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, the Republic of Korea, Luxembourg, the Netherlands, 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 as members of the Zangger Committee
NPT/CONF.2005/WP.16 Working paper on article X (NPT withdrawal) submitted by Australia and New Zealand
NPT/CONF.2005/WP.20 Substantive issues to be considered by Main Committee III of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.21 Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons: twenty-one measures for the twenty-first century: working paper submitted by Japan
NPT/CONF.2005/WP.22 Working paper of Japan
NPT/CONF.2005/WP.23 Working paper submitted by Norway
NPT/CONF.2005/WP.32 Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons working paper submitted by Luxembourg on behalf of the European Union
NPT/CONF.2005/WP.33 Multilateral nuclear fuel cycle arrangements: working document submitted by Argentina
NPT/CONF.2005/WP.45 Working paper based on the European Union statement for Main Committee III submitted by Luxembourg on behalf of the European Union, the candidate countries, Bulgaria, Romania, Turkey and Croatia and countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro
NPT/CONF.2005/WP.50 Peaceful uses of nuclear energy: working paper submitted by the Islamic Republic of Iran for Main Committee III
NPT/CONF.2005/WP.56 Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference
NPT/CONF.2005/WP.58 Strengthening the implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America
NPT/CONF.2005/WP.59 Strengthening the implementation of article X of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America

(b) Documents submitted to the Committee
NPT/CONF.2005/MC.III/WP.1 Working paper submitted by the European Union
NPT/CONF.2005/MC.III/WP.2 Issue to be considered by Main Committee III: working paper submitted by Nigeria
NPT/CONF.2005/MC.III/WP.3 Environmental consequences of uranium mining: working paper submitted by Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan and the Kyrgyz Republic
NPT/CONF.2005/MC.III/WP.4 Working paper for submission to Main Committee III by the Marshall Islands
NPT/CONF.2005/MC.III/CRP.1 Proposal by Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago
NPT/CONF.2005/MC.III/CRP.2 Draft report of Main Committee III
NPT/CONF.2005/MC.III/CRP.3 Egypt subsidiary body to Main Committee III: universality of the Treaty
NPT/CONF.2005/MC.III/CRP.4 Draft report of Main Committee III

Work of the Committee
5. The Committee held four meetings and the subsidiary body held two meetings, between 19 and 25 May 2005. An account of the discussion of the public meetings is contained in the relevant summary records (NPT/CONF.2005/MC.III/SR...). After an initial general exchange of views on all issues of concern to Main Committee III, it considered proposals contained in the documents listed in paragraph 4 above.
6. The Main Committee focused on articles III (3) and IV, preambular paragraphs 6 and 7 of the Treaty, and the subsidiary body focused on articles IX and X of the Treaty. No consensus was found.

Part I
Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference

Article I and II and preamble paragraphs 1 to 3

1. The Conference reaffirms that the full and effective implementation of the Treaty 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 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 transferee 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 that the strict observance of the provisions of the Treaty remains central to achieving the shared objectives of preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

6. The Conference expresses its concern with cases of non-compliance of the Treaty by States Parties, and calls on those States non-compliant to move promptly to full compliance with their obligations.

7. The Conference welcomes the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187, and reaffirms the urgency and importance of achieving the universality of the Treaty.

8. The Conference urges all States not yet party to the Treaty, namely Cuba, India, Israel and Pakistan, to accede to the Treaty as non-nuclear-weapon States, promptly and without condition, particularly those States that operate un-safeguarded nuclear facilities.

9. The Conference deplores the nuclear test explosions carried out by India and then by Pakistan in 1998. The Conference declares that such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever. The Conference calls upon both States to undertake the measures set out in the United Nations Security Council resolution 1172 (1998).

10. The Conference also calls upon all States Parties to refrain from any action that may contravene or undermine the objectives of the Treaty as well as of the United Nations Security Council resolution 1172 (1998).

11. The Conference notes that the two States concerned have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear tests by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference regrets that the signing and ratifying has not yet taken place despite their pledges to do so.

12. The Conference reiterates the call on those States that operate un-safeguarded nuclear facilities and that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to reverse clearly and urgently any policies to pursue any nuclear-weapon development or deployment and to refrain from any action which could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.

Article III and IV and preamble paragraphs 4 and 5, especially in their relationship to article IV and preamble paragraphs 6 and 7

1. 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 objectives and the elements relevant to article III of the Treaty, in particular paragraphs 9-13, 15-16, 18-19, and to article VII of the Treaty, in particular paragraphs 5-7. It also recalls and reaffirms the Resolution on the Middle East adopted by that Conference.

2. The Conference notes that recommendations made at previous Conferences for the future implementation of article II I provide a helpful basis for States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the International Atomic Energy Agency (IAEA) to strengthen the non-proliferation regime and provide assurance of compliance with non-proliferation undertakings.

3. The States parties urge the international community to enhance cooperation in the field of non-proliferation issues and to seek solutions to all concerns or issues related to non-proliferation in accordance with the obligations, procedures and mechanisms established by the relevant international legal instruments.

4. The Conference reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons is vital in preventing the proliferation of nuclear weapons and in providing significant security benefits. The Conference remains convinced that universal adherence to the Treaty can achieve this goal, and they urge all States not parties to the Treaty, Cuba, India, Israel and Pakistan, to accede to it without delay and without conditions, and to bring into force the required comprehensive safeguards agreements, together with Additional Protocols consistent with the Model contained in INFCIRC/540 (Corrected).

5. The Conference reaffirms the fundamental importance of full compliance with the provisions of the Treaty and the relevant safeguards agreements.

6. The Conference recognizes that IAEA safeguards are a fundamental pillar 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 disarmament and to nuclear cooperation.

7. The Conference reaffirms that IAEA is the competent authority responsible for verifying and assuring, in accordance with the Statute of the IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing 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.

8. The Conference emphasizes that measures should be taken to ensure that the rights of all States Parties under the provisions of the preamble and the articles of the Treaty are fully
protected and that no State Party is limited in the exercise of these rights in accordance with the Treaty.

6. The Conference emphasizes the importance of access to the States Conference General Assembly by IAEA, including its Director General, in accordance with article XII.C of the Statute of IAEA and paragraph 19 of INFIRC/153 (Corr.), 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, by ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by the IAEA.

10. The Conference considers that IAEA safeguards provide assurance that States are complying with their undertakings under relevant safeguards agreements and assist States to demonstrate this compliance.

11. The Conference stresses that the non-proliferation and safeguards commitments in the Treaty are also essential for peaceful nuclear commerce and cooperation and that IAEA safeguards make a vital contribution to the environment for peaceful nuclear development and international cooperation in the peaceful uses of nuclear energy.

12. The Conference stresses that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved. In the meantime, the Conference calls for 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.

13. The Conference reiterates the call by previous conferences of the States parties for the application of IAEA safeguards to all nuclear facilities in all peaceful nuclear activities in the States parties in accordance with the provisions of Article I of the Treaty. The Conference notes with satisfaction that, since 1995, 56 States have concluded safeguards agreements with IAEA in compliance with article III, paragraph 4, of the Treaty, 25 of which have brought the agreements into force.

14. The Conference notes with concern that 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 (DPRK), and is therefore unable to conclude that there has been no diversion of nuclear material in that country.

15. The Conference looks forward to the Democratic People’s Republic of Korea (DPRK) fulfilling its stated intention to come into full compliance with its Treaty safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of the Democratic People’s Republic of Korea preserving and making available to IAEA all information needed to verify its initial declaration.

16. The Conference reaffirms that IAEA safeguards should be universal, and that non-compliance should be reported to the Security Council. The Conference notes that IAEA safeguards agreements with States parties to the Treaty, including the nuclear-weapon States, do not prevent any State from taking any action that is consistent with the Treaty, 25 of which have brought the agreements into force.

17. The Conference notes that IAEA 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.

18. The Conference notes the measures endorsed by the IAEA Board of Governors in June 1995 for strengthening and making more efficient the safeguards system and that these measures are being implemented pursuant to the existing legal authority conferred on IAEA by the Model Safeguards Agreement. The Conference also notes the important work undertaken by IAEA in strengthening safeguards, including in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear-material verification activities with the new strengthening measures and looking forward to an expeditious conclusion of this work. It recognizes that the aim of these efforts is to optimize the combination of all safeguards measures available to IAEA in order to meet the Agency’s safeguards objectives with maximum effectiveness and efficiency within available resources.

20. The Conference recognizes that comprehensive safeguards agreements, document INFIRC/153 have been successful in its main focus of providing assurance regarding declared nuclear material and has also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference notes that implementation of the measures specified in the Model Additional Protocol will provide, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole and that those measures are now being introduced as an integral part of the IAEA’s safeguards system. The Conference notes, in particular, the relationship between the additional protocol and the safeguards agreement between IAEA and a State party as set out in article 1 of the Model Additional Protocol. In this regard, it recalls the interpretation provided by IAEA secretariat on 31 January 1997 and set out in document GOV/2914 of 10 April 1997 that, once concluded, the two agreements had to be read and interpreted as one agreement.

21. The Conference notes the high priority that IAEA attaches, in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear-material verification activities with the new strengthening measures and looks forward to an expeditious conclusion of this work. It recognizes that the aim of these efforts is to optimize the combination of all safeguards measures available to IAEA in order to meet the Agency’s safeguards objectives with maximum effectiveness and efficiency within available resources. Furthermore, the Conference notes that credible assurance of the absence of undeclared nuclear material and activities and of those related to enrichment and reprocessing, in a State as a whole who continue to produce or acquire nuclear material in violation of their safeguards obligations by taking appropriate measures in the case of any violations notified to it by the IAEA.

22. The Conference recognizes that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to providing credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities must be implemented by all States parties to the Treaty, including the nuclear-weapon States. The Conference also recognizes that the interests of nuclear non-proliferation will be effectively served by the acceptance of IAEA safeguards strengthening measures by States with specific safeguards agreements. The Conference welcomes the additional protocol concluded by Cuba and urges it also to bring the protocol into force as soon as possible.

23. The Conference notes that bilateral and regional safeguards play a key role in the promotion of transparency and mutual confidence between neighbouring States, and that they also provide assurances concerning nuclear non-proliferation. The Conference recognizes that bilateral or regional safeguards agreements could be useful in regions interested in building confidence among its member States and in contributing effectively to the non-proliferation regime.

24. The Conference stresses the need to respect the letter and the spirit of the Treaty with respect to technical cooperation with States not party to the Treaty.

25. The Conference recognizes that nuclear material supplied to the nuclear-weapon States for peaceful purposes should not be diverted for the production of nuclear weapons or other nuclear explosive devices, and should be, as appropriate, subject to IAEA safeguards agreements.

26. The Conference recognizes that all nuclear-weapon States have now concluded 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, when implemented with regard to that State, and is consistent with that State’s obligations under article I of the Treaty. The Conference invites such States to keep the scope of those additional protocols under review.

27. The Conference recognizes the IAEA for its work in the verification of the non-proliferation of the development of the strengthened safeguards system, to integrating traditional nuclear-material verification activities with the new strengthening measures and looking forward to an expeditious conclusion of this work. It recognizes that the aim of these efforts is to optimize the combination of all safeguards measures available to IAEA in order to meet the Agency’s safeguards objectives with maximum effectiveness and efficiency within available resources.

28. The Conference takes note of the Declaration of the Moscow Nuclear Safety and Security Summit of April 1996, ...
including in relation to the safe and effective management of weapons fissile material designated as no longer required for defence purposes, and the initiatives stemming from it.

29. The Conference recognizes the importance of international verification of nuclear material designated by each nuclear-weapon State as no longer required for military purposes that has been irreversibly transferred to peaceful purposes. The Conference supports recent unilateral offers and mutual initiatives to place excess material under appropriate IAEA safeguards. The Conference recognizes the non-proliferation benefits of keeping nuclear material in their export under IAEA safeguards and the importance of maintaining the technical and financial support of IAEA in order to ensure that the Agency is able to meet its safeguards responsibilities.

30. The Conference welcomes the additional transparency on the continuing importance of international verification of nuclear material designated by each nuclear-weapon State as no longer required for military purposes as should as soon as practicable be placed under IAEA or other relevant verification.

31. The Conference welcomes the significant contributions by States parties through their support programmes to the development of technology and techniques that facilitate and assist the application of safeguards.

32. The Conference considers that the strengthening of IAEA safeguards should not adversely impact the resources available for technical assistance and cooperation. The allocation of resources should take into account all of the Agency’s statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer.

33. The Conference recognizes that the transfer of nuclear-related equipment, information, material and facilities, resources or devices should be consistent with States’ obligations under the Treaty.

34. The Conference, recalling the obligations of all States parties under articles I, II and III of the Treaty, calls upon all States parties not to cooperate or give assistance in the nuclear or nuclear-related field to States not party to the Treaty in a manner which assists them to manufacture nuclear weapons or other nuclear explosive devices.

35. The Conference reaffirms that each State party to the Treaty has undertaken 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 any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by article III of the Treaty.

36. The Conference reaffirms paragraph 12 of decision 2 (Principles and objectives for nuclear non-proliferation and disarmament), adopted on 11 May 1995 by the NPT Review and Extension Conference, that States parties without substantial nuclear activities, the conclusion of safeguards agreements, and assistance to these States parties in the conclusion and the entry into force of such agreements, involves simplified procedures. The Conference recommends that the Director General of IAEA continue his efforts to further facilitate and assist these States parties in the conclusion and the entry into force of such agreements.

42. The Conference notes the paramount importance of effective protection of all nuclear material and calls on all States to maintain the highest possible standards of security and physical protection of all nuclear material. The Conference notes the need for strengthened international cooperation in physical protection. In this regard, the Conference notes that 63 States have become party to the Convention on the Physical Protection of Nuclear Material.

43. Expressing concern about the illicit trafficking of nuclear and other radioactive materials, the Conference urges all States to introduce and enforce appropriate measures and legislation to protect and ensure the security of such material. The Conference welcomes the activities in the fields of prevention, detection and response being undertaken by IAEA in support of efforts against the illicit trafficking. The Conference acknowledges the Agency’s efforts to assist member States in strengthening their regulatory control on the applications of radioactive materials, including its ongoing work on a registry of sealed sources. It also welcomes the Agency’s initiatives undertaken to provide for the enhanced exchange of information among its Member States, including the continued maintenance of the illicit trafficking database. The Conference recognizes the importance of enhancing cooperation and coordination among States and among international organizations in preventing, detecting and responding to the illegal use of nuclear and other radioactive material.

44. The Conference notes that 51 States parties to the Treaty have yet to bring into force comprehensive safeguards agreements. It urges them to do so as soon as possible. This includes States parties without substantial nuclear activities. The Conference notes that in the case of States without substantial nuclear activities, the conclusion of safeguards agreements involves simplified procedures. The Conference recommends that the Director General of IAEA continue his efforts to further facilitate and assist these States parties in the conclusion and the entry into force of such agreements.

45. The Conference welcomes the fact that since May 1997, the IAEA Board of Governors has approved additional protocols to comprehensive safeguards agreements with 43 States and that 12 of those additional protocols are currently being implemented. The Conference encourages all States parties, in particular those States parties with substantial nuclear programmes, to conclude additional protocols as soon as possible and to bring them into force or provisionally apply them as soon as possible.

46. The Conference urges IAEA to continue implementing strengthened safeguards as broadly as possible, and further urges all States with safeguards agreements to cooperate fully with IAEA in the implementation of these measures.

47. The Conference recommends that the Director General of IAEA and the IAEA member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion of comprehensive safeguards agreements and additional protocols, including, for example, specific measures to assist States with less experience in nuclear activities to implement legal requirements.

48. The Conference calls on all States parties to give their full and continuing support to the implementation of safeguard systems.

49. The Conference notes the agreement between the Russian Federation and the United States to convert in Russia 500 tonnes of plutonium to low-enriched uranium.
of high enriched uranium (HEU) from Russia’s nuclear weapons to low enriched uranium for use in commercial reactors. It welcomes the conversion to date of over 80 tonnes of HEU in the framework of the agreement. The Conference endorses the role of Presidents of the Russian Federation and the United States of the intention of each country to remove by stages approximately 50 tonnes of plutonium from their nuclear weapons programmes and convert it so that it can never be used in nuclear weapons.

50. The Conference requests that IAEA continue to identify the financial and human resources needed to meet effectively and efficiently all of its responsibilities, including its safeguards verification responsibilities. It strongly urges all States to ensure that IAEA is provided with these resources.

51. 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. In this context, the Conference urges States parties that have not yet done so to establish and implement appropriate national rules and regulations.

52. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III.A, 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 of HEU 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.

54. The Conference recommends that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States parties to the Treaty.

55. The Conference encourages all other states that separate, hold, process or use separated plutonium in their civil nuclear activities to adopt policies similar to those which have been adopted by the participants in the Plutonium Management Guidelines (INFCIRC/514). Furthermore, the Conference encourages the States concerned to consider similar policies for the management of highly enriched uranium used for peaceful purposes.

56. The Conference urges all States that have not yet done so to adhere to the Convention on the Physical Protection of Nuclear Material on the earliest possible date and to apply, as appropriate, the recommendations on the physical protection of nuclear material and facilities contained in IAEA document INFCIRC/225/Rev.4 (Convention on the Physical Protection of Nuclear Material).

Article IV and preamble paragraph 6 and 7

Treaty on the Non-Proliferation of Nuclear Weapons and the peaceful uses of nuclear energy

1. The Conference affirms 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.

2. 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 and III 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.

3. The Conference also reaffirms the undertaking by all parties to the Treaty to facilitate and have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information for the peaceful uses of nuclear energy among States parties to the Treaty. The Conference notes the contribution that such uses can make to progress in general and to help to overcome the technological and economic disparities between developed and developing countries.

4. 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.

5. Referring to paragraphs 14 to 20 of the Principles and Objectives decision of 1995, the Conference reasserts the need to continue to enhance the peaceful uses of nuclear energy by all States parties and cooperation among them.

6. The Conference underlines the role of IAEA in assisting developing countries in the peaceful use of nuclear energy through the development of effective programmes aimed at improving their scientific, technological, and regulatory capabilities. In this context, the Conference takes note of the medium-term strategy of IAEA.

7. The Conference affirms that every effort should be made to ensure that IAEA has the financial and human resources necessary to effectively meet its responsibilities as foreseen in article III.A of the Statute of IAEA.

8. The Conference recognizes the importance of the concept of sustainable development as a guiding principle for the peaceful use of nuclear energy. The Conference endorses the role of IAEA in assisting Member States, upon request, in formulating projects that meet the objective of protecting the global environment by applying sustainable development approaches. The Conference recommends that IAEA continue taking this objective into account when planning its future activities. It further notes that IAEA regularly reports to the General Assembly on progress made in these fields.

9. The Conference recognizes the importance of safety and non-proliferation features, as well as aspects related to radioactive waste management being addressed in nuclear power development as well as other nuclear activities related to the nuclear fuel cycle at the technological level. The Conference recalls the role of IAEA in the assessment of prospective nuclear power technologies in this respect.

10. The Conference commends IAEA for its efforts to enhance the effectiveness and efficiency of the Agency’s Technical Cooperation Programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient Member States. In this context, the Conference welcomes the new strategy for technical cooperation, which seeks to promote socio-economic impact within its core competencies, by integrating its assistance into the national development programme of each country with a view to ensure sustainability through expanding partnerships in development, model project standards and use of country programme frameworks and thematic plans. The Conference recommends that IAEA continue taking into account the needs and the demands of developing countries, notably least-developed countries, into account when planning its future activities.

11. The Conference acknowledges the need for the parties to the Treaty to discuss regularly and take specific steps towards the implementation of article IV of the Treaty.

Nuclear and radiation safety, safe transport of radioactive materials, radioactive waste and liability

Nuclear and Radiation Safety

1. The Conference affirms that the Treaty on the Non-Proliferation of Nuclear Weapons can help to ensure that international cooperation in nuclear and radiation safety will take place within an appropriate non-proliferation framework. The Conference acknowledges the primary responsibility of individual States for maintaining the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear safety, radiological protection and radioactive waste management.

2. The Conference notes that a demonstrated global record of safety is a key element for the peaceful uses 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 indispensable. The Conference encourages the efforts of IAEA 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 protect the environment, 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 the awareness in these fields, through appropriate training.

3. The Conference welcomes the activities of IAEA directed towards the strengthening of nuclear safety in operating power and research reactors. The Conference further endorses the work of IAEA in the organization of international peer review services, the support to the regulatory bodies and other relevant areas of the infrastructure of member States through the Technical Cooperation Programme, the safety standards advisory commission and committees in the preparation of internationally recognized safety standards, the emergency response unit and the continuing work on transport safety matters.

4. The Conference welcomes the entry into force of the Convention on Nuclear Safety, and encourages all States, in particular those operating, constructing or planning nuclear power reactors that have not yet taken the necessary steps to become party to the Convention, to do so. It would also welcome a voluntary application of the related provisions of the Convention to other relevant nuclear installations dedicated to the peaceful uses of nuclear energy. The Conference also expresses its satisfaction with the outcome of the first review meeting under the Convention on Nuclear Safety, and looks forward to the report from the next review meeting, in particular with respect to those areas where the first review meeting found that there was room for safety improvements.

5. The Conference encourages all States that have not yet done so to become parties to 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 Convention on Physical Protection of Nuclear Material.

6. The Conference notes the bilateral and multilateral activities that have enhanced the capabilities of the international community to study, minimize and mitigate the consequences of the accident at the Chernobyl nuclear power plant in support of the actions taken by the Governments concerned.

7. 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.

8. The Conference notes the importance of openness, transparency and public information concerning the safety of nuclear facilities.

Safe Transport of Radioactive Materials

9. The Conference endorses the IAEA regulations for the safe transport of radioactive materials and urges States to ensure that these standards are maintained. The Conference notes the decision in 1997 by the International Maritime Organization (IMO) to incorporate the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code) into the International Convention for the Safety of Life at Sea.

10. The Conference underlines the importance of effective national and international regulations and standards for the protection of States concerned, from the risks of transportation of radioactive materials. The Conference affirms that it is in the interests of all States that any transportation of radioactive materials be conducted in compliance with the relevant international standards of nuclear safety and security and environmental protection, without prejudice to the freedoms, rights and obligations of navigation provided for in international law. 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.

11. Recalling resolution GC(43)/Res/11 of the General Conference of IAEA, adopted by consensus in 1999, the Conference invites States shipping radioactive materials to provide, as appropriate, assurances to concerned States, upon their request, that the national regulations of the shipping State take IAEA transport regulations into account and to provide them with relevant information relating to shipments of such materials. The information provided should in no case be contradictory to the measures of physical security and safety.

12. The Conference notes that States parties have been working bilaterally and through international organizations to improve cooperation and exchange of information among the States concerned. In this context, the Conference calls on States parties to continue working bilaterally and through the relevant international organizations to examine and further improve measures and international regulations relevant to international maritime transportation of radioactive material and spent fuel.

Spent Fuel and Radioactive Waste

13. The Conference notes that a major issue in the debate over the use of nuclear technologies is the safety of the management of spent fuel and of radioactive waste. The Conference notes the conclusion of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and encourages States that have not yet taken the necessary steps to become party to the Convention, to do so. The Conference expresses the hope that this Convention will enter into force at the earliest date possible. The Conference underlines the importance of managing spent fuel and radioactive waste that were excluded from this Convention because they are within military or defence programmes in accordance with the objectives stated in this Convention.

14. The Conference commends the efforts of IAEA in radioactive waste management, and calls upon the Agency, in view of the increasing importance of all aspects of radioactive waste management, to strengthen its efforts in this field as resources permit. The Conference recognizes the activities of IAEA in the search for new approaches on radioactive waste management solutions that are both safe and publicly acceptable. It endorses IAEA programmes to assist member States in spent fuel and radioactive waste management through, inter alia, safety standards, peer reviews and Technical Cooperation activities.

15. The Conference also notes that the contracting parties to the Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter (London Convention) have urged all States that have not done so, to accept the 1993 amendment of annex I of the London Convention, which prohibits contracting parties from dumping radioactive wastes or other radioactive matter at sea.

Liability

16. The Conference notes the adoption of the 1997 Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage. The Conference also notes the existence of various national and international liability mechanisms. Furthermore, the Conference stresses the importance of having effective liability mechanisms in place.

Technical cooperation

1. The Conference reaffirms the undertaking of those parties to the Treaty in a position to do so to cooperate in contributing alone, or together with other States 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.

2. The Conference recognizes the benefits of the peaceful applications of nuclear energy and nuclear techniques in the fields referred to in Articles II and III of the Statute of the IAEA, and their contribution to achieving sustainable development in developing countries and for generally improving the well-being and the quality of life of the peoples of the world.

3. The Conference commends the efforts of IAEA as the principal agent for technology transfer among the Treaty parties, and encourages all States, in consultation with the IAEA, to do their part in achieving the objectives of the Treaty in a position to do so to cooperate in contributing alone, or together with other States 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.

4. The Conference recognizes that voluntary resources provided to and received from States parties to the Treaty under the IAEA Technical Cooperation Fund represent the most...
important contribution to the implementation of its Technical Cooperation Programme, the major instrument for its cooperation with developing countries. The Conference expresses its appreciation to all IAEA member States for their actual payments.

5. The Conference notes, however, that there has been a growing gap between the approved target figures for the Technical Cooperation Fund and the actual payments. It recognizes that efforts are required to ensure that the IAEA’s financial and human resources are adequate for the implementation of the Technical Cooperation Programme.

6. The Conference stresses that every effort should be made to ensure that the IAEA’s financial and human resources are adequate for the implementation of the Technical Cooperation Programme. It recognizes that the IAEA’s financial and human resources are inadequate for the implementation of the Technical Cooperation Programme.

7. The Conference notes the consultation among member States of the IAEA on the target for the Technical Cooperation Fund for the coming years and encourages member States to reach agreement on the Indicative Planning Figures (IPF).

8. The Conference notes that the special needs and priorities of the least developed countries to the Treaty should be taken into account in bilateral and multilateral nuclear technical assistance and cooperation programmes. The Conference recommends that the IAEA continue, through its Technical Cooperation Programme, to give special attention to the needs and priorities of least developed countries.

9. 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 Resources Development and Training (AFRA), the Regional Cooperative Agreements for the Promotion of Nuclear Science and Technology in Latin America (ARCAL), the Regional Cooperative Agreement for Asia and the Pacific (RCA), as well as the regional Technical Cooperation Programme in Central and Eastern Europe.

10. The Conference notes the significant level of bilateral cooperation between States parties in the worldwide peaceful uses of nuclear energy and welcomes the reports thereon. The Conference recognizes that it is the responsibility of States parties to create the conditions to enable this cooperation, in which commercial entities play an important role in a manner that concerns with the States parties’ obligations under Articles I and III of the Treaty. The Conference urges States in a position to do so to continue and where possible increase their cooperation in this field, particularly to developing countries and parties to the Treaty with economies in transition.

11. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate rights 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 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.

Conversion of nuclear materials to peaceful uses

1. The Conference notes steps taken by nuclear-weapon States to reduce their nuclear weapons arsenals and underlines the importance of international verification, as soon as practicable, of nuclear weapons material designated by each nuclear-weapon State as no longer required for military programmes and that has been irreversibly transferred to peaceful purposes. This process requires the safe handling, storage and disposal of sensitive nuclear materials, as well as the safe management of radioactive contaminants in strict compliance with highest possible standards of environmental protection and nuclear and radiation safety.

2. The Conference takes note of the Declaration of the Moscow Nuclear Safety and Security Summit of April 1996, including the measures in relation to the safe and effective management of weapons fissile material designated as no longer required for defence purposes, and the initiatives stemming therefrom.

3. The Conference also notes that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production of nuclear weapons.

4. The Conference calls upon all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants to consider giving appropriate assistance, as may be requested, for radiological assessment and remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

Article V

The Conference affirms that the provisions of article V of the Treaty as regards the peaceful applications of any nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

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 remaining States, in particular the remaining 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.


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 that, at the conference 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 diminished 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.
   - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.

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 recommend to the 2005 Review Conference on this issue.


4. The Conference notes the establishment in March 1998 by the Conference on Disarmament of an 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 adoptions 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.


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, with 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, adopted by consensus by the Disarmament Conference, at its 1999 session, to 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 regard 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 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 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 IAEA 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 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 that 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 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 in ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass
Page 9

commitment to the 1995 Resolution on the Middle East. The Conference notes that 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 notes that India and Pakistan have declared moratoriums on further testing and their willingness to place all their nuclear facilities under comprehensive safeguards with the IAEA. The Conference further notes that both States have strengthened their non-proliferation export control measures over technologies, materials 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 place all their nuclear facilities under comprehensive safeguards with the IAEA. The Conference further notes that both States have strengthened their non-proliferation export control measures over technologies, materials and equipment that can be used for the production of nuclear weapons and their delivery systems.

15. The Conference notes the willingness expressed by India and Pakistan to participate in the negotiations 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 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 to preserve and make available to IAEA all information needed to verify its initial inventory. The Conference reiterates that the IAEA, as the 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 agreement 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 notes that the widening of the entry into force of protocols additional to safeguards agreements with IAEA will strengthen the Non-Proliferation Treaty 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


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.

Notes:

[1] Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Brazil, Cambodia, Chile, Czech Republic, Dominica, Estonia, Ethiopia, Grenada, Guyana, Kazakhstan, Monaco, Namibia, St. Kitts and Nevis, San Marino, Slovenia, Ukraine, and Zimbabwe.

E – Materials from the 1995 NPT Review and Extension 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,

Restating 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 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 possible 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 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 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

The International Atomic Energy Agency (IAEA) is the Safeguards instrument. As the declarations by the nuclear-weapon States concerning both accordance with the statute of the IAEA and the Agency’s safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfillment 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 providing evidence and information, to the IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

Defensive uses of nuclear energy

Particular importance should be attached to ensuring the exercise of the inalienable right of all the parties to the Treaty to the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, including in waste management, and observing 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 area 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

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

The Conference of the States party 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.**
Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Partial Test Ban Treaty)  
[Opened for signature 5 August 1963, entered into force 1 October 1963]  

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the 'Original Parties',  

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the arms race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,  

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,  

Have agreed as follows;  

**Article I**  
1. Each of the Parties to this Treaty undertake to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:  
   (a) in the atmosphere, beyond its limits, including outer space; or  
   (b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.  
2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.  

**Article II**  
1. Any Party may propose amendments to this Treaty. The text of any proposed amendments shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.  
2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all the Original Parties.  

**Article III**  
1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.  
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties — the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics — which are hereby designated the Depositary Governments.  
3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.  
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.  
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.  
6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.  

**Article IV**  
This Treaty shall be of unlimited duration.  
Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.  

**Article V**  
This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.  

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.  
DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.  

---  

**Comprehensive Test Ban Treaty**  
[Opened for signature 24 September 1996, not in force 3 April 2008]  

**Preamble**  
The States Parties to this Treaty (hereinafter referred to as ‘the States Parties’), Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects, Underlining the importance of the full and prompt implementation of such agreements and measures,  
Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,  
Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,  
Recognizing that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,  
Further recognizing that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament,  
Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, which has long been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation,  
Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the
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 most accurate manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfill 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 advisors.
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.
16. 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.
17. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.
18. Sessions shall take place at the seat of the Organization unless the Conference decides otherwise.
19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.
20. A majority of the States Parties shall constitute a quorum.
21. Each State Party shall have one vote.
22. The Conference shall take decisions on matters of procedure by a majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting, unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.
23. When exercising its function under paragraph 26 (k), the Conference shall take a decision to add any State to the list of States contained in Annex 1 to this Treaty in accordance with the procedure for decisions on matters of substance set out in paragraph 22. Notwithstanding paragraph 22, the Conference shall take decisions on any other change to Annex 1 to this Treaty by consensus.

Powers and Functions
24. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.
25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the
Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.

26. The Conference shall:

(a) Consider and adopt the report of the Organization on the implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;
(b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 9;
(c) Elect the members of the Executive Council;
(d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as ‘the Director-General’);
(e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;
(f) Consider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty;
(g) Take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article V;
(h) Consider and approve at its initial session any draft agreements, arrangements, provisions, procedures, operational manuals, guidelines and any other documents developed and recommended by the Preparatory Commission;
(i) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 38 (h);
(j) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty; and
(k) Update Annex 1 to this Treaty, as appropriate, in accordance with paragraph 23.

C. The Executive Council

Composition, Procedures and Decision-making

27. The Executive Council shall consist of 51 members. Each State Party shall have the right, in accordance with the provisions of this Article, to serve on the Executive Council.

28. Taking into account the need for equitable geographical distribution the Executive Council shall comprise:

(a) Ten States Parties from Africa;
(b) Seven States Parties from Eastern Europe;
(c) Nine States Parties from Latin America and the Caribbean;
(d) Seven States Parties from the Middle East and South Asia;
(e) Ten States Parties from North America and Western Europe; and
(f) Eight States Parties from South-East Asia, the Pacific and the Far East.

All States in each of the above geographical regions are listed in Annex 1 to this Treaty. Annex 1 to this Treaty shall be updated, as appropriate, by the Conference in accordance with paragraphs 23 and 26 (k). It shall not be subject to amendments or changes under the procedures contained in Article VII.

29. The members of the Executive Council shall be elected by the Conference. In this connection, each geographical region shall designate States Parties from that region for election as members of the Executive Council as follows:

(a) At least one-third of the seats allocated to each geographical region shall be filled, taking into account political and security interests by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty as determined by international data as well as all or any of the following indicative criteria in the order of priority determined by each region:

(i) Number of monitoring facilities of the International Monitoring System;
(ii) Expertise and experience in monitoring technology; and
(iii) Contribution to the annual budget of the Organization;
(b) One of the seats allocated to each geographical region shall be filled on a rotational basis by the State Party that is first in the English alphabetical order among the States Parties in that region that have not served as members of the Executive Council for the longest period of time since becoming States Parties or since their last term, whichever is shorter. A State Party designated on this basis may decide to forgo its seat. In that case, such a State Party shall submit a letter of renunciation to the Director-General, and the seat shall be filled by the State Party following next-in-order according to this sub-paragraph; and
(c) The remaining seats allocated to each geographical region shall be filled by States Parties designated from among all the States Parties in that region by rotation or elections.

30. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.

31. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is elected until the end of the second regular annual session of the Conference thereafter, except that for the first election of the Executive Council, 26 members shall be elected to hold office until the end of the third regular annual session of the Conference, due regard being paid to the established numerical proportions as described in paragraph 28.

32. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

33. The Executive Council shall elect its Chairman from among its members.

34. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

35. Each member of the Executive Council shall have one vote.

36. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

Powers and Functions

37. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

38. The Executive Council shall:

(a) Promote effective implementation of, and compliance with, this Treaty;
(b) Supervise the activities of the Technical Secretariat;
(c) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;
(d) Cooperate with the National Authority of each State Party;
(e) Consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;
(f) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;
(g) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol or the Annexes thereto, pursuant to Article VII, and make recommendations to the States Parties regarding their adoption;
(h) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States
and international organizations on behalf of the Organization and supervise their implementation, with the exception of agreements or arrangements referred to in sub-paragraph (i); (i) Approve and supervise the implementation 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 specific 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 functions 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 prior 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 an international 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 States 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.

5. 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, capable of meeting the verification requirements of this Treaty. At entry into force of this Treaty, the 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.

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.

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

14. In discharging its responsibilities in the area of verification specified in this Treaty and the Protocol, in cooperation with the State Parties the Technical Secretariat shall, for the purpose of this Treaty:
   (a) Make arrangements to receive and distribute data and reporting products relevant to the verification of this Treaty in accordance with its provisions, and to maintain a global communications infrastructure appropriate to this task;
   (b) Routinely through its International Data Centre, which shall in principle be the focal point within the Technical Secretariat for data storage and data processing;
   (c) Routinely through its International Data Centre, which shall in principle be the focal point within the Technical Secretariat for data storage and data processing;
   (d) Routinely through its International Data Centre, which shall in principle be the focal point within the Technical Secretariat for data storage and data processing;
   (e) Receive and initiate requests for data from the International Monitoring System;
   (f) Receive data, as appropriate, resulting from the process of consultation and clarification, from on-site inspections, and from confidence-building measures; and
   (g) Receive other relevant data from States Parties.

For this purpose, the Technical Secretariat shall:

(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.
taking responsibility for the use of International Monitoring System data in accordance with Article II, paragraph 7, and with paragraphs 8 and 13 of this Article;
(f) Provide to all States Parties equal, open, convenient and timely access to all stored data;
(g) Store all data, both raw and processed, and reporting products;
(h) Coordinate and facilitate requests for additional data from the International Monitoring system;
(i) Coordinate requests for additional data from one State Party to another State Party;
(j) Provide technical assistance in, and support for, the installation and operation of monitoring facilities and respective communications, where such assistance and support are required by the State concerned;
(k) Make available to any State Party, on its request, techniques utilized by the Technical Secretariat and its International Data Centre in compiling, storing, processing, analyzing and reporting on data from the verification regime; and

15. The agreed procedures to be used by the Technical Secretariat in discharging the verification responsibilities referred to in paragraph 14 and detailed in the Protocol shall be elaborated in the relevant operational manuals.

B. The International Monitoring System

16. The International Monitoring System shall comprise facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydro-acoustic monitoring, infrasound monitoring, and respective means of communication, and shall be supported by the International Data Centre of the Technical Secretariat.

17. The International Monitoring System shall be placed under the authority of the Technical Secretariat. All monitoring facilities of the International Monitoring System shall be owned and operated by the States hosting or otherwise taking responsibility for them in accordance with the Protocol.

18. Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

Funding the International Monitoring System

19. For facilities incorporated into the International Monitoring System and specified in Tables 1A, 2A, 3 and 4 of Annex 1 to the Protocol, and for their functioning, to the extent that such facilities are agreed by the relevant State and the Organization to provide data to the International Data Centre, the costs of these facilities shall be met by the requesting State Party.

20. For auxiliary network seismic stations specified in Table 1B of Annex 1 to the Protocol, the costs shall be met by the requesting State Party, unless the State responsible for such facilities meets these costs itself; and
(a) Establishing any new facilities and upgrading existing facilities unless the State responsible for such facilities meets these costs itself;
(b) Operating and maintaining International Monitoring System facilities, including facility physical security if appropriate, and application of agreed data authentication procedures;
(c) Transmitting International Monitoring System data (raw or processed) to the International Data Centre by the most direct and cost effective means available, including, if necessary, via appropriate communications nodes, from monitoring stations, laboratories, analytical facilities or from national data centres; or such data (including samples where appropriate) to laboratory and analytical facilities from monitoring stations; and
(d) Analyzing samples on behalf of the Organization.

21. The Organization shall also meet the cost of provision to each State Party of its requested selection from the standard range of International Data Centre reporting products and services, as specified in Part I, Section F of the Protocol. The cost of preparation and transmission of any additional data or products shall be met by the requesting State Party.

22. The agreements or, if appropriate, arrangements concluded with States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall contain provisions for meeting these costs. Such provisions may include modalities whereby a State Party meets any of the costs referred to in paragraphs 19 (a) and 20 (c) and (d) for facilities which it hosts or for which it is responsible, and is compensated by an appropriate reduction in its assessed financial contribution to the Organization. Such a reduction shall not exceed 50 percent of the annual assessed financial contribution of a State Party, but may be spread over successive years. A State Party may share such a reduction with another State Party by agreement or arrangement between themselves and with the concurrence of the Executive Council. The agreements or arrangements referred to in this paragraph shall be approved in accordance with Article II, paragraphs 26 (h) and 38 (l).

Changes to the International Monitoring System

23. Any measures referred to in paragraph 11 affecting the International Monitoring System by means of addition or deletion of a monitoring technology shall, when agreed, be incorporated into this Treaty and the Protocol pursuant to Article VII, paragraphs 1 to 6.

24. The following changes to the International Monitoring System, subject to the agreement of those States directly affected, shall be regarded as matters of an administrative or technical nature pursuant to Article VII, paragraphs 7 and 8:
(a) Changes to the number of facilities specified in the Protocol for a given monitoring technology; and
(b) Changes to other details for particular facilities as reflected in the Tables of Annex 1 to the Protocol (including, inter alia, State responsible for the facility; location; name of facility; type of facility; and attribution of a facility between the primary and auxiliary seismic networks).

If the Executive Council recommends, pursuant to Article VII, paragraph 6 (d) that such changes be adopted, it shall as a rule also recommend pursuant to Article VII, paragraph 6 (g) that such changes enter into force upon notification by the Director-General of their approval.

25. The Director-General, in submitting to the Executive Council and States Parties information and evaluation in accordance with Article VII, paragraph 8 (b), shall include in the case of any proposal made pursuant to paragraph 24:
(a) A technical evaluation of the proposal;
(b) A statement on the administrative and financial impact of the proposal; and
(c) A report on consultations with States directly affected by the proposal, including indication of their agreement.

Temporary Arrangements

26. In cases of significant or irretrievable breakdown of a monitoring facility specified in the Tables of Annex 1 to the Protocol, or in order to cover other temporary reductions of monitoring coverage, the Director-General shall, in consultation and agreement with those States directly affected, and with the approval of the Executive Council, initiate temporary arrangements of no more than one year’s duration, renewable if necessary by agreement of the Executive Council and of the States directly affected for another year. Such arrangements shall not cause the number of operational facilities of the International Monitoring System to exceed the number specified for the relevant network; shall meet as far as possible the technical and operational requirements specified in the operational manual for the relevant
network; and shall be conducted within the budget of the Organization. The Director-General shall furthermore take steps to rectify the situation and make proposals for its permanent resolution. The Director-General shall notify all States Parties of any decision taken pursuant to this paragraph.

Cooperating National Facilities

27. States Parties may also separately establish cooperative arrangements with the Organization, in order to make available to the International Data Centre supplementary data from national monitoring stations that are not formally part of the International Monitoring System.

28. Such cooperative arrangements may be established as follows:
(a) Upon request by a State Party, and at the expense of that State, the Technical Secretariat shall take the steps required to certify that a given monitoring facility meets the technical and operational requirements specified in the relevant operational manuals for an International Monitoring System facility, and make arrangements for the authentication of its data. Subject to the agreement of the Executive Council, the Technical Secretariat shall then formally designate such a facility as a cooperating national facility. The Technical Secretariat shall take the steps required to revalidate its certification as appropriate;
(b) The Technical Secretariat shall maintain a current list of cooperating national facilities and shall distribute it to all States Parties and;
(c) The International Data Centre shall call upon data from cooperating national facilities, if so requested by a State Party, for the purposes of facilitating consultation and clarification and the consideration of on-site inspection requests, data transmission costs being borne by that State Party.

The conditions under which supplementary data from such facilities are made available, and under which the International Data Centre may request further or expedited reporting, or clarifications, shall be elaborated in the operational manual for the respective monitoring network.

C. Consultation and Clarification

29. Without prejudice to the right of any State Party to request an on-site inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, among themselves or with or through the Organization, any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty.

30. A State Party that receives a request pursuant to paragraph 29 directly from another State Party shall provide the clarification to the requesting State Party as soon as possible, but in any case no later than 48 hours after the request. The requesting and requested States Parties may keep the Executive Council and the Director-General informed of the request and the response.

31. A State Party shall have the right to request the Director-General to assist in clarifying any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. The Director-General shall provide appropriate information in the possession of the Technical Secretariat relevant to such a concern. The Director-General shall inform the Executive Council of the request and of the information provided in response, if so requested by the requesting State Party.

32. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. In such a case, the following shall apply:
(a) The Executive Council shall forward the request for clarification to the requested State Party through the Director-General no later than 24 hours after its receipt;
(b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case no later than 48 hours after receipt of the request;
(c) The Executive Council shall take note of the clarification and forward it to the requesting State Party no later than 24 hours after its receipt;
(d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain further clarification from the requested State Party.

The Executive Council shall inform without delay all other States Parties about any request for clarification pursuant to this paragraph as well as any response provided by the requested State Party.

33. If the requesting State Party considers the clarification obtained under paragraph 32 (d) to be unsatisfactory, it shall have the right to request a meeting of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. At such a meeting, the Executive Council shall consider the matter and may recommend any measure in accordance with Article V.

D. On-Site Inspections

Request for an On-Site Inspection

34. Each State Party has the right to request an on-site inspection in accordance with the provisions of this Article and Part II of the Protocol in the territory or in any other place under the jurisdiction or control of any State Party, or in any area beyond the jurisdiction or control of any State.

35. The sole Purpose of an on-site inspection shall be to clarify whether a nuclear weapon test explosion or any other nuclear explosion has been carried out in violation of Article I and, to the extent possible, to gather any fact which might assist in identifying any possible violator.

36. The requesting State Party shall be under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the request information in accordance with paragraph 37. The requesting State Party shall refrain from unfounded or abusive inspection requests.

37. The on-site inspection request shall be based on information collected by the International Monitoring System, on any relevant technical information obtained by national technical means of verification in a manner consistent with generally recognized principles of international law, or on a combination thereof. The request shall contain information pursuant to Part II, paragraph 41 of the Protocol.

38. The requesting State Party shall present the on-site inspection request to the Executive Council and at the same time to the Director-General for the latter to begin immediate processing.

Follow-up After Submission of an On-Site Inspection Request

39. The Executive Council shall begin its consideration immediately upon receipt of the on-site inspection request.

40. The Director-General, after receiving the on-site inspection request, shall acknowledge receipt of the request to the requesting State Party within two hours and communicate the request to the State Party sought to be inspected within six hours. The Director-General shall ascertain that the request meets the requirements specified in Part II, paragraph 41 of the Protocol, and, if necessary, shall assist the requesting State Party in filing the request accordingly, and shall communicate the request to the Executive Council and to all other states Parties within 24 hours.

41. When the on-site inspection request fulfills the requirements, the Technical Secretariat shall begin preparations for the on-site inspection without delay.

42. The Director-General, upon receipt of an on-site inspection request referring to an inspection area under the jurisdiction or control of a State Party, shall immediately seek clarification from the State Party sought to be inspected in order to clarify and resolve the concern raised in the request.

43. A State Party that receives a request for clarification pursuant to paragraph 42 shall provide the Director-General with explanations and with other relevant information available as soon as possible, but no later than 72 hours after receipt of the request for clarification.

44. The Director-General, before the Executive Council takes a decision on the on-site inspection request, shall transmit immediately to the Executive Council any additional information available from the International Monitoring System or provided by any State Party on the event specified in the request, including any clarification provided pursuant to paragraphs 42 and 43, as well as any other information from within the Technical Secretariat that the Director-General deems relevant or that is requested by the Executive Council.

45. Unless the requesting State Party considers the concern raised in the on-site inspection request to be resolved and withdraws the request, the Executive Council shall take a decision...
on the request in accordance with paragraph 46.

Executive Council Decisions

46. The Executive Council shall take a decision on the on-site inspection request no later than 96 hours after receipt of the request from the requesting State Party. The decision to approve the on-site inspection shall be made by at least 30 affirmative votes of members of the Executive Council. If the Executive Council does not approve the inspection, preparations shall be stopped and no further action on the request shall be taken.

47. No later than 25 days after the approval of the on-site inspection in accordance with paragraph 46, the inspection team shall transmit to the Executive Council, through the Director-General, a progress inspection report. The continuation of the inspection shall be considered approved unless the Executive Council, no later than 72 hours after receipt of the progress inspection report, decides by a majority of all its members not to continue the inspection. If the Executive Council decides not to continue the inspection, the inspection shall be terminated, and the inspection team shall leave the inspection area and the territory of the inspected State Party as soon as possible in accordance with Part II, paragraphs 109 and 110 of the Protocol.

48. In the course of the on-site inspection, the inspection team may submit to the Executive Council, through the Director-General, a proposal to conduct drilling. The Executive Council shall take a decision on such a proposal no later than 72 hours after receipt of the proposal. The decision to approve drilling shall be made by a majority of all members of the Executive Council.

49. The inspection team may request the Executive Council, through the Director-General, to extend the inspection duration by a maximum of 70 days beyond the 90 days time-frame specified in Part II, paragraph 4 of the Protocol, if the inspection team considers such an extension essential to enable it to fulfill its mandate. The inspection team shall indicate in its request which of the activities and techniques listed in Part II, paragraph 6 of the Protocol it intends to carry out during the extension period. The Executive Council shall take a decision on the extension request no later than 72 hours after receipt of the request. The decision to approve an extension of the inspection duration shall be made by a majority of all members of the Executive Council.

50. Any time following the approval of the continuation of the on-site inspection in accordance with paragraph 47, the inspection team may submit to the Executive Council, through the Director-General, a recommendation to terminate the inspection. Such a recommendation shall be considered approved unless the Executive Council, no later than 72 hours after receipt of the recommendation, decides by a two-thirds majority of all its members not to approve the termination of the inspection. In case of termination of the inspection, the inspection team shall leave the inspection area and the territory of the inspected State Party as soon as possible in accordance with Part I I, paragraphs 109 and 110 of the Protocol.

51. The requesting State Party and the State Party sought to be inspected may participate in the deliberations of the Executive Council on the on-site inspection request without voting. The requesting State Party and the inspected State Party may also participate without voting in any subsequent deliberations of the Executive Council related to the inspection.

52. The Director-General shall notify all States Parties within 24 hours about any decision by and reports, proposals, requests and recommendations to the Executive Council pursuant to paragraphs 46 to 50.

Follow-up after Executive Council Approval of an On-Site Inspection

53. An on-site inspection approved by the Executive Council shall be conducted without delay by an inspection team designated by the Director-General and in accordance with the provisions of this Treaty and the Protocol. The inspection team shall arrive at the point of entry no later than six days following the receipt by the Executive Council of the on-site inspection request from the requesting State Party.

54. The Director-General shall issue an inspection mandate for the conduct of the on-site inspection. The inspection mandate shall contain the information specified in Part II, paragraph 42 of the Protocol.

55. The Director-General shall notify the inspected State Party of the inspection no less than 24 hours before the planned arrival of the inspection team at the point of entry, in accordance with Part I I, paragraph 43 of the Protocol.

The Conduct of an On-Site Inspection

56. Each State Party shall permit the Organization to conduct an on-site inspection on its territory or at places under its jurisdiction or control in accordance with the provisions of this Treaty and the Protocol. However, no State Party shall have to accept simultaneous on-site inspections on its territory or at places under its jurisdiction or control.

57. In accordance with the provisions of this Treaty and the Protocol, the inspected State Party shall have:

(a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfill its mandate;
(b) The right to take measures it deems necessary to protect national security interests and to prevent disclosure of confidential information not related to the purpose of the inspection;
(c) The obligation to provide access within the inspection area for the sole purpose of determining facts relevant to the purpose of the inspection, taking into account sub-paragraph (b) and any constitutional obligations it may have with regard to proprietary rights or searches and seizures;
(d) The obligation not to invoke this paragraph or Part II, paragraph 88 of the Protocol to conceal any violation of its obligations under Article I; and
(e) The obligation not to impede the ability of the inspection team to move within the inspection area and to carry out inspection activities in accordance with this Treaty and the Protocol.

Access, in the context of an on-site inspection, means both the physical access of the inspection team and the inspection equipment to, and the conduct of inspection activities within, the inspection area.

58. The on-site inspection shall be conducted in the least intrusive manner possible, consistent with the efficient and timely accomplishment of the inspection mandate, and in accordance with the procedures set forth in the Protocol. Wherever possible, the inspection team shall begin with the least intrusive procedures and then proceed to more intrusive procedures only as it deems necessary to collect sufficient information to clarify the concern about possible non-compliance with this Treaty. The inspectors shall seek only the information and data necessary for the purpose of the inspection and shall seek to minimize interference with normal operations of the inspected State Party.

59. The inspected State Party shall assist the inspection team throughout the on-site inspection and facilitate its task.

60. If the inspected State Party, acting in accordance with Part II, paragraphs 86 to 96 of the Protocol, restricts access within the inspection area, it shall make every reasonable effort to consult with the inspection team to demonstrate through alternative means its compliance with this Treaty.

Observer

61. With regard to an observer, the following shall apply:

(a) The requesting State Party, subject to the agreement of the inspected State Party, may send a representative, who shall be a national either of the requesting State Party or of a third State Party, to observe the conduct of the on-site inspection;
(b) The inspected State Party shall notify its acceptance or non-acceptance of the proposed observer to the Director-General within 12 hours after approval of the on-site inspection by the Executive Council;
(c) In case of acceptance, the inspected State Party shall grant access to the observer in accordance with the Protocol;
(d) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the inspection report. There shall be no more than three observers from an aggregate of requesting States Parties.

Reports of an On-Site Inspection

62. Inspection reports shall contain:

(a) A description of the activities conducted by the inspection team;
(b) The factual findings of the inspection team relevant to the
In order to:

E. Confidence-Building Measures

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 fulfill 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 9.

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. 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 fulfills 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 fulfills 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

Depository
1. The Secretary-General of the United Nations shall be the Depository of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.
2. The Depository 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 Depository 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

Eastern Europe
Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean
Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Middle East and South Asia
Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Maldives, Oman, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

North America and Western Europe
Andorra, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Holy see, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

South East Asia, the Pacific and the Far East
Australia, Brunei Darussalam, Cambodia, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, New Zealand, Nue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Viet Nam.

Annex 2 to the Treaty

List of States Pursuant to Article XIV
List of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's April 1996 edition of Nuclear Power Reactors in the World, and of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's December 1995 edition of 'Nuclear Research Reactors in the World'.

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Zaire.

Protocol to the Comprehensive Nuclear Test-Ban Treaty

Part I — The International Monitoring System and International Data Centre Functions

A. General Provisions
1. The International Monitoring System shall comprise monitoring facilities as set out in Article IV, paragraph 16, and respective means of communication.
2. The monitoring facilities incorporated into the International Monitoring System shall consist of those facilities specified in Annex 1 to this Protocol. The International Monitoring System shall fulfill the technical and operational requirements specified in the relevant operational manuals.
3. The Organization, in accordance with Article II, shall, in cooperation and consultation with the States Parties, with other States, and with international organizations as appropriate, establish and coordinate the operation and maintenance, and any future agreed modification or development of the International Monitoring System.
4. In accordance with appropriate agreements or arrangements and procedures, a State Party or other State hosting or otherwise taking responsibility for International Monitoring System facilities and the Technical Secretariat shall agree and cooperate in establishing, operating, upgrading, financing, and maintaining monitoring facilities, related certified laboratories and respective means of communication within areas under its jurisdiction or control or elsewhere in conformity with international law. Such cooperation shall be in accordance with the security and authentication requirements and technical specifications contained in the relevant operational manuals. Such a State shall give the Technical Secretariat authority to access a monitoring facility for checking equipment and communication links, and shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements. The Technical Secretariat shall provide to such States appropriate technical assistance as is deemed by the Executive Council to be required for the proper functioning of the facility as part of the International Monitoring System.
5. Modalities for such cooperation between the Organization and States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall be set out in agreements or arrangements as appropriate in each case.

B. Seismological Monitoring
6. Each State Party undertakes to cooperate in an international
exchange of seismological data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of primary and auxiliary seismic monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

7. The network of primary stations shall consist of the 50 stations specified in Table 1-A of Annex 1 to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Uninterrupted data from the primary stations shall be transmitted, directly or through a national data centre, to the International Data Centre.

8. To supplement the primary network, an auxiliary network of 120 stations shall provide information, directly or through a national data centre, to the International Data Centre on request. The auxiliary stations to be used are listed in Table 1-B of Annex 1 to this Protocol. The auxiliary stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the auxiliary stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.

C. Radionuclide Monitoring

9. Each State Party undertakes to cooperate in an international exchange of data on radionuclides in the atmosphere to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of radionuclide monitoring stations and certified laboratories. The network shall provide data in accordance with agreed procedures to the International Data Centre.

10. The network of stations to measure radionuclides in the atmosphere shall comprise an overall network of 80 stations, as specified in Table 2-A of Annex 1 to this Protocol. All stations shall be capable of monitoring for the presence of relevant particulate matter in the atmosphere. Forty of these stations shall also be capable of monitoring for the presence of relevant noble gases upon the entry into force of this Treaty. For this purpose the Conference, at its initial session, shall approve a recommendation by the Preparatory Commission as to which 40 stations from Table 2-A of Annex 1 to this Protocol shall be capable of noble gas monitoring. At its first regular annual session, the Conference shall consider and decide on a plan for implementing noble gas monitoring capability throughout the network. The Director-General shall prepare a report to the Conference on the modalities for such implementation. All monitoring stations shall fulfil the technical and operational requirements specified in the Operational Manual for Radionuclide Monitoring and the International Exchange of Radionuclide Data.

11. The network of radionuclide monitoring stations shall be developed by laboratories, which shall be certified by the Technical Secretariat, and the performance and operational requirements specified in the Operational Manual for Radionuclide Monitoring and the International Exchange of Radionuclide Data.

D. Hydroacoustic Monitoring

12. Each State Party undertakes to cooperate in an international exchange of hydroacoustic data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of hydroacoustic monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

13. The network of hydroacoustic stations shall consist of the stations specified in Table 3 of Annex 1 to this Protocol, and shall comprise an overall network of six hydrophone and five T-phase stations. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data.

E. Infrasound Monitoring

14. Each State Party undertakes to cooperate in an international exchange of infrasound data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of infrasound monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

15. The network of infrasound stations shall consist of the stations specified in Table 4 of Annex 1 to this Protocol, and shall comprise an overall network of 60 stations. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

F. International Data Centre Functions

16. The International Data Centre shall receive, collect, process, analyze, report on and archive data from International Monitoring System facilities, including the results of analysis conducted at certified laboratories.

17. The procedures and standard event screening criteria to be used by the International Data Centre in carrying out its agreed functions, in particular for the production of standard reporting products and for the performance of standard range of services for States Parties, shall be elaborated in the Operational Manual for the International Data Centre and shall be progressively developed. The procedures and criteria developed initially by the Preparatory Commission shall be approved by the Conference at its initial session.

International Data Centre Standard Products

18. The International Data Centre shall apply on a routine basis automatic processing methods and interactive human analysis to raw International Monitoring System data in order to produce and archive standard International Data Centre products on behalf of all States Parties. These products shall be provided at no cost to States Parties and shall be without prejudice to final judgements with regard to the nature of any event, which shall remain the responsibility of States Parties, and shall include:

(a) Integrated lists of all signals detected by the International Monitoring System, as well as standard event lists and bulletins, including the values and associated uncertainties calculated for each event located by the International Data Centre, based on a set of standard parameters;

(b) Standard screened event bulletins that result from the application to each event by the International Data Centre of standard event screening criteria, making use of the characterisation parameters specified in Annex 2 to this Protocol, with the objective of characterising, highlighting in the standard event bulletin, and thereby screening out, events considered to be consistent with natural phenomena or non-nuclear, man-made phenomena. The standard event bulletin shall indicate numerically for each event the degree to which that event meets or does not meet the event screening criteria. In applying standard event screening, the International Data Centre shall use both global and supplementary screening criteria to take account of regional variations where applicable. The International Data Centre shall progressively enhance its technical capabilities as experience is gained in the operation of the International Monitoring System;

(c) Executive summaries, which summarise the data acquired and archived by the International Data Centre, the products of the International Data Centre, and the performance and operational status of the International Monitoring System and International Data Centre; and

(d) Extracts or subsets of the standard International Data Centre products specified in sub-paragraphs (a) to (c), selected according to the request of an individual State Party.

19. The International Data Centre shall carry out, at no cost to States Parties, special studies to provide in-depth, technical review by expert analysis of data from the International Monitoring System, if requested by the Organization or by a State Party, to
improve the estimated values for the standard signal and event parameters.

**International Data Centre Services to States Parties**

20. The International Data Centre shall provide States Parties with open, equal, timely and convenient access to all International Monitoring System data, raw or processed, all International Data Centre products, and all other International Monitoring System data in the archives of the International Data Centre or, through the International Data Centre, of International Monitoring System facilities. The methods for supporting data access and the provision of data shall include the following services:

(a) Automatic and regular forwarding to a State Party of the product of the International Data Centre or the selection by the State Party thereof, and, as requested, the selection by the State Party of International Monitoring System data;

(b) The provision of the data or products generated in response to a requests by States Parties for the retrieval from the International Data Centre and International Monitoring System facility archives of data and products, including interactive electronic access to the International Data Centre data base; and

(c) Assisting individual States Parties, at their request and at no cost for reasonable efforts, with expert technical analysis of International Monitoring System data and other relevant data provided by the requesting State Party, in order to help the State Party concerned to identify the source of specific events. The output of any such technical analysis shall be considered a product of the requesting State Party, but shall be available to all States Parties.

The International Data Centre services specified in sub-paragraphs (a) and (b) shall be made available at no cost to each State Party. The volumes and formats of data shall be set out in the Operational Manual for the International Data Centre.

**National Event Screening**

21. The International Data Centre shall, if requested by a State Party, apply to any of its standard products, on a regular and automatic basis, national event screening criteria established by that State Party, and provide the results of such analysis to that State Party. This service shall be undertaken at no cost to the requesting State Party. The output of such national event screening processes shall be considered a product of the requesting State Party.

**Technical Assistance**

22. The International Data Centre shall, where required, provide technical assistance to individual States Parties:

(a) In formulating their requirements for selection and screening of data and products;

(b) By installing at the International Data Centre, at no cost to a requesting State Party for reasonable efforts, computer algorithms or software provided by that State Party to compute new signal and event parameters that are not included in the International Monitoring System data and other relevant data provided by the requesting State Party, in order to help the State Party concerned to identify the source of specific events. The output of any such technical analysis shall be considered a product of the requesting State Party, but shall be available to all States Parties.

(c) By assisting States Parties to develop the capability to receive process and analyse International Monitoring System data at a national data centre.

23. The International Data Centre shall continuously monitor and report on the operational status of the International Monitoring System, of communications links, and of its own processing systems. It shall provide immediate notification to those responsible should the operational performance of any component fail to meet agreed levels set out in the relevant operational manual.

**Part II — On-Site Inspections**

**A. General Provisions**

1. The procedures in this Part shall be implemented pursuant to the provisions for on-site inspections set out in Article IV.

2. The on-site inspection shall be carried out in the area where the event that triggered the on-site inspection request occurred.

3. The area of an on-site inspection shall be continuous and its size shall not exceed 1000 square kilometers. There shall be no linear distance greater than 50 kilometers in any direction.

4. The duration of an on-site inspection shall not exceed 60 days from the date of the approval of the on-site inspection request in accordance with Article IV, paragraph 46, but may be extended by a maximum of 70 days in accordance with Article IV, paragraph 49.

5. If the inspection area specified in the inspection mandate extends to the territory or other place under the jurisdiction of control of more than one State Party, the provisions on on-site inspections shall, as appropriate, apply to each of the States Parties to which the inspection area extends.

6. In cases where the inspection area is under the jurisdiction or control of the inspected State Party but is located on the territory of another State Party or where the access from the point of entry to the inspection area requires transit through the territory of a State Party other than the inspected State Party, the inspected State Party shall exercise the rights and fulfill the obligations concerning such inspections in accordance with this Protocol. In such a case, the State Party on whose territory the inspection area is located shall facilitate the inspection and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner. States Parties through whose territory transit is required to reach the inspection area shall facilitate such transit.

7. In cases where the inspection area is under the jurisdiction or control of the inspected State Party but is located on the territory of a State not Party to this Treaty, the inspected State Party shall take all necessary measures to ensure that the inspection can be carried out in accordance with this Protocol. A State Party that has under its jurisdiction or control one or more areas on the territory of a State not Party to this Treaty shall take all necessary measures to ensure acceptance by the State on whose territory the inspection area is located of inspectors and inspection assistants designated to that State Party. If an inspected State Party is unable to ensure access, it shall demonstrate that it took all necessary measures to ensure access.

8. In cases where the inspection area is located on the territory of a State not Party but is under the jurisdiction or control of a State not Party to this Treaty, the State Party shall take all necessary measures required of an inspected State Party and a State Party on whose territory the inspection area is located, without prejudice to the rules and practices of international law, to ensure that the on-site inspection can be carried out in accordance with this Protocol. If the State Party is unable to ensure access to the inspection area, it shall demonstrate that it took all necessary measures to ensure access, without prejudice to the rules and practices of international law.

9. The size of the inspection team shall be kept to the minimum necessary for the proper fulfillment of the inspection mandate. The total number of members of the inspection team that are present on the territory of the inspected State Party at any given time, except during the conduct of drilling, shall not exceed 40 persons. No national of the requesting State Party to the inspected State Party shall be a member of the inspection team.

10. The Director-General shall determine the size of the inspection team and select its members from the list of inspectors and inspection assistants, taking into account the circumstances of a particular request.

11. The inspected State Party shall provide for or arrange the amenities necessary for the inspection team, such as communication means, interpretation services, transportation, working space, lodging, meals, and medical care.

12. The inspected State Party shall be reimbursed by the Organization, in reasonably short period of time after conclusion of the inspection, for all expenses, including those mentioned in paragraph 11 and 49, related to the stay and functional activities of the inspection team on the territory of the inspected State Party.

13. Procedures for the implementation of on-site inspections shall be detailed in the Operational Manual for On-Site Inspections.

**B. Standing Arrangements**

**Designation of Inspectors and Inspection Assistants**

14. An inspection team may consist of inspectors and inspection assistants. An on-site inspection shall only be carried out by qualified inspectors specially designated for this function. They may be assisted by specially designated inspection assistants, such as technical and administrative personnel, aircrew and interpreters.

15. Inspectors and inspection assistants shall be nominated for designation by the States Parties or, in case of staff of the Technical Secretariat, by the Director-General, on the basis of their
expertise and experience relevant to the purpose and functions of on-site inspections. The nominees shall be approved in advance by the States Parties in accordance with paragraph 18.

16. Each State Party, no later than 30 days after the entry into force of this Treaty for it, shall notify the Director-General of the names, dates of birth, sex, ranks, qualifications and professional experience of the persons proposed by the State Party for designation as inspectors and inspection assistants.

17. No later than 60 days after the entry into force of this Treaty, the Technical Secretariat shall communicate in writing to all States Parties an initial list of the names, nationalities, dates of birth, sex and ranks of the inspectors and inspection assistants proposed for designation by the Director-General and the States Parties, as well as a description of their qualifications and professional experience.

18. Each State Party shall immediately acknowledge receipt of the initial list of inspectors and inspection assistants proposed for designation. Any inspector or inspection assistant included in this list shall be regarded as accepted unless a State Party, no later than 30 days after acknowledgment of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection. In the case of non-acceptance, the proposed inspector or inspection assistant shall not undertake or participate in on-site inspection activities on the territory or in any other place under the jurisdiction or control of the State Party that has declared its non-acceptance. The Technical Secretariat shall immediately confirm receipt of the notification of objection.

19. Whenever additions or changes to the list of inspectors and inspection assistants are proposed by the Director-General or a State Party, replacement inspectors and inspection assistants shall be designated in the same manner and with respect to the initial list. Each State Party shall promptly notify the Technical Secretariat if an inspector or inspection assistant nominated by it can no longer fulfil the duties of an inspector or inspection assistant.

20. The Technical Secretariat shall keep the list of inspectors and inspection assistants up to date and notify all States Parties of additions or changes to the list.

21. A State Party requesting an on-site inspection may propose that an inspector from the list of inspectors and inspection assistants serve as its observer in accordance with Article IV, paragraph 61.

22. Subject to paragraph 23, a State Party shall have the right at any time to object to an inspector or inspection assistant who has already been accepted. It shall notify the Technical Secretariat of its objection in writing and may include the reason for the objection. Such objection shall come into effect 30 days after receipt of the notification by the Technical Secretariat. The Technical Secretariat shall immediately confirm receipt of the notification of objection and inform the objecting and nominating States Parties of the date on which the inspector or inspection assistant shall cease to be designated as such.

23. A State Party that has been notified of an inspection shall not seek the removal from the inspection team of any of the inspectors or inspection assistants named in the inspection mandate.

24. The number of inspectors and inspection assistants accepted by a State Party must be sufficient to allow for availability of appropriate numbers of inspectors and inspection assistants. If, in the opinion of the Director-General, the non-acceptance by a State Party of proposed inspectors or inspection assistants impedes the designation of a sufficient number of inspectors and inspection assistants or otherwise hampers the effective fulfilment of the purposes of an on-site inspection, the Director-General shall refer the issue to the Executive Council.

25. Each inspector included in the list of inspectors and inspection assistants of a State Party, no later than 30 days after such entry into force of this Treaty for the State Party, shall receive training as set forth in the Operational Manual for On-Site Inspections. The Technical Secretariat shall co-ordinate, in agreement with the States Parties, a schedule of training for the inspectors.

Privileges and Immunities

26. Following acceptance of the initial list of inspectors and inspection assistants as provided for in paragraph 18 or as subsequently altered in accordance with paragraph 19, each State Party shall be obliged to issue, in accordance with its national procedures and upon application by an inspector or inspection assistant, multiple entry/exit and/or transit visas and other relevant documents to enable each inspector and inspection assistant to enter and to remain on the territory of that State Party for the sole purpose of carrying out inspection activities. Each State Party shall issue the necessary visa or travel documents for this purpose no later than 48 hours after receipt of the application or immediately upon arrival of the inspection team at the point of entry on the territory of the State Party. Such documents shall be valid for as long as is necessary to enable the inspector or inspection assistant to remain on the territory of the inspected State Party for the sole purpose of carrying out the inspection activities.

27. To exercise their functions effectively, members of the inspection team shall be accorded privileges and immunities as set forth in sub-paragraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Treaty and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party, and thereafter with respect to acts previously performed in the exercise of their official functions.

(a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961;

(b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Treaty shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations;

(c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations;

(d) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Treaty and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations;

(e) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations;

(f) The members of the inspection team carrying out prescribed activities pursuant to this Treaty shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations;

(g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations;

(h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions; and

(i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party.

28. When transiting the territory of States Parties other than the inspected State Party, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment carried by them, shall be accorded the privileges and immunities set forth in paragraph 27 (c) and (d).

29. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held
between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

30. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Treaty. Waiver must always be express.

31. Observers shall be accorded the same privileges and immunities accorded to members of the inspection team pursuant to this section, except for those accorded pursuant to paragraph 27 (d).

**Points of Entry**

32. Each State Party shall designate its points of entry and shall supply the required information to the Technical Secretariat no later than 30 days after this Treaty enters into force for it. These points of entry shall be such that the inspection team can reach any inspection area from at least one point of entry within 24 hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat. Points of entry may also serve as points of exit.

33. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective 30 days after the Technical Secretariat receives such notification, to allow appropriate notification to all States Parties.

34. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

**Arrangements for Use of Non-Scheduled Aircraft**

35. Where timely travel to the point of entry is not feasible using scheduled commercial flights, an inspection team may utilize non-scheduled aircraft. No later than 30 days after this Treaty enters into force for it each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting an inspection team and equipment necessary for inspection. Aircraft routings shall be along established international airways that are agreed upon between the State Party and the Technical Secretariat as the basis for such diplomatic clearance.

**Approved Inspection Equipment**

36. The Conference, at its initial session, shall consider and approve a list of equipment for use during on-site inspections. Each State Party may submit proposals for the inclusion of equipment in the list. Specifications for the use of the equipment, as detailed in the Operational Manual for On-Site Inspections, shall take account of safety and confidentiality considerations where such equipment is likely to be used.

37. The equipment for use during on-site inspections shall consist of core equipment for the inspection activities and techniques specified in paragraph 69 and auxiliary equipment necessary for the effective and timely conduct of on-site inspections.

38. The Technical Secretariat shall ensure that all types of approved equipment are available for on-site inspections when required. When required for an on-site inspection, the Technical Secretariat shall duly certify that the equipment has been calibrated, maintained and protected. To facilitate the checking of the equipment at the point of entry by the inspected State Party, the Technical Secretariat shall provide documentation and attach seals to authenticate the certification.

39. Any permanently held equipment shall be in the custody of the Technical Secretariat. The Technical Secretariat shall be responsible for the maintenance and calibration of such equipment.

40. As appropriate, the Technical Secretariat shall make arrangements with States Parties to provide equipment mentioned in the list. Such States Parties shall be responsible for the maintenance and calibration of such equipment.

### C. On-Site Inspection Request, Inspection Mandate and Notification Of Inspection

**On-Site Inspection Request**

41. Pursuant to Article IV, paragraph 37, the on-site inspection request shall contain at least the following information:

(a) The estimated geographical and vertical co-ordinates of the location of the event that triggered the request with an indication of the possible margin of error;

(b) The proposed boundaries of the area to be inspected, specified on a map and in accordance with paragraphs 2 and 3;

(c) The State Party or States Parties to be inspected or an indication that the area to be inspected or part thereof is beyond the jurisdiction or control of any State;

(d) The probable environment of the event that triggered the request;

(e) The estimated time of the event that triggered the request with indication of the possible margin of error;

(f) All data upon which the request is based;

(g) The personal details of the proposed observer, if any; and

(h) The results of a consultation and clarification process in accordance with Article IV, or an explanation, if relevant, of the reasons why such a consultation and clarification process has not been carried out.

**Inspection Mandate**

42. The mandate for an on-site inspection shall contain:

(a) The decision of the Executive Council on the on-site inspection request;

(b) The name of the State Party or States Parties to be inspected or an indication that the inspection area or part thereof is beyond the jurisdiction or control of any State;

(c) The location and boundaries of the inspection area specified on a map, taking into account all information on which the request was based and all other available technical information, in consultation with the requesting State Party;

(d) The planned types of activity of the inspection team in the inspection area;

(e) The point of entry to be used by the inspection team;

(f) Any transit or basing points, as appropriate;

(g) The name of the head of the inspection team;

(h) The names of members of the inspection team;

(i) The name of the proposed observer, if any; and

(j) The list of equipment to be used in the inspection area. If a decision by the Executive Council pursuant to Article IV, paragraphs 46 to 49 necessitates a modification of the inspection mandate, the Director-General may update the mandate with respect to sub-paragraphs (d), (h) and (j), as appropriate. The Director-General shall immediately notify the inspected State Party of any such modification.

**Notification of Inspection**

43. The notification made by the Director-General pursuant to Article IV, paragraph 55 shall include the following information:

(a) The inspection mandate;

(b) The date and estimated time of arrival of the inspection team at the point of entry;

(c) The means of arrival at the point of entry;

(d) If appropriate, the standing diplomatic clearance number for non-scheduled aircraft; and

(e) A list of any equipment which the Director-General requests the inspected State Party to make available to the inspection team for use in the inspection area.

44. The inspected State Party shall acknowledge receipt of the notification by the Director-General no later than 12 hours after having received the notification.

### D. Pre-Inspection Activities

**Entry Into the Territory of the Inspected State Party. Activities at the Point of Entry and Transfer to the Inspection Area**

45. The inspected State Party that has been notified of the arrival of the inspection team shall ensure the immediate entry of the inspection team into its territory.

46. When a non-scheduled aircraft is used for travel to the point of entry, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the flight
of the aircraft from the last airfield prior to entering the airspace of that State Party to the point of entry, no less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the provisions of the International Civil Aviation Organization applicable to civil aircraft. The Technical Secretariat shall include in the remarks section of the flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft. If a military aircraft is used, the Technical Secretariat shall request prior authorization from the inspected State Party to enter its airspace.

47. No less than three hours before the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the inspected State Party, the inspected State Party shall ensure that the flight plan filed in accordance with paragraph 46 is approved, so that the inspection team may arrive at the point of entry by the estimated arrival time.

48. Where necessary, the head of the inspection team and the representative of the inspected State Party shall agree on a basing point and a flight plan from the point of entry to the basing point and, if necessary, to the inspection area.

49. The inspected State Party shall provide for or arrange parking, security protection, servicing and fuel as required by the Technical Secretariat for the aircraft of the inspection team at the point of entry and, where necessary, at the basing point and at the inspection area. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. This paragraph shall also apply to aircraft used for overnight during the on-site inspection.

50. Subject to paragraph 51, there shall be no restriction by the inspected State Party on the inspection team bringing approved equipment that is in conformity with the inspection mandate into the territory of that State Party, or on its use in accordance with the provisions of the Treaty and this Protocol.

51. The inspected State Party shall have the right, without prejudice to the time-frame specified in paragraph 54, to check in the presence of inspection team members at the point of entry that the equipment has been approved and certified in accordance with paragraph 38. The inspected State Party may exclude equipment that is not in conformity with the inspection mandate or that has not been approved and certified in accordance with paragraph 38.

52. Immediately upon arrival at the point of entry and without prejudice to the time-frame specified in paragraph 54, the head of the inspection team shall present to the representative of the inspected State Party the inspection mandate and an initial inspection plan prepared by the inspections team specifying the activities to be carried out by it. The inspection team shall be briefed by representatives of the inspected State Party with aid of maps and other documentation as appropriate. The briefing shall include relevant natural terrain features, safety and confidentiality issues, and logistical arrangements for the inspection. The inspected State Party may indicate locations within the inspection area that, in its view, are not related to the purpose of the inspection.

53. After the pre-inspection briefing, the inspection team shall, as appropriate, modify the initial inspection plan, taking into account any comments by the inspected State Party. The modified inspection plan shall be made available to the representative of the inspected State Party.

54. The inspected State Party shall do everything in its power to provide assistance and to ensure the safe conduct of the inspection team, the approved equipment specified in paragraphs 50 and 51 and baggage from the point of entry to the inspection area no later than 36 hours after arrival at the point of entry, if no other timing has been agreed upon within the time-frame specified in paragraph 57.

55. To confirm that the area to which the inspection team has been transported corresponds to the inspection area specified in the inspection mandate, the inspection team shall have the right to use approved location-finding equipment. The inspected State Party shall assist the inspection team in this task.

E. Conduct Of Inspections

General Rules

56. The inspection team shall discharge its functions in accordance with the provisions for the Treaty and this Protocol. The inspection team shall begin its inspection activities in the inspection area as soon as possible, but in no case later than 72 hours after arrival at the point of entry.

58. The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State Party and disturbance to the inspection area.

59. In cases where the inspected State Party has been requested, pursuant to paragraph 43 (e) or in the course of the inspection, to make available any equipment for use by the inspection team in the inspection area, the inspected State Party shall comply with the request to the extent it can.

60. During the on-site inspection the inspection team shall have, inter alia:

(a) The right to determine how the inspection will proceed, consistent with the inspection mandate and taking into account any steps taken by the inspected State Party consistent with the provisions on managed access;
(b) The right to modify the inspection plan, as necessary, to ensure the effective execution of the inspection;
(c) The obligation to take into account the recommendations and suggested modifications by the inspected State Party to the inspection plan;
(d) The right to request clarifications in connection with ambiguities that may arise during the inspection;
(e) The obligation to use only those techniques specified in paragraph 68 and to refrain from activities that are not relevant to the purpose of the inspection. The team shall collect and document such facts as are related to the purpose of the inspection, but shall neither seek nor document information that is clearly unrelated thereto. Any material collected and subsequently found not to be relevant shall be returned to the inspected State Party;
(f) The obligation to take into account and include in its report date and explanations on the nature of the event that triggered the request, provided by the inspected State Party from the national monitoring networks of the inspected State Party and from other sources;
(g) The obligation to provide the inspected State Party, at its request, with copies of the information and data collected in the inspection area; and
(h) The obligation to respect the confidentiality and the safety and health regulations of the inspected State Party.

61. During the on-site inspection the inspected State Party shall have, inter alia:

(a) The right to make recommendations at any time to the inspection team regarding possible modification of the inspection plan;
(b) The right and the obligation to provide a representative to liaise with the inspection team;
(c) The right to have representatives accompany the inspection team during the performance of its duties and observe all inspection activities carried out by the inspection team. This shall not delay or otherwise hinder the inspection team in the exercise of its functions;
(d) The right to provide additional information and to request the collection and documentation of additional facts it believes are relevant to the inspection;
(e) The right to examine all photographic and measurement products as well as samples and to retain any photographs or parts thereof showing sensitive sites not related to the purpose of the inspection. The inspected State Party shall have the right to receive duplicate copies of all photographic and measurement products. The inspected State Party shall have the right to retain photographic originals and first-generation photographic products and to put photographs or parts thereof under joint seal within its territory. The inspected State Party shall have the right to provide its own camera operator to take still/video photographs as requested by the inspection team. Otherwise, these functions shall be performed by members of the inspection team;
(f) The right to provide the inspection team, from its national monitoring networks and from other sources, with data and explanations on the nature of the event that triggered the request; and
(g) The obligation to provide the inspection team with such clarification as may be necessary to resolve any ambiguities that arise during the inspection.
other and with the Technical Secretariat. For this purpose they may use their own duty approve and certified equipment with the consent of the inspected State Party to the extent that the inspected State Party does not provide them with access to other telecommunication.

Observer

63. In accordance with Article IV, paragraph 61, the requesting State Party shall liaise with the Technical Secretariat to co-ordinate the arrival of the observer at the same point of entry or basing point as the inspection team within a reasonable period of the arrival of the inspection team.

64. The observer shall have the right throughout the inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself.

65. The observer shall have the right to arrive at the inspection area and to have access to and within the inspection area as granted by the inspected State Party.

66. The observer shall have the right to make recommendations to the inspection team throughout the inspection.

67. Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

68. Throughout the inspection, the inspected State Party shall provide or arrange for the amenities necessary for the observer similar to those enjoyed by the inspection team as described in paragraph 11. All costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

Inspection Activities and Techniques

69. The following inspection activities may be conducted and technique used, in accordance with the provisions on managed access, on collection, handling and analysis of samples, and on overflights:

(a) Position finding from the air and at the surface to confirm the boundaries of the inspection area and establish co-ordinates of locations therein, in support of the inspection activities;

(b) Visual observation, video and still photography and multi-spectral imaging, including infrared measurements, at and below the surface, and from the air, to search for anomalies or artefacts;

(c) Measurement of levels of radioactivity above, at and below the surface, using gamma radiation monitoring and energy resolution analysis from the air, and at or under the surface, to search for and identify radiation anomalies;

(d) Environmental sampling and analysis of solids, liquids and gases from above, at and below the surface to detect anomalies;

(e) Passive seismological monitoring for aftershocks to localize the search area and facilitate determination of the nature of an event;

(f) Resonance seismometry and active seismic surveys to search for and locate underground anomalies, including cavities and rubble zones;

(g) Magnetic and gravitational field mapping, ground penetrating radar and electrical conductivity measurements at the surface and from the air, as appropriate, to detect anomalies or artefacts; and

(h) Drilling to obtain radioactive samples.

70. Up to 25 days after the approval of the on-site inspection in accordance with Article IV, paragraph 46, the inspection team shall have the right to conduct any of the activities and use any of the techniques listed in paragraph 69 (a) to (f). Following the approval of the continuation of the inspection in accordance with Article IV, paragraph 47, the inspection team shall have the right to conduct any of the activities and use any of the techniques listed in paragraph 69 (a) to (g). The inspection team shall only conduct drilling after the approval of the Executive Council in accordance with Article IV, paragraph 48. If the inspection team requests an extension of the inspection duration in accordance with Article IV, paragraph 49, it shall indicate in its request which of the activities and techniques listed in paragraph 69 it intends to carry out in order to be able to fulfil its mandate.

Overflights

71. The inspection team shall have the right to conduct an overflight over the inspection area during the on-site inspection for the purposes of providing the inspection team with a general orientation of the inspection area, narrowing down and optimizing the locations for ground-based inspection and facilitating the collection of factual evidence, using equipment specified in paragraph 79.

72. The overflight shall be conducted as soon as practically possible. The total duration of the overflight over the inspection area shall be no more than 12 hours.

73. Additional overflights using equipment specified in paragraphs 79 and 80 may be conducted subject to the agreement of the inspected State Party.

74. The area to be covered by overflights shall not extend beyond the inspection area.

75. The inspected State Party shall have the right to impose restrictions or, in exceptional cases and with reasonable justification, prohibitions on the overflight of sensitive sites not related to the purpose of the inspection. Restrictions may relate to the flight altitude, the number of passes and circling, the duration of hovering, the type of aircraft, the number of inspectors on board, and the type of measurements or observations. If the inspection team considers that the restrictions or prohibitions on the overflight of sensitive sites may impede the fulfilment of its mandate, the inspected State Party shall make every reasonable effort to provide alternative means of inspection.

76. Overflights shall be conducted according to a flight plan duly filed and approved in accordance with aviation rules and regulations of the inspected State Party. Flight safety regulations of the inspected State Party shall be strictly observed throughout all flying operations.

77. During overflights landing should normally be authorized only for purposes of staging or refueling.

78. Overflights shall be conducted at altitudes as requested by the inspection team consistent with the activities to be conducted, visibility conditions, as well as the aviation and the safety regulations of the inspected State Party and its right to protect sensitive information not related to the purposes of the inspection. Overflights shall be conducted up to a maximum altitude of 1500 metres above the surface.

79. For the overflight conducted pursuant to paragraphs 71 and 72, the following equipment may be used on board the aircraft:

(a) Field glasses;

(b) Passive location-finding equipment;

(c) Video cameras; and

(d) Hand-held still cameras.

80. For any additional overflights conducted pursuant to paragraph 73, inspectors on board the aircraft may also use portable, easily installed equipment for:

(a) Multi-spectral (including infrared) imagery;

(b) Gamma spectroscopy; and

(c) Magnetic field mapping.

81. Overflights shall be conducted with a relatively slow fixed or rotary wing aircraft. The aircraft shall afford a broad, unobstructed view of the surface below.

82. The inspected State Party shall have the right to provide its own aircraft, pre-equipped as appropriate in accordance with the technical requirements of the relevant operational manual, and crew. Otherwise, the aircraft shall be provided or rented by the Technical Secretariat.

83. If the aircraft is provided or rented by the Technical Secretariat, the inspected State Party shall have the right to check the aircraft to ensure that it is equipped with approved inspection equipment. Such checking shall be completed within the time frame specified in paragraph 57.

84. Personnel on board the aircraft shall consist of:

(a) The minimum number of flight crew consistent with the safe operation of the aircraft;

(b) Up to four members of the inspection team;

(c) Up to two representatives of the inspected State Party;

(d) An observer, if any, subject to the agreement of the inspected State Party; and

(e) An interpreter, if necessary.

85. Procedures for the implementation of overflights shall be detailed in the Operational Manual for On-Site Inspections.
Managed Access

86. The inspection team shall have the right to access the inspection area in accordance with the provisions of this Protocol.

87. The inspected State Party shall provide access within the inspection area, in accordance with the time-frame specified in paragraph 57.

88. Pursuant to Article IV, paragraph 57 and paragraph 86 above, the rights and obligations of the inspected State Party shall include:

a. The right to take measures to protect sensitive installations at locations in accordance with this Protocol;

b. The right of transit as necessary to conduct its inspection up to the boundary of the restricted-access site.

c. The right to shroud or otherwise protect sensitive equipment, objects and materials not related to the purpose of the inspection.

d. The right to prohibit access to the entrance to a mine, other excavations, or caverns of large volume not otherwise accessible.

90. Access to buildings and other structures shall be deferred until after the approval of the continuation of the on-site inspection in accordance with Article IV, paragraph 47, except for access to buildings and other structures housing the entrance to a mine, other excavations, or caverns of large volume not otherwise accessible. For such buildings and structures, the inspection team shall have the right only of transit, as directed by the inspected State Party, in order to enter such mines, caverns or other excavations.

91. If, following the approval of the continuation of the inspection in accordance with Article IV, paragraph 47, the inspection team demonstrates credibly to the inspected State Party that access to buildings and other structures is necessary to fulfil the inspection mandate and that the necessary activities authorized in the mandate could not be carried out from the outside, the inspection team shall have the right to gain access to such buildings or other structures. The head of the inspection team shall request access to a specific building or structure indicating the purpose of such access, the specific number of inspectors, as well as the intended activities. The modalities for access shall be subject to negotiation between the inspection team and the inspected State Party. The inspected State Party shall have the right to impose restrictions or, in exceptional cases and with reasonable justification, prohibitions, on the access to buildings and other structures.

92. When restricted-access sites are declared pursuant to paragraph 89 (e), each such site shall be no larger than four square kilometres. The inspected State Party has the right to declare up to 50 square kilometres of restricted-access sites. If more than one restricted-access site is declared, each such site shall be separated from any other such site by a minimum distance of 20 metres. Each restricted-access site shall have clearly defined and accessible boundaries.

93. The size, location, and boundaries of restricted-access sites shall be presented to the head of the inspection team no later than the time that the inspection team seeks access to a location that contains all or part of such a site.

94. The inspection team shall have the right to place equipment and take other steps necessary to conduct its inspection up to the boundary of a restricted-access site.

95. The inspection team shall be permitted to observe visually all open places within the restricted-access site from the boundary of the site.

96. The inspection team shall make every reasonable effort to fulfill the inspection mandate outside the declared restricted-access sites prior to requesting access to such sites. If at any time the inspection team demonstrates credibly to the inspected State Party that the necessary activities authorized in the mandate could not be carried out from the outside and that access to a restricted-access site is necessary to fulfill the mandate, some members of the inspection team shall be granted access to accomplish specific tasks within the site. The inspected State Party shall have the right to shroud or otherwise protect sensitive equipment, objects and materials not related to the purpose of the inspection. The number of inspectors shall be kept to the minimum necessary to complete the tasks related to the inspection. The modalities for such access shall be subject to negotiation between the inspection team and the inspected State Party.

Collection, Handling and Analysis of Samples

97. Subject to paragraphs 86 to 96 and 98 to 100, the inspection team shall have the right to collect and remove relevant samples from the inspection area.

98. Whenever possible, the inspection team shall analyse samples on-site. Representatives of the inspected State Party shall have the right to be present when samples are analyzed on-site. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site. The inspection team shall have the right to transfer samples for off-site analysis at laboratories designated by the Organization only if it demonstrates that the necessary sample analysis can not be performed on-site.

99. The inspection team shall have the right to retain portions of all samples collected when these samples are analysed and may take duplicate samples. The inspected State Party shall have the right to request that any unused samples or portions thereof be returned.

100. The designated laboratories shall conduct chemical and physical analysis of the samples transferred for off-site analysis. Details of such analysis shall be elaborated in the Operational Manual for On-Site Inspections.

101. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for off-site analysis is protected. The Director-General shall do so in accordance with procedures contained in the Operational Manual for On-Site Inspections. The Director-General shall in any case:

a. Establish a stringent regime governing the collection, handling, transport and analysis of samples; and

b. Certify the laboratories designated to perform different types of analysis; and

c. Oversee the standardization of equipment and procedures at these designated laboratories and of mobile analytical equipment and procedures; and

d. Monitor quality control and overall standards in relation to the certification of these laboratories and in relation to mobile equipment and procedures; and

e. Select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

102. When off-site analysis is to be performed, samples shall be analyzed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples or portions thereof shall be returned to the Technical Secretariat.

103. The Technical Secretariat shall compile the results of the laboratory analysis of samples relevant to the purpose of the inspection. Pursuant to Article IV, paragraph 63, the Director-General shall transmit any such results promptly to the inspected State Party for comments and thereafter to the Executive Council and to all other States Parties and shall include detailed information concerning the equipment and methodology employed by the designated laboratories.

Conduct of Inspections in Areas beyond the Jurisdiction or Control of any State
105. In case of an on-site inspection in an area beyond the jurisdiction or control of any State, the Director-General shall consult with the appropriate States Parties and agree on any transit or basing points to facilitate a speedy arrival of the inspection team in the inspection area.

106. The States Parties on whose territory transit or basing points are located shall, as far as possible, assist in facilitating the inspection, including transporting the inspection team, its baggage and equipment to the inspection area, as well as providing the relevant amenities specified in paragraph 11. The Organization shall reimburse assisting States Parties for all costs incurred.

107. Subject to the approval of the Executive Council, the Director-General may negotiate standing arrangements with States Parties to facilitate assistance in the event of an on-site inspection in an area beyond the jurisdiction or control of any State.

108. In cases where one or more States Parties have conducted an investigation of an ambiguous event in an area beyond the jurisdiction or control of any State before a request is made for an on-site inspection in that area, any results of such investigation may be taken into account by the Executive Council in its deliberations pursuant to Article IV.

Post-Inspection Procedures

109. Upon conclusion of the inspection, the inspection team shall meet with the representative of the inspected State Party to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide the representative of the inspected State Party with its preliminary findings in written form according to a standardized format, together with a list of any samples and other material taken from the inspection area pursuant to paragraph 98. The document shall be signed by the head of the inspection team. In order to indicate that he or she has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. The meeting shall be completed no later than 24 hours after the conclusion of the inspection.

Departure

110. Upon completion of the Post-inspection procedures, the inspection team and the observer shall leave, as soon as possible, the territory of the inspected State Party. The inspected State Party shall do everything in its power to provide assistance and to ensure the safe conduct of the inspection team, equipment and baggage to the point of exit. Unless agreed otherwise by the inspected State Party and the inspection team, the point of exit used shall be the same as the point of entry.

Part III — Confidence-Building Measures

1. Pursuant to Article IV, paragraph 68, each State Party shall, on a voluntary basis, provide the Technical Secretariat with notification of any chemical explosion using 300 tonnes or greater of TNT-equivalent blasting material detonated as a single explosion anywhere on its territory, or at any place under its jurisdiction or control. If possible, such notification shall be provided in advance. Such notification shall include details on location, time, quantity and type of explosive used, as well as on the configuration and intended purpose of the blast.

2. Each State Party shall, on a voluntary basis, as soon as possible after the entry into force of this Treaty provide to the Technical Secretariat, and at annual intervals thereafter, update, information related to its national use of all other chemical explosions greater than 300 tonnes TNT-equivalent. In particular, the State Party shall seek to advise:
   (a) The geographic locations of sites where the explosions originate;
   (b) The nature of activities producing them and the general profile and frequency of such explosions;
   (c) Any other relevant detail, if available; and
   (d) Comparative measures to other events and groups of events.

3. A State Party may, on a voluntary and mutually-acceptable basis, invite representatives of the Technical Secretariat or of other States Parties to visit sites within its territory referred to in paragraphs 1 and 2.

4. For the purpose of calibrating the International Monitoring System, States Parties may liaise with the Technical Secretariat to carry out chemical calibration explosions or to provide relevant information on chemical explosions planned for other purposes.

Annex 1 to the Protocol

Table 1-A — List of Seismological Stations Compromising the Primary Network

Table 1-B List of Seismological Stations Comprising the Auxiliary Network

Table 2-A List of Radionuclide Stations

Table 2-B List of Radionuclide Laboratories

Table 3 List of Hydroacoustic Stations

Table 4 List of Infrasound Station

(Appendices not available in digital format)

[The full tables can be found at: http://pws.ctbto.org/treaty/treaty_text.pdf pp.158-188]

Annex 2 to the Protocol

List of Characterisation Parameters for International Data Centre Standard Event Screening

1. The International Data Centre standard event screening criteria shall be based on the standard event characterisation parameters determined during the combined processing of data from all the monitoring technologies in the International Monitoring System. Standard event screening shall make use of both global and supplementary screening criteria to take account of regional variations where applicable.

2. For events detected by the International Monitoring System seismic component, the following parameters, inter alia, may be used:
   - location of the event;
   - depth of the event;
   - ratio of the magnitude of surface waves to body waves;
   - signal frequency content;
   - spectral ratios of phases;
   - spectral scalloping;
   - first motion of the P-wave;
   - focal mechanism;
   - relative excitation of seismic phases;
   - comparative measures to other events and groups of events;
   - regional discriminants where applicable.

3. For events detected by the International Monitoring System hydroacoustic component, the following parameters, inter alia, may be used:
   - signal frequency content including corner frequency, wide-band energy and mean Centre frequency and bandwidth;
   - frequency-dependent duration of signals;
   - spectral ratio; and
   - indications of bubble-pulse signals and bubble-pulse delay.

4. For events detected by the International Monitoring System infrasound component, the following parameters, inter alia, may be used:
   - signal frequency content and dispersion;
   - signal duration; and
   - peak amplitude.

5. For events detected by the International Monitoring System radionuclide component, the following parameters, inter alia, may be used:
   - concentration of background natural and man-made radionuclides;
   - concentration of specific fission and activation products outside normal observations; and
   - ratios of one specific fission and activation product to another.
<table>
<thead>
<tr>
<th>State</th>
<th>Signature Date</th>
<th>Ratification Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>24 SEP 2003</td>
<td>24 SEP 2003</td>
</tr>
<tr>
<td>Albania</td>
<td>27 SEP 1996</td>
<td>23 APR 2003</td>
</tr>
<tr>
<td>Algeria</td>
<td>15 OCT 1996</td>
<td>11 JUL 2003</td>
</tr>
<tr>
<td>Andorra</td>
<td>24 SEP 1996</td>
<td>12 JUL 2006</td>
</tr>
<tr>
<td>Angola</td>
<td>27 SEP 1996</td>
<td></td>
</tr>
<tr>
<td>Antigua and Barbuda</td>
<td>16 APR 1997</td>
<td>11 JAN 2006</td>
</tr>
<tr>
<td>Argentina</td>
<td>24 SEP 1996</td>
<td>04 DEC 1998</td>
</tr>
<tr>
<td>Armenia</td>
<td>01 OCT 1996</td>
<td>12 JUL 2006</td>
</tr>
<tr>
<td>Australia</td>
<td>24 SEP 1996</td>
<td>09 JUL 1998</td>
</tr>
<tr>
<td>Austria</td>
<td>24 SEP 1996</td>
<td>13 MAR 1998</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>28 JUL 1997</td>
<td>02 FEB 1999</td>
</tr>
<tr>
<td>Bahamas</td>
<td>04 FEB 2005</td>
<td>30 NOV 2007</td>
</tr>
<tr>
<td>Bahrain</td>
<td>24 SEP 1996</td>
<td>12 APR 2004</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>24 OCT 1996</td>
<td>08 MAR 2000</td>
</tr>
<tr>
<td>Barbados</td>
<td>14 JAN 2008</td>
<td>14 JAN 2008</td>
</tr>
<tr>
<td>Belarus</td>
<td>24 SEP 1996</td>
<td>13 SEP 2000</td>
</tr>
<tr>
<td>Belgium</td>
<td>24 SEP 1996</td>
<td>29 JUN 1999</td>
</tr>
<tr>
<td>Belize</td>
<td>14 NOV 2001</td>
<td>26 MAR 2004</td>
</tr>
<tr>
<td>Benin</td>
<td>27 SEP 1996</td>
<td>06 MAR 2001</td>
</tr>
<tr>
<td>Bhutan</td>
<td>24 SEP 1996</td>
<td>04 OCT 1999</td>
</tr>
<tr>
<td>Bolivia</td>
<td>24 SEP 1996</td>
<td>26 OCT 2006</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>24 SEP 1996</td>
<td>28 OCT 2002</td>
</tr>
<tr>
<td>Botswana</td>
<td>16 SEP 2002</td>
<td>28 OCT 2002</td>
</tr>
<tr>
<td>Brazil</td>
<td>24 SEP 1996</td>
<td>24 JUL 1998</td>
</tr>
<tr>
<td>Brunei Darussalam</td>
<td>22 JAN 1997</td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>24 SEP 1996</td>
<td>29 SEP 1999</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>27 SEP 1996</td>
<td>17 APR 2002</td>
</tr>
<tr>
<td>Burundi</td>
<td>24 SEP 1996</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>25 SEP 1996</td>
<td>10 NOV 2000</td>
</tr>
<tr>
<td>Cameroon</td>
<td>16 NOV 2001</td>
<td>06 FEB 2006</td>
</tr>
<tr>
<td>Canada</td>
<td>24 SEP 1996</td>
<td>18 DEC 1998</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>01 OCT 1996</td>
<td>01 MAR 2006</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>19 DEC 2001</td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td>08 OCT 1996</td>
<td></td>
</tr>
<tr>
<td>Chile</td>
<td>24 SEP 1996</td>
<td>12 JUL 2000</td>
</tr>
<tr>
<td>China</td>
<td>24 SEP 1996</td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>24 SEP 1996</td>
<td>29 JAN 2008</td>
</tr>
<tr>
<td>Comoros</td>
<td>12 DEC 1996</td>
<td></td>
</tr>
<tr>
<td>Congo</td>
<td>11 FEB 1997</td>
<td></td>
</tr>
<tr>
<td>Cook Islands</td>
<td>05 DEC 1997</td>
<td>06 SEP 2005</td>
</tr>
<tr>
<td>Cote d'Ivoire</td>
<td>25 SEP 1996</td>
<td>11 MAR 2003</td>
</tr>
<tr>
<td>Croatia</td>
<td>24 SEP 1996</td>
<td>02 MAR 2001</td>
</tr>
<tr>
<td>Cuba</td>
<td>24 SEP 1996</td>
<td>18 JUL 2003</td>
</tr>
<tr>
<td>Cyprus</td>
<td>12 NOV 1996</td>
<td>11 SEP 1997</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>04 OCT 1996</td>
<td>28 SEP 2004</td>
</tr>
<tr>
<td>Chad</td>
<td>04 OCT 1996</td>
<td>28 SEP 2004</td>
</tr>
<tr>
<td>Denmark</td>
<td>24 SEP 1996</td>
<td>21 DEC 1998</td>
</tr>
<tr>
<td>Djibouti</td>
<td>21 OCT 1996</td>
<td>15 JUL 2005</td>
</tr>
<tr>
<td>Dominica</td>
<td>24 SEP 1996</td>
<td>12 NOV 2001</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>02 OCT 1996</td>
<td>4 SEP 2007</td>
</tr>
<tr>
<td>Egypt</td>
<td>14 OCT 1996</td>
<td></td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>09 OCT 1996</td>
<td></td>
</tr>
<tr>
<td>Eritrea</td>
<td>11 NOV 2003</td>
<td>11 NOV 2003</td>
</tr>
<tr>
<td>Estonia</td>
<td>20 NOV 1996</td>
<td>13 AUG 1999</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>25 SEP 1996</td>
<td>08 AUG 2006</td>
</tr>
<tr>
<td>Fiji</td>
<td>24 SEP 1996</td>
<td>10 OCT 1996</td>
</tr>
<tr>
<td>Finland</td>
<td>24 SEP 1996</td>
<td>15 JAN 1999</td>
</tr>
<tr>
<td>France</td>
<td>24 SEP 1996</td>
<td>06 APR 1998</td>
</tr>
<tr>
<td>Gabon</td>
<td>07 OCT 1996</td>
<td>20 SEP 2000</td>
</tr>
<tr>
<td>Gambia</td>
<td>09 APR 2003</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>24 SEP 1996</td>
<td>27 SEP 2002</td>
</tr>
<tr>
<td>Germany</td>
<td>24 SEP 1996</td>
<td>20 AUG 1998</td>
</tr>
<tr>
<td>Ghana</td>
<td>03 OCT 1996</td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>24 SEP 1996</td>
<td>21 APR 1999</td>
</tr>
</tbody>
</table>
Saint Lucia 04 OCT 1996 05 APR 2001
Saint Vincent and the Grenadines
Samoa 09 OCT 1996 27 SEP 2002
San Marino 07 OCT 1996 12 MAR 2002
Sao Tome and Principe 26 SEP 1996
Saudi Arabia
Senegal 26 SEP 1996 09 JUN 1999
Serbia 08 JUN 2001 19 MAY 2004
Seychelles 24 SEP 1996 13 APR 2004
Sierra Leone 08 SEP 2000 17 SEP 2001
Singapore 14 JAN 1999 10 NOV 2001
†Slovakia 30 SEP 1996 03 MAR 1998
Slovenia 24 SEP 1996 31 AUG 1999
Solomon Islands 03 OCT 1996
Somalia
†South Africa 24 SEP 1996 30 MAR 1999
†Spain 24 SEP 1996 31 JUL 1998
Sri Lanka 24 OCT 1996
Sudan 10 JUN 2004 10 JUN 2004
Suriname 14 JAN 1997 07 FEB 2006
Swaziland 24 SEP 1996
†Sweden 24 SEP 1996 02 DEC 1998
†Switzerland 24 SEP 1996 01 OCT 1999
Syrian Arab Republic 24 SEP 1996 01 OCT 1999
Tajikistan 07 OCT 1996 10 JUN 1998
Thailand 12 NOV 1996
The former Yugoslav Republic of Macedonia
Timor-Leste
Togo 02 OCT 1996 02 JUL 2004
Tonga
Trinidad and Tobago
Tunisia 16 OCT 1996 23 SEP 2004
†Turkey 24 SEP 1996 16 FEB 2000
Turkmenistan 24 SEP 1996 20 FEB 1998
Tuvalu
Uganda 07 NOV 1996 14 MAR 2001
†Ukraine 27 SEP 1996 23 FEB 2001
United Arab Emirates 25 SEP 1996 18 SEP 2000
†United Kingdom of Great Britain and Northern Ireland
United Arab Emirates
United States of America 24 SEP 1996
Uruguay 24 SEP 1996 21 SEP 2001
Uzbekistan 03 OCT 1996 29 MAY 1997
Vanuatu 24 SEP 1996 16 SEP 2005
Venezuela 03 OCT 1996 13 MAY 2002
†Viet Nam 24 SEP 1996 10 MAR 2006
Yemen 30 SEP 1996
Zambia 03 DEC 1996 23 FEB 2006
Zimbabwe 13 OCT 1999
† indicates those states that are listed in Annex 2 of the CTBT.

Declarations on the Occasion of the Signature of the Comprehensive Test Ban Treaty

China [24 September 1996]

1. China has all along stood for the complete prohibition and thorough destruction of nuclear weapons and the realization of a nuclear-weapon-free world. It is in favour of a comprehensive ban on nuclear weapon test explosions in the process towards this objective. China is deeply convinced that the CTBT will facilitate the thorough destruction of nuclear weapons and the realization of a nuclear-weapon-free world. It is in favour of a comprehensive ban on nuclear weapon test explosions and of the further development of these weapons, disarmament and non-proliferation are closely linked and must be achieved as quickly as possible under effective international controls.

2. Meanwhile, the Chinese Government solemnly makes the following appeals:
(1) Major nuclear weapon states should abandon their policy of nuclear deterrence. States with huge nuclear arsenals should continue to drastically reduce their nuclear stockpiles.
(2) All countries that have deployed nuclear weapons on foreign soil should withdraw all of them to their own land. All nuclear weapon states should undertake not to be the first to use nuclear weapons at any time and under any circumstances, commit themselves unconditionally to the non-use or threat of use of nuclear weapons against non-nuclear weapon states or nuclear weapon-free zones, and conclude, at an early date, international legal instruments to this effect.
(3) All nuclear weapons states should pledge their support to proposals for the establishment of nuclear weapon-free zones, respect their status as such and undertake corresponding obligations.
(4) No country should develop or deploy space weapon systems or missile defence systems undermining strategic security and stability.
(5) An international convention on the complete prohibition and thorough destruction of nuclear weapons should be concluded through negotiations.

3. The Chinese Government endorses the application of verification measures consistent with the provisions of the CTBT to ensure its faithful implementation and at the same time firmly opposes the abuse of verification rights by any country, including the use of espionage or human intelligence, to infringe upon the sovereignty of China and impair its legitimate security interests in violation of universally recognized principles of international law.

4. In the present day world where huge nuclear arsenals and nuclear deterrence policy based on the first use of nuclear weapons still exist, the supreme national interests of China demand that it ensure the safety, reliability and effectiveness of its nuclear weapons before the goal of eliminating all nuclear weapons is achieved.

5. The Chinese Government and people are ready to continue to work together with governments and peoples of other countries for an early realization of the lofty goal of the complete prohibition and thorough destruction of nuclear weapons.

Germany [24 September 1996]

It is the understanding of the German Government that nothing in this Treaty shall ever be interpreted or applied in such a way as to prejudice or prevent research into and development of controlled thermonuclear fusion and its economic use.

Holy See [24 September 1996]

The Holy See is convinced that in the sphere of nuclear weapons, the banning of tests and of the further development of these weapons, disarmament and non-proliferation are closely linked and must be achieved as quickly as possible under effective international controls.

Furthermore, the Holy See understands that these are steps towards a general and total disarmament which the international community as a whole should accomplish without delay.

Iran (Islamic Republic of) [24 September 1996]

1. The Islamic Republic of Iran considers that the Treaty does not meet nuclear disarmament criteria as originally intended. We had not perceived a CTBT only as a non-proliferation instrument. The Treaty must have terminated fully and comprehensive further development of nuclear weapons. However, the Treaty bans explosions, thus limiting such development only in certain aspects, while leaving other avenues wide open. We see no other way for the CTBT to be meaningful, however, unless it is considered as a step towards a phased program for nuclear disarmament with specific time frames through negotiations on a consecutive series of subsequent treaties.

2. On National Technical Means, based on the deliberation that took place on the issues in the relevant Ad Hoc Committee of the Conference on Disarmament in Geneva, we interpret the text as providing a complementary role to them and reiterate that they should be phased out with further development of the International Monitoring System. National Technical Means should not be interpreted to include information received from espionage and human intelligence.

3. The inclusion of Israel in the MEASA grouping constitutes a politically-motivated aberration from UN practice and is thus objectionable. We express our strong reservation on the matter and believe that it will impede the implementation of the Treaty, as the confrontation of the States in this regional group would make it tremendously difficult for the Executive Council to form. The Conference of the States Parties would eventually be compelled to find a way to redress this problem.
Final Declaration and Measures to Promote the Entry into Force of The Comprehensive Nuclear-Test-Ban Treaty

[CTBT – Art.XIV/2003/5, 11 September 2003]

Final Declaration

1. We the ratifiers, together with the States Signatories, met in Vienna from 3 to 5 September 2003 to promote the entry into force of the Comprehensive Nuclear-Test-Ban Treaty at the earliest possible date. In accordance with the mandate given to us in Article XIV of the Treaty, we decided by consensus what measures consistent with international law might be taken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty.

2. We reaffirmed our strong determination to enhance international peace and security throughout the world and stressed the importance of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty as a major instrument in the field of nuclear disarmament and non-proliferation in all its aspects. We reiterated 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 nuclear types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects and thus a meaningful step in the realization of a systematic process to achieve nuclear disarmament. We therefore renewed our commitment to work for universal ratification of the Treaty and its early entry into force.

3. We noted with appreciation the overwhelming support for the Treaty that has been expressed by the United Nations General Assembly and other multilateral and regional organs and initiatives, which have called for signature and ratification of the Treaty as soon as possible and have urged all States to remain seized of the issue at the highest political level. We reaffirmed the importance of the Treaty and its entry into force for the practical steps for the systematic and progressive efforts towards nuclear disarmament and nuclear non-proliferation which were agreed to by the participating States at international forums dealing with nuclear disarmament and nuclear non-proliferation.

4. Since the Treaty was adopted by the United Nations General Assembly and opened for signature almost seven years ago, progress has been made in the ratification process. We welcomed this as evidence of the strong determination of States 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 their jurisdiction or control. As of today, 168 States have signed and 32 States have deposited their instruments of ratification. Of the 44 States listed in Annex 2 to the Treaty whose ratification is required for its entry into force, 41 have signed, and of these, 32 have also ratified the Treaty. A list of those States is provided in the Appendix.

5. However, despite the progress made and the strong support for the Treaty by the international community, we noted with concern that it has not entered into force seven years after its opening for signature. In this connection, we stress the particular importance of prompt signature and ratification by those whose ratification is needed for its entry into force but who have not yet done so.

6. The prevention of the proliferation of weapons of mass destruction is one of the most important challenges facing the world. International developments have occurred since the 2001 Conference on Facilitating the Entry into Force of the CTBT which make entry into force, within the broader framework of multilateral disarmament, arms control and non-proliferation efforts, as urgent today as when the Treaty was negotiated. We therefore reaffirm that the CTBT has an essential role to play in strengthening global peace and security.

7. We call upon all States that have not yet done so to sign and ratify the Treaty without delay, in particular those 12 whose ratification is needed for its entry into force.

8. We further call upon all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions. Voluntary adherence to such a moratorium is of the highest importance, but does not have the same effect as entry into force of the Treaty, which offers the global community the prospect of a permanent and legally binding commitment to end nuclear weapon test explosions or any other nuclear explosions. We reaffirm our commitment to the Treaty’s basic obligations and call on all States to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force.

9. We consider it essential to maintain momentum in building the verification regime, which shall be capable of meeting the verification requirements of the Treaty at its entry into force. The verification system 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. In this context, we will continue to provide the support required to enable the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to complete its tasks in the most efficient and cost-effective way.

10. We reaffirm our determination to continue to work towards an early entry into force of the Treaty and to this end adopt the following measures.

MEASURES TO PROMOTE THE ENTRY INTO FORCE OF THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

Convinced of the importance of achieving universal adherence to the Treaty, we:

(a) Will spare no efforts and use all avenues open to us in conformity with international law to encourage further signature and ratification of the Treaty, and urge all States to sustain the momentum generated by this Conference by continuing to remain seized of the issue at the highest political level;

(b) Support and encourage bilateral, regional and multilateral initiatives by interested countries and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to promote the entry into force of the Treaty;

(c) Agree that ratifying States will select one of their number as a coordinator to promote cooperation, through informal consultations with all interested countries, aimed at promoting further signatures and ratifications;

(d) Will establish a contact list of countries among ratifiers which volunteer to assist the coordinator in various regions, as appropriate, in promoting activities enhancing the entry into force of the Treaty;

(e) Agree that ratifying States will consider appointing a Special Representative to assist the coordinating State in the performance of its function in promoting the entry into force of the Treaty;

(f) Recommend that ratifying States will consider establishing a trust fund, financed through voluntary contributions, to support an outreach programme for promoting the Treaty;

(g) Encourage the organizational of regional seminars in conjunction with other regional meetings in order to increase the awareness of the important role that the Treaty plays;

(h) Call upon the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to continue its international cooperation activities and organizing seminars for experts in the legal and technical fields;

(i) Call upon the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to continue promoting understanding of the Treaty and demonstrating the benefits of the civil and scientific applications of the verification technologies, inter alia, in such areas as environment and earth science and technology;

(j) Recommend that the Provisional Technical Secretariat continue to provide States with legal assistance with respect to the ratification process and implementation measures and, in order to enhance these activities and their visibility, establish a contact point for a better exchange and dissemination of relevant information and documentation;

(k) Request the Provisional Technical Secretariat to act as a focal point where information about activities undertaken by ratifiers and signatories is collected in order to assist in promoting the entry into force of the Treaty;

(l) Encourage cooperation with 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.

[... (eds.)]
Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, Draft Final Declaration

[Excerpts reproduced from CTBT-ART.XIV/2005/WP.1, 21 September 2005]

1. We the ratifiers, together with the State Signatories, met in New York from 21-23 September 2005 to promote the entry into force of the Comprehensive Nuclear-Test-Ban Treaty at the earliest possible date. In accordance with the mandate given to us in Article XIV of the Treaty, we decided 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 the Treaty, thus ridding the world of nuclear weapon test explosions.

2. We reiterate that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects. The end to all nuclear weapons testing is, thus, a meaningful step in the realization of a systematic process to achieve nuclear disarmament.

3. The international community is committed to establishing a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty as a major instrument in the field of nuclear disarmament and non-proliferation. The overwhelming support for the Treaty and its early entry into force has been expressed by the United Nations General Assembly and other multilateral and regional organs and initiatives, which have called for signature and ratification of the Treaty as soon as possible, and have urged all States to remain seized of the issue at the highest political level. We reaffirmed the importance of the Treaty and its early entry into force for the practical steps and effective measures for the systematic and progressive efforts towards nuclear disarmament and nuclear non-proliferation which were agreed to by the participating States at international forums dealing with nuclear disarmament and nuclear non-proliferation.

4. We note that significant progress has been made in signing and ratifying the CTBT which has achieved near universal adherence with signature by [176] States and ratification by [125] States as of today, of which [8] have signed and [21] have ratified since the 2003 Conference on Facilitating the Entry into Force of the CTBT. This progress demonstrates the strong determination of the vast majority of States 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 their jurisdiction or control. Of the 44 States listed in Annex 2 of the Treaty whose ratification is required for its entry into force, 41 have signed and of these, 33 have also ratified the Treaty. A list of those States is provided in the Appendix.

5. Despite the progress made and the near universal international support that exists for the Treaty, we note with concern that it has not entered into force nine years after its opening for signature on 24 September 1996. Relevant international developments since the 2003 Conference on Facilitating the Entry into Force of the CTBT make entry into force of the Treaty more urgent today than ever before, within the broader framework of multilateral disarmament, arms control and nonproliferation efforts. We renew our strong conviction that entry into force of the CTBT will enhance international peace and security.

6. We call upon all States which have not yet done so, to sign and ratify the Treaty without delay, in particular, those States whose ratification is needed for entry into force. We strongly encourage such Annex 2 States to take individual initiatives to ratify the Treaty. We also commend efforts to create conditions facilitating ratification by such Annex 2 States including confidence-building measures through which such States could be encouraged to consider, as an option, ratifying the Treaty in a coordinated manner. At the same time, we renew our commitment to work for universal ratification of the Treaty and its early entry into force.

7. We recognize the extensive range of bilateral and joint outreach efforts by signatories and ratifiers to encourage and assist States which have not yet signed and ratified the Treaty to do so, and agreed to intensify our efforts to encourage ratification. We expressed appreciation for the efforts of the Special Representative in promoting entry into force of the Treaty, and agreed that he should continue to support the Article XIV Coordinator.

8. In accordance with the letter and spirit of the Treaty, we reaffirm our firm determination to end nuclear weapon test explosions and any other nuclear explosions. We call upon all States not to carry out such explosions. Continuing and sustained voluntary adherence to a moratorium is of the highest importance, but does not have the same effect as the entry into force of the Treaty, which offers the global community the prospect of a permanent and legally binding commitment to end nuclear weapon test explosions or any other nuclear explosions. We reaffirm our commitment to the Treaty's basic obligations and call on all States to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force.

9. We reaffirmed our strong belief that it is essential to maintain momentum in building all elements of the verification regime, which will be capable of verifying compliance with the Treaty at its entry into force. The verification regime will be unprecedented in its global reach after entry into force of the Treaty and will thereby ensure confidence that States are maintaining their Treaty commitments. In this context, we will continue to provide the support required to enable the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to complete all its tasks in the most efficient and cost-effective way including the On-Site Inspection programme and the progressive development and coverage of the International Monitoring System which will be capable of meeting the verification requirements of the Treaty at its entry into force.

10. We agree that in addition to its essential function, the CTBT verification system currently being built up would be capable of bringing 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.

11. We reaffirm our determination to continue to work towards early entry into force of the Treaty and to this end adopt the following measures.

Draft measures to promote the entry into force of the Comprehensive Nuclear-Test-Ban Treaty

Convinced of the importance of achieving universal adherence to the Treaty, we:

(a) Will spare no efforts and use all avenues open to us in conformity with international law to encourage further signature and ratification of the Treaty, and urge all States which have not yet signed and ratified the Treaty to do so, and to continue to maintain the momentum generated by this Conference to remain seized of the issue at the highest political level;

(b) Support and encourage bilateral, regional and multilateral initiatives by interested countries and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to promote the entry into force of the Treaty;

(c) Agree that ratifying States will continue the practice of selecting one of their number as a coordinator to promote cooperation, through informal consultations with all interested countries, aimed at promoting further signatures and ratifications;

(d) Will maintain a contact list of countries among ratifiers which volunteer to assist the coordinator in various regions in promoting activities enhancing the entry into force of the Treaty;

(e) Agree that the Special Representative appointed following the 2003 Conference on Facilitating the Entry into
Force of the CTBT, will continue to assist the coordinating
State in the performance of its function in promoting the entry
into force of the Treaty;

(f) Recommend that ratifying States will consider
establishing a trust fund, financed through voluntary
contributions, to support an outreach programme for
promoting the Treaty;

(g) Encourage the organization of regional seminars in
conjunction with other regional meetings in order to increase
the awareness of the important role that the Treaty plays;

(h) Call upon the Preparatory Commission for the
Comprehensive Nuclear Test-Ban Treaty Organization to
continue its international cooperation activities and organizing
workshops, seminars and training programmes in the legal
and technical fields;

(i) Call upon the Preparatory Commission for the
Comprehensive Nuclear Test-Ban Treaty Organization to
continue promoting understanding of the Treaty and
demonstrating, on a provisional basis, the benefits of the civil
and scientific applications of the verification technologies,
inter alia, in such areas as environment, earth science and
technology, tsunami warning systems and possibly other
disaster alert systems;

(j) Recommend that the Provisional Technical Secretariat
continue to provide States with legal assistance with respect
to the ratification process and implementation measures and,
in order to enhance these activities and their visibility,
maintain a contact point for the exchange and dissemination
of relevant information and documentation;

(k) Request the Provisional Technical Secretariat to continue
to act as a "focal point" where information about activities
undertaken by ratifiers and signatories is collected in order to
assist in promoting the entry into force of the Treaty;

(l) Encourage cooperation with 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.

Draft appendix to the draft final declaration

List of States

[...] (eds.)
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 arms 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 inexcusably, 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 fulfilment 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.
G – 2

MCIS CNS NPT BRIEFING BOOK 2008 EDITION

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 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 to 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 therefrom.

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.


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.


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 1 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 — 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.

3. 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.

4. 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) of 27 November 1983, 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 111 (XVII) 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,

Having signed 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]

[at 3 April 2008]

Opened for Signature in Mexico City on February 14, 1967
Enter into force: April 25, 1969
Last updated: 10 June 2007

The Ministry of Foreign Relations of Mexico, in the capacity of Depositary of the Treaty of Tlatelolco, sent the following information to the Secretariat General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>14 Feb 1967, 16 Feb 1969, 18 Feb 1969</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>09 May 1967, 29 Jun 1968, 30 May 1994</td>
<td></td>
</tr>
<tr>
<td>Chile</td>
<td>14 Feb 1967, 09 Oct 1974, 30 May 1994</td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>14 Feb 1967, 04 Aug 1972, 06 Sept 1972</td>
<td></td>
</tr>
<tr>
<td>Dominica</td>
<td>02 May 1989, 04 Jun 1993, 25 Apr 1993</td>
<td></td>
</tr>
<tr>
<td>Haiti</td>
<td>14 Feb 1967, 23 May 1968, 23 May 1968</td>
<td></td>
</tr>
<tr>
<td>Honduras</td>
<td>14 Feb 1967, 23 Sep 1968, 23 Sep 1968</td>
<td></td>
</tr>
<tr>
<td>Panama</td>
<td>14 Feb 1967, 11 Jun 1971, 11 Jun 1971</td>
<td></td>
</tr>
<tr>
<td>Peru</td>
<td>14 Feb 1967, 04 Mar 1968, 04 Mar 1968</td>
<td></td>
</tr>
<tr>
<td>Suriname</td>
<td>13 Feb 1976, 10 Jun 1997, 10 Jun 1997</td>
<td></td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>27 Jun 1967, 03 Dec 1970, 27 Jun 1975</td>
<td></td>
</tr>
</tbody>
</table>

ADDITIONAL PROTOCOL I

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>02 Mar 1978, 24 Aug 1982</td>
<td></td>
</tr>
<tr>
<td>Holland</td>
<td>15 Mar 1968, 26 Jul 1971</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>20 Dec 1967, 11 Dec 1969</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>26 May 1977, 23 Nov 1981</td>
<td></td>
</tr>
</tbody>
</table>

ADDITIONAL PROTOCOL II

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>18 Jul 1973, 22 Mar 1974</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>20 Dec 1967, 11 Dec 1969</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>01 Apr 1968, 12 May 1971</td>
<td></td>
</tr>
<tr>
<td>Russia Federation</td>
<td>18 May 1978, 8 Jan 1979</td>
<td></td>
</tr>
</tbody>
</table>

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 OPLAN, 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>10 Dec 1990, 18 Jan 1994</td>
<td></td>
</tr>
<tr>
<td>Argentina</td>
<td>23 Nov 1995, 23 Nov 1995</td>
<td></td>
</tr>
<tr>
<td>Barbados</td>
<td>10 Dec 1990, 20 Jan 1999</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>05 Dec 1990, 20 Jan 1999</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>05 Dec 1990, 20 Jan 1999</td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>05 Dec 1990, 20 Jan 1999</td>
<td></td>
</tr>
<tr>
<td>Costa Rica</td>
<td>05 Dec 1990, 20 Jan 1999</td>
<td></td>
</tr>
<tr>
<td>Cuba</td>
<td>05 Dec 1990, 20 Jan 1999</td>
<td></td>
</tr>
</tbody>
</table>
Dominican Republic 16 Jan 1991
Ecuador 05 Dec 1990 18 Oct 1995
El Salvador 21 Feb 1991 22 May 1992
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
Peru 05 Dec 1990 14 Jul 1995
Saint Kitts and Nevis 18 Feb 1994
Saint Vincent and Gren.
Saint Lucia
Suriname 13 Jan 1994 AC
Trinidad and Tobago
Uruguay 16 Nov 1990 30 Aug 1994
Venezuela 15 Jan 1991 14 Feb 1997

South Pacific Nuclear Free Zone Treaty  
[Treaty of Rarotonga]  
[Opened for signature 6 August 1985, entered into force 11 December 1986]  

Preamble
The Parties to this Treaty
United in their commitment to a world at peace,
Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people,
Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth,
Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all,
Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace,
Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security,
Noting, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,
Noting that the prohibitions of emplacement and emplacement of nuclear weapons on the sea-bed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prevention of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific,
Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water applies in the South Pacific,
Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter,
Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting,
Have agreed as follows:

Article 1
Usage of terms

For the purposes of this Treaty and its Protocols:
(a) ‘South Pacific Nuclear Free Zone’ means the areas described in Annex 1 as illustrated by the map attached to that Annex;
(b) ‘territory’ means internal waters, territorial sea and archipelagic waters, the sea-bed and subsoil beneath, the land territory and the airspace above them;
(c) ‘nuclear explosive device’ means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but, does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
(d) ‘stationing’ means emplacement, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2
Application of the Treaty
1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.
2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the right, of any State under international law with regard to freedom of the seas.

Article 3
Renunciation of nuclear explosive devices
Each Party undertakes:
(a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;
(b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;
(c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4
Peaceful nuclear activities
(a) reports and exchange of information as provided for in Article 9;
(b) consultations as provided for in Article 10 and Annex 4 (1); (c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;
(d) a complaints procedure as provided for in Annex 4.
Each Party undertakes:
(a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:
(i) any non-nuclear-weapon State unless subject to the safeguards required by Article III.1 of the NPT, or
(ii) any nuclear-weapon State unless subject to applicable safeguards agreement with the International Atomic Energy Agency (IAEA).
Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;
(b) to support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

Article 5
Prevention of stationing of nuclear explosive devices
1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.
2. Each Party in the exercise of its sovereign right remains free to decide for itself whether to allow visit by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.
Article 6
Prevention of testing of nuclear explosive devices
Each Party undertakes:
(a) to prevent in its territory the testing of any nuclear explosive device;
(b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7
Prevention of dumping
1. Each Party undertakes:
(a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
(b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;
(c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
(d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.
2. Paragraphs 1 (a) and 1 (b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

Article 8
Control system
1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.
2. The control system shall comprise:

Article 9
Reports and exchanges of information
1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.
2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.
3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8 (2) (d) and 10 and Annex 2 (4).

Article 10
Consultations and review
Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11
Amendment
The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director, who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depository of acceptances from all Parties.

Article 12
Signature and ratification
1. This Treaty shall be open for signature by any Member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depository of this Treaty and its Protocols.
3. If a member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

Article 13
Withdrawal
1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.
2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

Article 14
Reservations
This Treaty shall not be subject to reservations.

Article 15
Entry into force
1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.
2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

Article 16
Depository functions

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 it 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 and supervision.
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 complainant and compliant 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 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 depository, 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 depository 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 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 depository, 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 subject to ratification.

Article 4
This Protocol shall enter into force for each State on the date of its deposit with the depository 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

[As at 3 April 2008]

Signed at Rarotonga, Cook Island: August 8, 1985

Entering into Force on December 11, 1986

Depositary: Director of the South Pacific Bureau for Economic Cooperation

Status: July 17, 2003

<table>
<thead>
<tr>
<th>Party</th>
<th>Signature</th>
<th>In Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Cook Islands</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Fed. States of Micronesia</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Fiji</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Kiribati</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Marshall Islands Republic</td>
<td>July 17, 1985</td>
<td>April 13, 1987</td>
</tr>
<tr>
<td>Mauritius</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>New Zealand</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Niue</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Palau</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>September 16, 1985</td>
<td>September 15, 1989</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>May 29, 1987</td>
<td>January 27, 1989</td>
</tr>
<tr>
<td>Tonga</td>
<td>August 2, 1996</td>
<td>December 18, 2000</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>September 16, 1995</td>
<td>February 9, 1996</td>
</tr>
<tr>
<td>Western Samoa</td>
<td>August 6, 1985</td>
<td>December 11, 1986</td>
</tr>
</tbody>
</table>

Protocol I

<table>
<thead>
<tr>
<th>Party</th>
<th>Signature</th>
<th>Ratification</th>
<th>In Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>Mar 25, 1996</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Protocol II

<table>
<thead>
<tr>
<th>Party</th>
<th>Signature</th>
<th>Ratification</th>
<th>In Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>Mar 25, 1996</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Protocol III

<table>
<thead>
<tr>
<th>Party</th>
<th>Signature</th>
<th>Ratification</th>
<th>In Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>Mar 25, 1996</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


[Open for signature 11 April 1996, not in force at 3 April 2008]

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 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 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

African Nuclear-Weapon-Free Zone Treaty

[Open for signature 11 April 1996, not in force at 3 April 2008]

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 all islands considered by the Organisation of African Unity in its resolutions to be part of Africa;

(b) ‘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;

(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) ‘Nuclear explosive device’ means any nuclear weapon or any 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 storage 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

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...
Article 3
Renunciation of nuclear explosive devices
Each Party undertakes:
(a) Not to conduct research on, develop, manufacture, stockpile of otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;
(b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;
(c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, of possession of any nuclear explosive device.

Article 4
Prevention of stationing of nuclear explosive devices
1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5
Prohibition of testing of nuclear explosive devices
Each Party undertakes:
(a) Not to test any nuclear explosive device;
(b) To prohibit in its territory the testing of any nuclear explosive device;
(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6
Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture
Each Party undertakes:
(a) To declare any capability for the manufacture of nuclear explosive devices;
(b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;
(c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
(d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7
Prohibition of dumping of radioactive wastes
Each Party undertakes:
(a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8
Peaceful nuclear activities
1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9
Verification of Peaceful Uses
Each Party undertakes:
(a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
(b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
(c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10
Physical protection of nuclear materials and facilities
Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, inter alia, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11
Prohibition of armed attack on nuclear installations
Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12
Mechanism for compliance
1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.
2. The Commission shall be responsible inter alia for:
(a) Collating the reports and the exchange of information as provided for in article 13;
(b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
(c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
(d) Bringing into effect the complaints procedure elaborated in annex IV;
(e) Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
(f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.
Article 13
Report and exchanges of information
1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14
Conference of Parties
1. A Conference of all Parties to the Treaty shall be convened by the Depository as soon as possible after the entry into force of the Treaty, in order to elect the members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15
Interpretation of the Treaty
Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16
Reservations
This Treaty shall not be subject to reservations.

Article 17
Duration
This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18
Signature, ratification and entry into force
1. This Treaty shall be open for signature by any state in the African nuclear-weapon-free zone. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19
Amendments
1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.
3. An amendment so adopted shall enter into force for all parties after receipt by the Depository of the instrument of ratification by the majority of Parties.

Article 20
Withdrawal
1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.
2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other parties.

Article 21
Depository functions
1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of the OAU, who is hereby designated as Depository of the Treaty.
2. The Depository shall:
   (a) Receive instruments of ratification;
   (b) Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
   (c) Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22
Status of the annexes
The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

Annex I
Map of an African Nuclear-weapon-Free Zone
[not reproduced]

Annex II
Safeguards of the International Atomic Energy Agency
1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INF/CIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.
4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

Annex III
African Commission on Nuclear Energy
1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to included Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.
2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the
Members of the Commission. For that meeting decisions of
the Commission shall be taken as far as possible by consensus or
otherwise by a two-thirds majority of the Members of the
Commission. The Commission shall adopt its rules of procedure
at that meeting.
3. The Commission shall develop a format for reporting by States
as required under articles 12 and 13.
4. (a) The budget of the Commission, including the costs of
inspections pursuant to annex IV to this Treaty, shall be borne
by the Parties to the Treaty in accordance with a scale of
assessment to be determined by the Parties;
(b) The Commission may also accept additional funds from
other sources provided such donations are consistent with the
purposes and objectives of the Treaty.

Annex IV

Complaints procedure and settlement of disputes

1. A Party which considers that there are grounds for a complaint
that another Party or a Party to Protocol I, II 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
representative of the Party complained of, the Commission
shall decide whether the requesting State
(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-Waste-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(L/IV) of 1991 and CM/Res.1395(L/VI)
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
for the non-proliferation of nuclear weapons, middle of
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
definitely, 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, which ever is later.

In witness whereof the undersigned, being duly authorized 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-Waste-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(LVI) of 1991 and CM/Res.1395(LVII) 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 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 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 Depositary 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 Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. In witness whereof the undersigned, being duly authorised by their Governments, have signed this Protocol.

**Protocol III**

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LVI) of 1991 and CM/Res.1395(LVII) 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 Depositary, 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 Depositary 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 Depositary 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.


[As at 3 April 2008]

**Signed at** Cairo, Egypt: April 11, 1996

**Entering into force** on the date of deposit of the 28th instrument of ratification

**Depositary:** Organization of African Unity

**Status:** July 17, 2003

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>April 11, 1996</td>
<td>February 11, 1998</td>
</tr>
<tr>
<td>Angola</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Benin</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Botswana</td>
<td>June 9, 1998</td>
<td>June 16, 1999</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>April 11, 1996</td>
<td>August 27, 1998</td>
</tr>
<tr>
<td>Burundi</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Cameroon</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Cape Verde</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Central African Republic</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Comoros</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Congo</td>
<td>January 27, 1997</td>
<td></td>
</tr>
<tr>
<td>Côte d’ivoire</td>
<td>April 11, 1996</td>
<td>July 28, 1999</td>
</tr>
<tr>
<td>Djibouti</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Egypt</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>Feb 19, 2003 (a)</td>
<td></td>
</tr>
<tr>
<td>Eritrea</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Ethiopia</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Gabon</td>
<td>April 11, 1996</td>
<td></td>
</tr>
<tr>
<td>Gambia</td>
<td>April 11, 1996</td>
<td>November 16, 1996</td>
</tr>
<tr>
<td>Ghana</td>
<td>April 11, 1996</td>
<td></td>
</tr>
</tbody>
</table>
The States Parties to this Treaty:

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations;

Determined to take concrete action which will contribute to the progress towards general and complete disarmament of nuclear weapons, and to the promotion of international peace and security;

Reaffirming the desire of the Southeast Asian States to maintain peace and stability in the region in the spirit of peaceful coexistence and mutual understanding and cooperation as enunciated in various communiqués, declarations and other legal instruments;

Recalling the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) signed in Kuala Lumpur on 27 November 1971 and the Programme of Action on ZOPFAN adopted at the 26th ASEAN Ministerial Meeting in Singapore in July 1993;

Convinced that the establishment of a Southeast Asia Nuclear Weapon-Free Zone, as an essential component of the ZOPFAN, will contribute towards strengthening the security of States within the Zone and towards enhancing international peace and security as a whole;

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing towards international peace and security;

Recalling Article VII of the NPT which recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Recalling the Final Document of the Tenth Special Session of the United Nations General Assembly which encourages the establishment of nuclear-weapon-free zones;

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the NPT, that the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is important for the maximum effectiveness of this nuclear-weapon-free zone treaty and its relevant protocol;

Determined to protect the region from environmental pollution and the hazards posed by radioactive wastes and other radioactive material;

Have agreed as follows:

**Article 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 vessels, aircraft, platforms or other man-made structures at sea containing radioactive material, but does not include the disposal of waste 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

Reproduced from the ASEAN Summit press release, 5 December 1995, entered into force 27 March 1997}

**Southeast Asia Nuclear-Weapon-Free Zone Treaty**

**[Treaty of Bangkok]**

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:

The States Parties to this Treaty:
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 its 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 I 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 compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty.

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. 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.

3. Each 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 its instrument of ratification 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 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

[As at 3 April 2008]

Signed at Bangkok, on December 15, 1995
Entering into Force on March 27, 1997
Depositary: Thailand
Status: July 17, 2003

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei</td>
<td>15 - Dec - 1995</td>
<td>22 - nov - 1996</td>
</tr>
<tr>
<td>Indonesia</td>
<td>15 - Dec - 1995</td>
<td>10 - apr - 1997</td>
</tr>
<tr>
<td>Malaysia</td>
<td>15 - Dec - 1995</td>
<td>11 - oct - 1996</td>
</tr>
</tbody>
</table>

Protocol

<table>
<thead>
<tr>
<th>Country</th>
<th>Signature</th>
<th>Ratification</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Treaty on a Nuclear-Weapon-Free Zone in Central Asia
[Treaty of Semipalatinsk]

[Signed by Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, Kyrgyzstan on 8 September 2006.
Ratifications deposited by Kyrgyzstan and Uzbekistan 22 March and 2 April 2007]

The Parties to this Treaty,

Guided by the Alma-Ata 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 Conference 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 the 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.
This Treaty shall be of unlimited duration.

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,


Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons and that all States are obliged to contribute to that end,

Striving therefore to support the establishment of a Nuclear-Weapon-Free Zone in Central Asia,

Have agreed as follows:

Article 1

Negative Security Assurances

Each Party to this Protocol undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty.

Article 2

Not Contributing to Violations

Each Party to this Protocol undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol by Parties to them.

Article 3

Effect of Treaty Amendments

Each Party to this Protocol undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of amendments to the Treaty pursuant to Article 17 of the Treaty.

Article 4

Signature

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

Ratification

This Protocol shall be subject to ratification.

Article 6

Duration of and Withdrawal from the Protocol

(a) This Protocol is of a permanent nature and shall remain in force indefinitely;

(b) Any Party to this Protocol may, by written notification addressed to the Depositary, withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests;

(c) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of this Protocol.

Article 7

Entry into Force

This Protocol shall enter into force for each Party to this Protocol on the date of its deposit with the Depositary of its instrument of ratification or on the date of entry into force of the Treaty, whichever is later.

RULES OF PROCEDURE TO IMPLEMENT ARTICLE 10 OF THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

CONSULTATIVE MEETINGS OF THE PARTIES TO THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

1. Consultative Meetings

Pursuant to Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia the Parties shall hold annual meetings or extraordinary meetings in order to review compliance with the Treaty or other matters related to its implementation.

2. First Consultative Meeting

2.1 The first annual consultative meeting shall take place no later than 2 months after the entry into force of the Treaty.

2.2 The first annual consultative meeting will take place in Dushanbe, the Republic of Tajikistan.
2.3 At the end of the first annual meeting, the Parties shall decide on the venue and date of the next annual meeting.

3. Extraordinary Consultative Meeting

3.1 Extraordinary consultative meetings shall be convened, at the request of any Party to the Treaty, whenever that motion is seconded by two other Parties.

3.2 The motion to convene an extraordinary consultative meeting shall be transmitted through diplomatic channels, by the initiating Party to the Party acting as Host at that time, with an explanation of the need to convene it.

3.3 The Host Party clears the holding of the meeting with all other Parties within 10 days since the receipt of the motion to convene such a meeting.

4. Duration of Consultative Meetings

The duration of consultative meetings shall be normally no more than 3 days unless the Parties decide otherwise.

5. Composition of Delegations

5.1 An official delegation of the Party shall consist of the head of the delegation (or an authorized official) and his/her advisors.

5.2 The names of the members of the official delegation and the accompanying officials are communicated by the Parties to the Host Party through diplomatic channels, normally no later than 10 days before the start of the meeting.

5.3 The composition of official delegations sent to attend consultative meetings shall not exceed the “1+3” formula.

6. The Host Party’s functions and responsibilities as Chair

6.1 The Host Party, through its representative, chairs annual and extraordinary consultative meetings.

6.2 The Host Party acts as Chair until the next annual meeting.

6.3 Throughout that period, the designated Depository of the Treaty is responsible for any communications related to the implementation of Article 10 of the Treaty.

7. Decision Making

7.1 Each Party shall have one vote.

7.2 Decisions of consultative meetings shall be taken by consensus.

7.3 Decisions adopted by the Parties are reflected in the outcome documents signed by the heads of official delegations of the Parties (or authorized officials). Documents adopted at consultative meetings constitute a mandatory annex to the outcome documents.

7.4 The outcome documents are prepared in the Russian and, if needed, in the English languages.

8. Observers

With the consent of the Parties to the Treaty, the five Nuclear-Weapon States, as recognized under the NPT, as well as representatives of relevant international organization may be invited to attend annual as well as extraordinary consultative meetings as observers.

9. Working languages

English and Russian will be the working languages of annual meetings or extraordinary meetings.

10. Reporting

At the conclusion of the Consultative Meeting, the Host Country prepares a record in the Russian and, if needed, in the English languages. With the consent of all Parties to the Treaty, the record may be transmitted to all interested international organizations as well as to the observers attending the meeting.

11. Cost Sharing

The cost of holding of annual or extraordinary meetings, except transportation and accommodation, shall be borne by the Host Country.
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 underdeveloped 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 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 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 underdeveloped 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 fulfill 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 paragraphs 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 a 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, 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 require 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 each of 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
      Far East
3. 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 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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 initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to
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 of 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 to 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 establishing 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 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 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 ensuring that all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed for it by 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 its discretion, 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 XI 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
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 and the United Nations and any other organizations the work of which is related to that of the Agency.

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 subparagraphs B-4 and B-5 of Article 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.

(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 XX.

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 materials as may be designated by the General Conference.
fissile material as the Board of Governors shall from time to time determine; but the term 'special fissile material' 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 or 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/C10 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.
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.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.A.7 and XI.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;
   (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 if the request is so exempted by the Board and if the request is satisfied 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%) above and 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 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 any 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 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 if:
   (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 (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 28(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; and
   (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:

<table>
<thead>
<tr>
<th>Maximum number of routine inspections annually</th>
<th>Whichever is the largest of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>(a) Facility inventory (including loading);</td>
</tr>
<tr>
<td>1</td>
<td>(b) Annual throughput;</td>
</tr>
<tr>
<td>2</td>
<td>(c) Maximum potential annual production of special fissionable material (Effective kilograms of nuclear material);</td>
</tr>
<tr>
<td>3</td>
<td>Up to 1;</td>
</tr>
<tr>
<td>4</td>
<td>More than 1 and up to 5</td>
</tr>
<tr>
<td>5</td>
<td>More than 5 and up to 10</td>
</tr>
<tr>
<td>6</td>
<td>More than 10 and up to 15</td>
</tr>
<tr>
<td>7</td>
<td>More than 15 and up to 20</td>
</tr>
<tr>
<td>8</td>
<td>More than 20 and up to 25</td>
</tr>
<tr>
<td>9</td>
<td>More than 25 and up to 30</td>
</tr>
<tr>
<td>10</td>
<td>More than 30 and up to 35</td>
</tr>
<tr>
<td>11</td>
<td>More than 35 and up to 40</td>
</tr>
<tr>
<td>12</td>
<td>More than 40 and up to 45</td>
</tr>
<tr>
<td>Right of access at all times</td>
<td>More than 45 and up to 50</td>
</tr>
<tr>
<td></td>
<td>More than 50 and up to 55</td>
</tr>
<tr>
<td></td>
<td>More than 55 and up to 60</td>
</tr>
<tr>
<td></td>
<td>More than 60;</td>
</tr>
</tbody>
</table>

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 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.
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.F.4(b) of the Statute.
80. ‘Reactor’ means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.
81. ‘Research and development facility’ means a facility, other than a principal nuclear facility, used for research or development in the field of nuclear energy.
82. ‘Safeguards agreement’ means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:
(a) An Agency project;
(b) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or
(c) Any of a State’s nuclear activities unilaterally submitted to Agency safeguards.
83. ‘Statute’ means the Statute of the Agency.
84. ‘Throughput’ means the rate at which nuclear material is introduced into a facility operating at full capacity.
85. ‘Unilaterally submitted’ means submitted by a State to Agency safeguards, pursuant to a safeguards agreement.

ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

Introduction
1. The Agency’s Safeguards System (1965) is so formulated as to permit application to principal nuclear facilities other than reactors as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of reprocessing plants. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two year’s experience of their application has been gained.

Special procedures
Reports
2. The frequency of submission of routine reports shall be once each calendar month.

Inspections
3. A reprocessing plant having an annual throughput not exceeding 5 effective kilograms of nuclear material, and the safeguarded nuclear material in it, may be routinely inspected twice a year. A reprocessing plant having an annual throughput exceeding 5 effective kilograms of nuclear material, and the safeguarded nuclear material in it, may be inspected at all times. The arrangements for inspections set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.
4. When a reprocessing plant is under Agency safeguards only because it contains safeguarded nuclear material, the inspection frequency shall be based on the rate of delivery of safeguarded nuclear material.
5. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the taking, shipping or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

Mixtures of safeguarded and unsafeguarded 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 year’s experience of their application has been gained.

Special procedures
Reports
2. The frequency of submission of routine reports shall be once each calendar month.

Inspections
3. A conversion plant or fabrication plant to which the criteria in
1. The Agreement should contain, in accordance with Article I 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

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.

[Eds – footnotes not included. They may be viewed at http://www.iaea.org/Publications/Documents/Infcircs/Others/inf66i2.shtm]

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]
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 sensitive points to the extent that present or future technology permits. In order to ensure optimum cost-effectiveness, use should be made, for example, of such means as:

   (a) Containment as a means of defining material balance points for accounting purposes;

   (b) Statistical techniques and random sampling in evaluating the flow of nuclear material; and

   (c) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material on condition that this does not hamper the Agency in applying safeguards under the Agreement.

**National System of Accounting for and Control of Nuclear Material**

7. The Agreement should provide that the State shall establish and maintain a system of accounting for and control of all nuclear material subject to safeguards under the Agreement, and that such safeguards shall be applied in such a manner as to enable the Agency to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the State’s system. The Agency’s verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II below. The Agency, in its verification, shall take due account of the technical effectiveness of the State’s system.

**Provision of Information to the Agency**

8. The Agreement should provide that to ensure the effective implementation of safeguards thereunder the Agency shall be provided, in accordance with the provisions set out in Part II below, with information concerning nuclear material subject to safeguards under the Agreement, and the features of facilities relevant to safeguarding such material. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under the Agreement. Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under the Agreement. In examining design information, the Agency shall, at the request of the State, be prepared to examine on premises of the State design information which the State regards as being of particular sensitivity. Such information would not have to be physically transmitted to the Agency provided that it remained available for ready further examination by the Agency on premises of the State.

**Agency Inspectors**

9. The Agreement should provide that the State shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under the Agreement. The Agency shall secure the consent of the State to the designation of Agency inspectors to that State. If the State, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the State an alternative designation or designations. The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to appropriate action. The visits and activities of Agency Inspectors shall be so arranged as to reduce to a minimum the possible inconvenience and disturbance to the State and to the peaceful nuclear activities inspected, as well as to ensure protection of industrial secrets or any other confidential information coming to the inspectors’ knowledge.

**Privileges and Immunities**

10. The Agreement should specify the privileges and immunities which shall be granted to the Agency and its staff in respect of their functions under the Agreement. In the case of a State party to the Agreement on the Privileges and Immunities of the Agency, the provisions thereof, as in force for such State, shall apply. In the case of other States, the privileges and immunities granted should be such as to ensure that:

   (a) The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and

   (b) No such State will be placed thereby in a more favourable position than States party to the Agreement on the Privileges and Immunities of the Agency.

**Termination of Safeguards**

**Consumption or dilution of nuclear material**

11. The Agreement should provide that safeguards shall terminate on nuclear material subject to safeguards thereunder upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

**Transfer of nuclear material out of the State**

12. The Agreement should provide, with respect to nuclear material subject to safeguards thereunder, for notification of transfers of such material out of the State, in accordance with the provisions set out in paragraphs 92-94 below. The Agency shall terminate safeguards under the Agreement on nuclear material when the recipient State has assumed responsibility therefore, as provided for in paragraph 91. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred nuclear material.

**Provisions relating to nuclear material to be used in non-nuclear activities**

13. The Agreement should provide that if the State wishes to
use nuclear material subject to safeguards thereunder in non-nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such nuclear material may be terminated.

**Non-application of Safeguards to Nuclear Material to be Used in Non-peaceful Activities**

14. The Agreement should provide that if the State intends to exercise its discretion to use nuclear material which is required to be safeguarded thereunder in a nuclear activity which does not require the application of safeguards under the Agreement, the following procedures will apply:

   (a) The State shall inform the Agency of the activity, making it clear:

   (i) That the use of the nuclear material is a non-prescribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the nuclear material will be used only in a peaceful nuclear activity; and

   (ii) That during the period of non-application of safeguards the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;

   (b) The Agency and the State shall make an arrangement so that, only while the nuclear material is in such an activity, the safeguards provided for in the Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any event, the safeguards provided for in the Agreement shall again apply as soon as the nuclear material is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such unsafeguarded nuclear material in the State and of any exports of such material; and

   (c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible; it shall only relate to the temporary and procedural provisions, reporting arrangements, etc., but shall not involve any approval or classified knowledge of the military activity or relate to the use of the nuclear material therein.

**Finance**

15. The Agreement should contain one of the following sets of provisions:

   (a) An agreement with a Member of the Agency should provide that each party thereto shall bear the expenses it incurs in implementing its responsibilities thereunder. However, if the State or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case the Agency shall bear the cost of any additional measuring or sampling which inspectors may request; or

   (b) An agreement with a party not a Member of the Agency should in application of the provisions of Article XIV.C of the Statute, provide that the party shall reimburse fully to the Agency the safeguards expenses the Agency incurs thereunder. However, if the party or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so.

**Third Party Liability for Nuclear Damage**

16. The Agreement should provide that the State shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of the Agreement, in the same way as that protection applies to nationals of the State.

**International Responsibility**

17. The Agreement should provide that any claim by one party thereto against the other in respect of any damage, other than damage arising out of a nuclear incident, resulting from the implementation of safeguards under the Agreement, shall be settled in accordance with international law.

**Measures in Relation to Verification of Non-diversion**

18. The Agreement should provide that if the Board, upon report of the Director General decides that an action by the State is essential and urgent in order to ensure verification that nuclear material subject to safeguards under the Agreement is not diverted to nuclear weapons or other nuclear explosive devices the Board shall be able to call upon the State to take the required action without delay, irrespective of whether procedures for the settlement of a dispute have been invoked.

19. The Agreement should provide that if the Board upon examination of relevant information reported to it by the Director General finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under the Agreement to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XI 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 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 I 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 practically 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 an 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 fulfill 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 selection of the material balance area should be related to the accuracy with which the material balance can be established;

(ii) In determining the material balance area advantage should be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby simplify the application of safeguards and concentrate measurement efforts at key measurement points;

(iii) A number of material balance points in use at a facility or at distinct sites may be combined in one material balance area to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and

(iv) If the State so requests, a special material balance area around a process step involving commercially sensitive information may be established;

(c) To establish the nominal timing and procedures for taking of physical inventory for Agency accounting purposes;

(d) To establish the records and reports requirements and records evaluation procedures;

(e) To establish requirements and procedures for verification of the quantity and location of nuclear material; and

(f) To select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

It should further be provided that the results of the examination of the design information shall be included in the Subsidiary Arrangements.

Re-examination of design information

47. The Agreement should provide that design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action the Agency has taken pursuant to paragraph 46 above.

Verification of design information

48. The Agreement should provide that the Agency, in cooperation with the State, may send inspectors to facilities to verify the design information provided to the Agency pursuant to paragraphs 42-45 above for the purposes stated in paragraph 46.

Information in Respect of Nuclear Material Outside Facilities

49. The Agreement should provide that the following information concerning nuclear material customarily used outside facilities shall be provided as applicable to the Agency:

(a) A general description of the use of the nuclear material, its geographic location, and the user’s name and address for routine business purposes; and

(b) A general description of the existing and proposed procedures for nuclear material accountancy and control, including organizations responsibility for material accountancy and control.

The Agreement should further provide that the Agency shall be informed on a timely basis of any change in the information provided to it under this paragraph.

50. The Agreement should provide that the information made available to the Agency in respect of nuclear material customarily used outside facilities may be used, to the extent relevant, for the purposes set out in sub-paragraphs 46(b)–(f) above.

Records System

General

51. The Agreement should provide that in establishing a national system of accounting for and control of nuclear material as referred to in paragraph 7 above, the State shall arrange that records are kept in respect of each material balance area. Provision should also be made that the Subsidiary Arrangements shall describe the records to be kept in respect of each material balance area.

52. The Agreement should provide that the State shall make arrangements to facilitate the examination of records by inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

53. The Agreement should provide that the records shall be retained for at least five years.

54. The Agreement should provide that the records shall consist, as appropriate, of:

(a) Accounting records of all nuclear material subject to safeguards under the Agreement; and

(b) Operating records for facilities containing such nuclear material.

55. The Agreement should provide that the system of measurements on which the records used for the preparation of records 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) Shipping/receiving 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, shipping/receiving 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
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;
(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, paragraph 18 above shall apply.

Frequency and intensity of routine inspections

78. The Agreement should provide that the number, intensity, duration and timing of routine inspections shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth therein, and that the Agency shall make the optimum and most economical use of available inspection resources.

79. The Agreement should provide that in the case of facilities and material balance area outside facilities with a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms, routine inspections shall not exceed one per year. For other facilities the number, intensity, duration, timing and mode of inspections shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material.

80. The Agreement should provide that the maximum routine inspection effort in respect of facilities with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined as follows:

(a) For reactors and sealed stores, the maximum total of routine inspection per year shall be determined by allowing one sixth of a man-year of inspection for each such facility in the State;
(b) For other facilities involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such facility 30 x E man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility shall not, however, be less than 1.5 man-years of inspection; and
(c) For all other facilities, the maximum total of routine inspection per year shall be determined by allowing for each such facility one third of a man-year of inspection plus 0.4 x E man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

The Agreement should further provide that the Agency and the State may agree to amend the maximum figures specified in this paragraph upon determination by the Board that such amendment is reasonable.

81. Subject to paragraphs 78-80 above the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections of any facility shall include:

(a) The form of nuclear material, in particular, whether the material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high enrichment; and its accessibility;
(b) The effectiveness of the State's accounting and control system, including the extent to which the operators of facilities are functionally independent of the State's accounting and control system; the extent to which the measures specified in paragraph 82 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 sub-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 a 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;

(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 74 and 75, 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 small 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:

(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 0.001; 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;

(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 ‘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, specifically, 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.

[Eds – footnotes not included. They may be viewed at http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc153.pdf]

Protocol Additional to the Agreement(s) Between ………. and the International Atomic Energy Agency for the Application of Safeguards


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 ……….;

ARE 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 not involving nuclear material carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, ……….

(ii) Information identified by the Agency on the basis of expected gains ineffectiveness or efficiency, and agreed to by ………. on operational activities of safeguards relevance at facilities and at locations outside facilities where nuclear material is customarily used.

(iii) A general description of each building on each site, including its use and, if not apparent from that description, its contents. The description shall include a map of the site.

(iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.

(v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for ………. as a whole ………. shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed nuclear material accountancy.

(vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

(a) the quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in ………. at which the material is present in quantities exceeding ten metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for ………. as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed nuclear material accountancy;

(b) the quantities, the chemical composition and the destination of each export out of ………. of such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive exports of uranium from ………. to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive exports of thorium from ………. to ………., 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 into ………. 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 imports of thorium into ………. each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year.

1 Terms in italics have specialized meanings, which are defined in Article 18 below.
(vi) (a) information regarding the quantities, uses and locations of nuclear material exempted from safeguards pursuant to Paragraph 37 of INFCIRC/153; (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 accountability.

(vii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 on which safeguards have been terminated pursuant to Paragraph 11 of INFCIRC/153 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.

(x) 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), (v), (vi)(a), (vi) and (x) and Article 2.b.(i) within 180 days of the entry into force of this Protocol.

b. …….. shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph a. above for the period covering the previous calendar year. If there has been no change to the information previously provided, …….. shall so indicate.

c. …….. shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(vi)(b) and (c) for the period covering the previous calendar year.

d. …….. shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(ix)(a). This information shall be provided within sixty days of the end of each quarter.

e. …….. shall provide to the Agency the information identified in Article 2.a.(viii) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.

f. …….. and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2.a.(ii).

g. …….. shall provide to the Agency the information in Article 2.a.(ix)(b) within sixty days of the Agency’s request.

COMPLEMENTARY ACCESS

General

Article 4

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

a. The Agency shall not mechanically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:

(i) Any location referred to in Article 5.a.(i) or (ii) on a selective basis in order to assure the absence of undeclared nuclear material and activities;

(ii) Any location referred to in Article 5.b. or c. to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;

(iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, ……..’s declaration of the decommissioned status of a facility or of a location outside facilities where nuclear material was customarily used.

b. (i) Except as provided in paragraph (ii) below, the Agency shall give …….. advance notice of access of at least 24 hours;

(ii) For access to any place on a site that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that site, the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.

c. Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.

d. In the case of a question or inconsistency, the Agency shall provide …….. with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question or inconsistency until …….. has been provided with such an opportunity.

e. Unless otherwise agreed to by …….., access shall only take place during regular working hours.

f. …….. shall have the right to have Agency inspectors accompanied during their access by representatives of …….. provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Provision of access

Article 5

………..shall provide the Agency with access to:

a. (i) Any place on a site:

(ii) Any location identified by …….. under Article 2.a.(v)–(viii);

(iii) Any decommissioned facility or decommissioned location outside facilities where nuclear material was customarily used.

b. Any location identified by …….. under Article 2.a.(i), Article 2.a.(iv), Article 2.a.(v)(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.

2 The reference to the corresponding provision of the relevant Safeguards Agreement should be inserted where bracketed references to INFCIRC/153 are made.
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 (ii): visual observation; collection of environmental samples; 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…….. 

b. For access in accordance with Article 5.a.(iii): 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……..
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 ……….’s statutory and/or constitutional requirements for entry into force have been met.

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. ai, 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.]

An Agreement by Exchange of Letters with the Dominican Republic to Amend the Protocol to the Safeguards Agreement

[Reproduced from INFCIRC/201/Mod.1, 25 April 2007]

Agreement between the Dominican Republic and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons
An agreement by Exchange of Letters with the Dominican Republic to amend the Protocol to the Safeguards Agreement

1. The text of the Exchange of Letters, constituting an agreement to amend the Protocol to the Agreement between the Dominican Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, is reproduced in this document for the information of all Member States of the Agency.

2. The amendments agreed upon in the Exchange of Letters entered into force on 11 October 2006, the date on which the Agency received the Dominican Republic’s affirmative reply.

Annex

DOMINICAN REPUBLIC
Secretariat of State for Foreign Relations
DEJ.-
Santo Domingo, Dominican Republic, 29 September 2006

Sir,

I have the honour to refer to your letter of 1 September 2006 notifying us of the modifications to the standard text of the small quantities protocol approved by the IAEA Board of Governors on 20 September 2005.

In this regard, I would inform you that my Government, aware of the importance of strengthening the safeguards system for the IAEA’s verification work and its contribution to maintaining international peace and security, accepts the proposed modifications as described in the above-mentioned letter to amend the small quantities protocol to the Treaty on the Non-Proliferation of Nuclear Weapons signed by the Dominican Republic, which entered into force on 11 October 1973.

Accept, Sir, the assurances of my highest esteem.

(signed) Carlos Morales Troncoso
Secretary of State for Foreign Relations

An Exchange of Letters by Ecuador to Amend the Protocol to the Safeguards Agreement of 2 October 1974 between Ecuador and the Agency

[Reproduced from INFCIRC/231/Mod.1, 25 April 2007]

1. The text of the Exchange of Letters, constituting an agreement to amend the Protocol to the Agreement of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, is reproduced in this document for the information of all Member States of the Agency.

2. The amendments agreed upon in the Exchange of Letters entered into force on 7 April 2006, the date on which the Agency received Ecuador’s affirmative reply.

Annex

REPUBLIC OF ECUADOR
MINISTRY OF FOREIGN AFFAIRS
No. 14242/06/GM/DGM/OCE
Quito, 8 April 2006

Sir,

I have the honour to refer to the letter of 13 December 2005 signed by Mr. Víctor Osserveny, Director of the IAEA Office of External Relations and Policy Coordination, which reads:

“I have the honour to refer to the Agreement of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as “the Small Quantities Protocol”), which entered into force on 10 March 1975, as well as to the decision of the IAEA Board of Governors of 20 September 2005 related to such protocols.

In his report entitled “Strengthening safeguards implementation in States with Small Quantities Protocols”; the IAEA Director General, Dr. Mohamed ElBaradei, drew attention to the Agency’s need to receive initial reports on nuclear material, to obtain information on planned or existing nuclear facilities, and to be able to perform inspection activities in the field, if required, for all States with comprehensive safeguards agreements. He explained that the Small Quantities Protocols currently had the effect of holding such authority in abeyance.

The Board agreed with the Director General’s assessment and, on the basis of the Director General’s report, concluded that the Small Quantities Protocol in its present form was a weakness in the Agency’s safeguards system. It decided that the Small Quantities Protocol should remain part of the Agency’s safeguards system, subject to the modifications in the standardized text and the change in the criteria for a Small Quantities Protocol as proposed in the Director General’s report. The Board also decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

The Board authorized the Director General to conduct with all States with Small Quantities Protocols exchanges of letters giving effect to the revised standardized text and the modified criteria, and called on the States concerned to conclude such exchanges of letters as soon as possible.

It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

(1) Until such time as the Republic of Ecuador

(a) Has, in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere, nuclear material in quantities exceeding the limits stated, for the type of material in question, in Article 36 of the Agreement of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as “the Agreement”), or

(b) Has taken the decision to construct or authorize construction of a facility, as defined in the Definitions, the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.

(2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.

(3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, the Republic of Ecuador shall

(a) Notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section 1 hereof, or

(b) Notify the Agency as soon as the decision to construct or authorize construction of a facility has been taken, whichever occurs first. If this proposal is acceptable to your Government, this letter and your Government’s affirmative reply shall constitute an agreement between Ecuador and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the Agency receives that reply.

Accept, Sir, the assurances of my highest consideration.”

In this regard, I have the honour to confirm, on behalf of the Government of the Republic of Ecuador, the acceptance of the proposal contained in the letter reproduced above and to agree that it and the present letter of reply shall constitute an agreement...
between Ecuador and the IAEA amending the Small Quantities Protocol.

Accept, Sir, etc.

(signed) Francisco Carrión Mena
Minister of Foreign Affairs of Ecuador
[Stamp]  

[Eds – footnotes not included. They may be viewed at http://www.iaea.org/Publications/Documents/Infcircs/2007/infcirc231m1.pdf]

Strengthened Safeguards System:
States with Additional Protocols

[As of 3 April 2008]

<table>
<thead>
<tr>
<th>State</th>
<th>Board Approval</th>
<th>Date signed</th>
<th>In Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>1 Mar '05</td>
<td>19 Jul '05</td>
<td>19 Jul '05</td>
</tr>
<tr>
<td>Albania</td>
<td>16 Jun '04</td>
<td>2 Dec '04</td>
<td></td>
</tr>
<tr>
<td>Algeria</td>
<td>14 Sep '04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andorra</td>
<td>7 Dec '00</td>
<td>9 Jan '01</td>
<td></td>
</tr>
<tr>
<td>Armenia</td>
<td>23 Sep '97</td>
<td>29 Sep '97</td>
<td>28 Jun '04</td>
</tr>
<tr>
<td>Australia</td>
<td>23 Sep '97</td>
<td>23 Sep '97</td>
<td>12 Dec '97</td>
</tr>
<tr>
<td>Austria</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>7 Jun '00</td>
<td>5 Jul '00</td>
<td>29 Nov '00</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>25 Sep '00</td>
<td>30 Mar '01</td>
<td>30 Mar '01</td>
</tr>
<tr>
<td>Belarus</td>
<td>3 Oct '05</td>
<td>15 Nov '05</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>Benin</td>
<td>17 Sep '04</td>
<td>7 Jun '05</td>
<td></td>
</tr>
<tr>
<td>Botswana</td>
<td>20 Sep '05</td>
<td>24 Aug '06</td>
<td>24 Aug '06</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>14 Sep '98</td>
<td>24 Sep '98</td>
<td>10 Oct '00</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>18 Mar '03</td>
<td>17 Apr '03</td>
<td>17 Apr '03</td>
</tr>
<tr>
<td>Burundi</td>
<td>13 Jun '07</td>
<td>27 Sep '07</td>
<td>27 Sep '07</td>
</tr>
<tr>
<td>Cameroon</td>
<td>16 Jun '04</td>
<td>16 Dec '04</td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>11 Jun '98</td>
<td>24 Sep '98</td>
<td>8 Sep '00</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>16 Jun '05</td>
<td>28 Jun '05</td>
<td></td>
</tr>
<tr>
<td>Central African Rep.</td>
<td>7 Mar '06</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td>22 Nov '07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chile</td>
<td>10 Sep '02</td>
<td>19 Sep '02</td>
<td>3 Nov '03</td>
</tr>
<tr>
<td>China</td>
<td>25 Nov '98</td>
<td>31 Dec '98</td>
<td>28 Mar '02</td>
</tr>
<tr>
<td>Colombia</td>
<td>25 Nov '04</td>
<td>11 May '05</td>
<td></td>
</tr>
<tr>
<td>Comoros</td>
<td>16 Jun '05</td>
<td>13 Dec '05</td>
<td></td>
</tr>
<tr>
<td>Costa Rica</td>
<td>29 Nov '01</td>
<td>12 Dec '01</td>
<td></td>
</tr>
<tr>
<td>Côte d’Ivoir</td>
<td>22 Nov '07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td>14 Sep '98</td>
<td>22 Sep '98</td>
<td>6 Jul '00</td>
</tr>
<tr>
<td>Cuba</td>
<td>9 Sep '03</td>
<td>18 Sep '03</td>
<td>3 Jun '04</td>
</tr>
<tr>
<td>Cyprus</td>
<td>25 Nov '98</td>
<td>29 Jul '99</td>
<td>19 Feb '03</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>20 Sep '99</td>
<td>28 Sep '99</td>
<td>1 Jul '02</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>28 Nov '02</td>
<td>9 Apr '03</td>
<td>9 Apr '03</td>
</tr>
<tr>
<td>Denmark</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>23 Nov '06</td>
<td>20 Sep '07</td>
<td></td>
</tr>
<tr>
<td>Ecuador</td>
<td>20 Sep '99</td>
<td>1 Oct '99</td>
<td>24 Oct '01</td>
</tr>
<tr>
<td>El Salvador</td>
<td>23 Sep '02</td>
<td>5 Sep '03</td>
<td>24 May '04</td>
</tr>
<tr>
<td>Estonia</td>
<td>16 Jun '05</td>
<td>14 Jul '06</td>
<td>14 Jul '06</td>
</tr>
<tr>
<td>Fiji</td>
<td>17 Sep '97</td>
<td>29 Sep '97</td>
<td>3 Jun '03</td>
</tr>
<tr>
<td>Finland</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>France</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>Gabon</td>
<td>16 Mar '03</td>
<td>8 Jun '05</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>11 Jun '98</td>
<td>12 Jun '98</td>
<td>11 Jun '04</td>
</tr>
<tr>
<td>Greece</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>Guatemala</td>
<td>29 Nov '01</td>
<td>14 Dec '01</td>
<td></td>
</tr>
<tr>
<td>Haiti</td>
<td>20 Mar '02</td>
<td>10 Jul '02</td>
<td>9 Mar '06</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Date signed</th>
<th>In Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holy See</td>
<td>14 Sep '98</td>
<td>24 Sep '98</td>
</tr>
<tr>
<td>Honduras</td>
<td>16 Jun '05</td>
<td>7 Jul '05</td>
</tr>
<tr>
<td>Hungary</td>
<td>1 Jul '07</td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>9 Sep '03</td>
<td>12 Sep '03</td>
</tr>
<tr>
<td>Indonesia</td>
<td>20 Sep '99</td>
<td>29 Sep '99</td>
</tr>
<tr>
<td>Iran, Islamic Rep.</td>
<td>21 Nov '03</td>
<td>18 Dec '03</td>
</tr>
<tr>
<td>Ireland</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>Italy</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>Jamaica</td>
<td>12 Jun '02</td>
<td>19 Mar '03</td>
</tr>
<tr>
<td>Japan</td>
<td>25 Nov '98</td>
<td>4 Dec '98</td>
</tr>
<tr>
<td>Jordan</td>
<td>18 Mar '98</td>
<td>28 Jul '98</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>18 Jun '03</td>
<td>6 Feb '04</td>
</tr>
<tr>
<td>Kiribati</td>
<td>10 Sep '02</td>
<td>9 Nov '04</td>
</tr>
<tr>
<td>Korea, Republic of</td>
<td>24 Mar '99</td>
<td>21 Jun '99</td>
</tr>
<tr>
<td>Kuwait</td>
<td>12 Jun '02</td>
<td>19 Jun '02</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>23 Nov '06</td>
<td>29 Jan '07</td>
</tr>
<tr>
<td>Latvia</td>
<td>7 Dec '00</td>
<td>12 Jul '01</td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td>9 Mar '04</td>
<td>10 Jul '02</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>16 Jun '05</td>
<td>14 Jul '06</td>
</tr>
<tr>
<td>Lithuania</td>
<td>8 Dec '97</td>
<td>11 Mar '98</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>Madagascar</td>
<td>18 Jun '03</td>
<td>18 Sep '03</td>
</tr>
<tr>
<td>Malawi</td>
<td>22 Nov '06</td>
<td>23 Jul '07</td>
</tr>
<tr>
<td>Malaysia</td>
<td>22 Sep '05</td>
<td>22 Nov '05</td>
</tr>
<tr>
<td>Mali</td>
<td>10 Sep '02</td>
<td>12 Sep '02</td>
</tr>
<tr>
<td>Malta</td>
<td>1 Jul '07</td>
<td></td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>1 Mar '05</td>
<td>3 May '05</td>
</tr>
<tr>
<td>Mauritania</td>
<td>18 Mar '03</td>
<td>2 Jun '03</td>
</tr>
<tr>
<td>Mauritius</td>
<td>14 Sep '04</td>
<td>9 Dec '04</td>
</tr>
<tr>
<td>Mexico</td>
<td>12 Mar '04</td>
<td>29 Mar '04</td>
</tr>
<tr>
<td>Monaco</td>
<td>25 Nov '98</td>
<td>30 Sep '99</td>
</tr>
<tr>
<td>Mongolia</td>
<td>11 Sep '01</td>
<td>5 Dec '01</td>
</tr>
<tr>
<td>Montenegro</td>
<td>13 Jun '07</td>
<td></td>
</tr>
<tr>
<td>Morocco</td>
<td>16 Jun '04</td>
<td>22 Sep '04</td>
</tr>
<tr>
<td>Mozambique</td>
<td>22 Nov '07</td>
<td></td>
</tr>
<tr>
<td>Namibia</td>
<td>21 Mar '00</td>
<td>22 Mar '00</td>
</tr>
<tr>
<td>Netherlands</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>New Zealand</td>
<td>14 Sep '98</td>
<td>24 Sep '98</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>12 Jun '02</td>
<td>18 Jul '02</td>
</tr>
<tr>
<td>Niger</td>
<td>9 Mar '04</td>
<td>11 Jun '04</td>
</tr>
<tr>
<td>Nigeria</td>
<td>7 Jun '00</td>
<td>20 Sep '01</td>
</tr>
<tr>
<td>Norway</td>
<td>24 Mar '99</td>
<td>29 Sep '99</td>
</tr>
<tr>
<td>Palau</td>
<td>1 Mar '05</td>
<td>13 May '05</td>
</tr>
<tr>
<td>Panama</td>
<td>29 Nov '01</td>
<td>1 Dec '01</td>
</tr>
<tr>
<td>Paraguay</td>
<td>12 Jun '02</td>
<td>24 Mar '03</td>
</tr>
<tr>
<td>Peru</td>
<td>10 Dec '99</td>
<td>22 Mar '00</td>
</tr>
<tr>
<td>Philippines</td>
<td>23 Sep '97</td>
<td>30 Sep '97</td>
</tr>
<tr>
<td>Poland</td>
<td>1 Mar '05</td>
<td>13 May '05</td>
</tr>
<tr>
<td>Portugal</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>13 Sep '06</td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td>9 Jun '99</td>
<td>11 Jun '99</td>
</tr>
<tr>
<td>Russia</td>
<td>21 Mar '00</td>
<td>22 Mar '00</td>
</tr>
<tr>
<td>Senegal</td>
<td>1 Mar '05</td>
<td>15 Dec '06</td>
</tr>
<tr>
<td>Seychelles</td>
<td>18 Mar '03</td>
<td>7 Apr '04</td>
</tr>
<tr>
<td>Singapore</td>
<td>20 Sep '05</td>
<td>22 Sep '05</td>
</tr>
<tr>
<td>Slovakia</td>
<td>1 Dec '05</td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>1 Sep '06</td>
<td></td>
</tr>
<tr>
<td>South Africa</td>
<td>12 Jun '02</td>
<td>13 Sep '02</td>
</tr>
<tr>
<td>Spain</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>Sweden</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
</tr>
<tr>
<td>Switzerland</td>
<td>7 Jun '00</td>
<td>16 Jun '00</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>12 Jun '02</td>
<td>7 Jul '03</td>
</tr>
<tr>
<td>Thailand</td>
<td>20 Sep '05</td>
<td>22 Sep '05</td>
</tr>
<tr>
<td>Timor-Leste</td>
<td>11 Sep '07</td>
<td></td>
</tr>
<tr>
<td>Other Parties</td>
<td>Board Approval</td>
<td>Date signed</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Euratom</td>
<td>11 June '98</td>
<td>22 Sept '98</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

1. 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.

2. Accession to the additional protocol with EU NNWS reproduced in INFRCIRC 193/Add.8

<table>
<thead>
<tr>
<th>The FYROM</th>
<th>16 Jun '05</th>
<th>12 Jul '05</th>
<th>11 May '07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Togo</td>
<td>22 Sep '03</td>
<td>26 Sep '03</td>
<td></td>
</tr>
<tr>
<td>Tunisia</td>
<td>1 Mar '05</td>
<td>24 May '05</td>
<td></td>
</tr>
<tr>
<td>Turkey</td>
<td>7 Jun '00</td>
<td>9 Jul '00</td>
<td>17 Jul '01</td>
</tr>
<tr>
<td>Turkmenistan</td>
<td>1 Mar '05</td>
<td>17 May '05</td>
<td>3 Jan '06</td>
</tr>
<tr>
<td>Uganda</td>
<td>25 Nov '04</td>
<td>14 Jun '05</td>
<td>14 Feb '06</td>
</tr>
<tr>
<td>Ukraine</td>
<td>7 Jun '00</td>
<td>15 Aug '00</td>
<td>24 Jan '06</td>
</tr>
<tr>
<td>United Kingdom of Great Britain and Northern Ireland</td>
<td>11 Jun '98</td>
<td>22 Sep '98</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>United Republic of Tanzania</td>
<td>16 Jun '04</td>
<td>23 Sep '04</td>
<td>7 Feb '05</td>
</tr>
<tr>
<td>United States of America</td>
<td>11 Jun '98</td>
<td>12 Jun '98</td>
<td></td>
</tr>
<tr>
<td>Uruguay</td>
<td>23 Sep '97</td>
<td>29 Sep '97</td>
<td>30 Apr '04</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>14 Sep '98</td>
<td>22 Sep '98</td>
<td>21 Dec '98</td>
</tr>
<tr>
<td>Vietnam</td>
<td>6 Mar '07</td>
<td>10 Aug '07</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>124</td>
<td>116</td>
<td>86</td>
</tr>
</tbody>
</table>
### Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General

[GC(50)/15, 14 August 2006]

See Section P

---

### Measures to Strengthen International Cooperation in Nuclear, Radiation and Transport Safety and Waste Management

[Resolution GC(50)/RES/10 adopted by the IAEA General Conference on 22 September 2006]

#### A. Measures to Strengthen International Cooperation in Nuclear, Radiation and Transport Safety and Waste Management

**The General Conference**

- **(a)** Recalling resolution GC(49)/RES/9 on measures to strengthen international cooperation in nuclear, radiation and waste management,
- **(b)** Recognizing that a global nuclear, radiation and waste safety culture is a key element of the peaceful uses of nuclear energy and that continuous efforts are required in order to ensure that the technical and human elements of safety are maintained at the optimal level,
- **(c)** Emphasizing the important role of the Agency in enhancing nuclear, radiation and waste safety through its various safety programmes and initiatives and in promoting international cooperation in this regard,
- **(d)** Recognizing the importance of Member States establishing and maintaining effective and sustainable regulatory infrastructures for the promotion of nuclear, radiation and waste safety,
- **(e)** Noting with appreciation document GC(50)/3 containing the Secretariat’s responses to nuclear, radiation and waste safety issues of concern,
- **(f)** Recalling the request from the Board of Governors in June 1995 to develop a single Safety Fundamentals document presenting a common, coherent philosophy across radiation protection, nuclear safety and waste safety,
- **(g)** Recalling the objective of the Convention on Nuclear Safety to achieve and maintain a high level of nuclear safety worldwide through the enhancement of national measures and international cooperation, including, where appropriate, safety-related technical cooperation,
- **(h)** Underscoring the relevance to all Member States of the objective of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (the Joint Convention) to achieve and maintain a high level of safety worldwide in the management of spent nuclear fuel and radioactive waste through the enhancement of national measures and international cooperation, including, where appropriate, safety-related technical cooperation,
- **(i)** Noting with satisfaction the report of the Second Review Meeting of the Contracting Parties to the Joint Convention, particularly the conclusion that significant progress had been made since the First Review Meeting in the improvement of Contracting Parties’ overall safety regimes,
- **(j)** Re-emphasizing the importance of education and training in establishing and maintaining an adequate radiation protection and nuclear safety infrastructure, and noting the actions of the Secretariat directed towards developing strategies for sustainable education and training in nuclear, radiation and waste safety, including on the safety and security of radioactive sources,
- **(k)** Recalling the Convention on Early Notification of a Nuclear Accident (the Early Notification Convention) and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (the Assistance Convention),
- **(l)** Taking note of the completion of the work of the Chernobyl forum, and recalling the conclusions on the necessity to continue scientific research and monitoring of long term environmental, health and social consequences of the accident and to preserve tacit knowledge developed in the mitigation of the accident consequences,
- **(m)** Recalling the objective of the Code of Conduct on the Safety of Research Reactors to achieve and maintain a high level of safety in research reactors worldwide,
- **(n)** Recalling its previous resolutions relevant to the safety and security of radioactive sources, and the objectives and principles of the Code of Conduct on the Safety and Security of Radioactive Sources,
- **(o)** Recognizing that nuclear and radiological incidents and emergencies, and acts with malicious intent associated with nuclear and radiological terrorism, may lead to significant radiological and other serious consequences over wide geographical areas, thereby requiring an international response, and
- **(p)** Recalling the ongoing need to protect individuals, society and the environment from the harmful effects of incidents and emergencies, and malicious acts, involving radioactive sources,

1. **General**
   1. Urges the Secretariat to continue and strengthen, subject to available financial resources, its efforts relating to nuclear, radiation, transport and waste safety, focusing particularly on mandatory activities and on technical areas and regions where the need for improvement is greatest;
   2. Requests the Director General to continue the current programme to assist Member States in improving their national infrastructures for nuclear installation, radiation, transport and waste safety;
   3. Encourages Member States to continue requesting Agency safety review services in order to enhance nuclear, radiation, transport and waste safety, and integrated regulatory review missions in order to improve regulatory effectiveness continuously;
   4. Encourages the Secretariat to implement a more integrated assessment process in the establishment of its safety priorities, and to incorporate the insights of this process into all of its review services;
   5. Encourages the Secretariat and Member States, if they so desire, to make effective use of the Agency’s technical cooperation resources for the further enhancement of safety;
   6. Acknowledges the interactions between nuclear safety and related issues including nuclear security, calls upon the Agency to ensure that interrelated nuclear safety and security activities including the development of guidance are mutually supportive, and encourages Member States to work actively to maintain an appropriate balance between them so as to ensure that the safety of workers, the public and the environment is not compromised;
   7. Endorses the efforts of the International Nuclear Safety Group (INSAG) in promoting nuclear safety worldwide and encourages Member States to incorporate the concepts identified in INSAG 20, Stakeholder Involvement in Nuclear Issues and INSAG 21, Strengthening the Global Nuclear Safety Regime into their nuclear programmes, as appropriate;
   8. Recognizes the importance of an effective regulatory body as an essential element of national nuclear infrastructure, urges Member States to continue their efforts to increase regulatory effectiveness in the field of nuclear, radiation and transport safety
and waste management, and consider availing themselves of the Secretariat’s new Integrated Regulatory Review Service (IRRS) and notes with satisfaction the increased interest of the Member States in the IRRS;

9. Welcomes the contributions of the Ibero-American Radiation Safety Network (ARN) of the Ibero-American Forum of Regulators, the Asian Nuclear Safety Network (ANSN) and the Radiation Safety Regulators Network (RaSaReN) to the promotion of effective and sustainable nuclear and radiation safety regimes in Member States, and encourages Member States to work with the Secretariat in the development and implementation of other similar initiatives;

10. Welcomes the outcomes of the International Conference on Effective Nuclear Regulatory Systems, held in Moscow from 27 February to 3 March 2006 (IAEA Proceedings Series, “Proceedings of an International Conference, Moscow, 27 February–3 March 2006”) and calls upon the Agency to consider the appropriate findings of the Conference in its regulatory guidance and its regulatory review service;

11. Welcomes the valuable work that the International Expert Group on Nuclear Liability (INLEX) has done over the past year to clarify the application and scope of the international nuclear liability regime, including its outreach workshop in Australia in November 2005, and looks forward to the continuation of INLEX’s work, including its further examination of possible ways in which identified gaps in the regime might be addressed, and its outreach workshop in Peru in December 2006;

12. Requests the Director General to report, as appropriate, to its fifty-first (2007) regular session on developments relevant to this resolution in the intervening period;

2. The Agency’s Safety Standards Programme

13. Welcomes with satisfaction the Board’s decision to establish as Agency safety standards, in accordance with Article III.A.6 of the Statute, the Safety Fundamentals: “Fundamental Safety Principles”, (GOV/2006/42), and notes that the Fundamental Safety Principles constitute a common and coherent safety philosophy for the establishment of all requirements for the safety of facilities and activities to protect people and the environment against the harmful effects of ionizing radiation;

14. Welcomes the Board’s decision to establish as Agency safety standards, in accordance with Article III.A.6 of the Statute, the Safety Requirements “The Management System for Facilities and Activities”, (GOV/2006/5), and the Safety Requirements “ Decommissioning of Facilities using Radioactive Material”, (GOV/2006/51), and encourages Member States to use these Safety Requirements as a basis for their national regulatory programmes;

15. Welcomes the report on the progress of the Action Plan for the Development and Application of the IAEA Safety Standards contained in GOV/2006/40-GC (50)/3, notes with satisfaction the view of the Commission on Safety Standards that the implementation of the Action Plan has resulted in significant improvement in the quality of the safety standards and their utilization by Member States, and looks forward to the proposals from the Secretariat for the continuing development of the safety standards to be considered by the Commission on Safety Standards in November 2006;

16. Takes note of the Secretariat’s review of the International Basic Safety Standards for Protection against Ionizing Radiation and the Safety of Radiation Sources (BSS) carried out in response to paragraph 10 of resolution GC(49)/RES/9, notes that the revision of the BSS is to be coordinated by a secretariat established by the Agency with the participation of the co-sponsors, and urges that secretariat to carefully consider and justify potential changes, taking into account their implications for national regulations;

17. Encourages the Secretariat to continue assisting Member States to apply the safety standards, including the development of supporting guidance on their application;

3. Nuclear Installation Safety

18. Notes with satisfaction that all States currently operating nuclear power plants are now Contracting Parties to the Convention on Nuclear Safety, and urges all Member States considering a nuclear power programme to become parties to the Convention as part of the establishment and maintenance of the requisite nuclear power infrastructure;

19. Welcomes the efforts of the Contracting Parties to the Convention on Nuclear Safety to ensure the transparency, efficiency and effectiveness of the review process, including the creation of a website to facilitate the sharing of safety information between Review Meetings, and encourages them to pursue these efforts in preparation for the Review Meeting in 2008;

20. Re-emphasizes the need for all operating organizations and regulatory authorities to retain nuclear safety as the foundation upon which development, construction and operational decisions relating to nuclear installations are based, and encourages the Secretariat to continue its efforts to provide guidance, support and assistance to Member States to establish and maintain adequate safety standards and infrastructure, with particular regard to the needs of Member States considering the development of nuclear power as part of their national energy strategy;

21. Endorses the findings of the International Conference on Operational Safety Performance in Nuclear Installations hosted by the Agency from 30 November to 2 December 2005, and calls upon all Member States with power reactors, research reactors or fuel cycle facilities to establish effective operational experience feedback programmes and to share their assessments and insights freely with all other countries with such nuclear installations, including the exchange of information on and lessons learned from incidents, abnormal occurrences and operational events to help preclude their recurrence;

22. Continues to acknowledge the benefits of incorporating both deterministic and probabilistic considerations into operational and regulatory decision-making, urges the Agency to continue its efforts to develop guidance and services that integrate both approaches, and acknowledges the benefit of establishing a Centre for Advanced Safety Assessment Tools to ensure sustainable service to the Member States in the area of safety assessment capabilities;

23. Appreciates the effort of the Secretariat in the development of safety standards and safety review services for fuel cycle facilities, commends Brazil for its willingness to host the pilot mission for such a review service, and urges other Member States to avail themselves of such services;

24. Calls upon Member States to continue supporting the Agency in developing guidance concerning the life-cycle management and the long-term operation of nuclear installations, and calls upon all Member States with nuclear installations to consider such guidance as an integral part of their operational safety strategies;

25. Commends the Agency’s efforts to integrate Safety Culture assessments into its review services, recognizes the need for a specific review service dedicated to Safety Culture assessments, commends the Republic of South Africa for its efforts in having hosted a pilot safety culture mission focused on the Pebble Bed Modular Reactor (PBMR), and encourages Member States to consider the safety culture factors behind any significant operational incidents or events and to avail themselves of the Agency’s service in this area;

26. Continues to endorse the principles and objectives of the Code of Conduct on the Safety of Research Reactors, encourages Member States constructing, operating or decommissioning research reactors or with research reactors in extended shutdown to apply the guidance in the Code, supports the recommendation of the open-ended meeting on the effective application of the Code hosted by the Agency from 14 to 16 December 2005 that periodic meetings be organized to discuss the application of the Code in Member States, and looks forward to the convening of such meetings;

27. Looks forward to the outcomes of the International Conference on Research Reactors: Safe Management and Effective Utilization to be held in Australia in November 2007, including discussion of the implementation of the Code of Conduct on the Safety of Research Reactors;

28. Supports the continuing assistance provided by the Secretariat to monitoring and improving the safety and security of all research reactors, especially those subject to IAEA Project and Supply
Agreements, encourages Member States as appropriate to collaborate closely with the Secretariat in facilitating such assistance, and calls upon the Agency in cooperation with Member States, having Project and Supply Agreements to review the appropriate application of current safety standards with regard to those agreements;

29. Acknowledges the Secretariat's current assistance to Member States in nuclear power plant design safety review efforts and urges the Agency to develop and promote internationally the generic safety aspects of new nuclear plant designs;

4. Radiation Safety

30. Welcomes the progress in implementing the International Action Plan for the Radiological Protection of Patients, including the widespread use by health professionals of the Agency's training and educational materials, and the successful development of a dedicated website to facilitate information exchange, welcomes also the continued cooperation with WHO, PAHO, the EU and relevant professional bodies, encourages Member States to continue supporting these activities, and to take advantage of the regional technical cooperation projects on medical exposure, and requests the Secretariat to continue to keep it informed about the implementation of the Action Plan, including the organization of a second International Conference similar to the first one held in 2001;

31. Welcomes the good progress made in implementing, jointly with ILO, the International Action Plan for Occupational Radiation Protection, encourages the Agency and ILO Secretariats to continue their productive cooperation, and requests the Director General to keep it informed of developments in this area;

32. Welcomes the Secretariat's continuing promotion of effective and sustainable national regulatory infrastructures for the control of radiation sources, in particular high-risk sources, urges Member States to play an active role in the implementation of strategies that will help to enhance the regulatory control of radiation sources, and requests the Secretariat to continue to keep it informed about the implementation of these activities;

33. Urges the Secretariat to continue to use the regional approach with emphasis on the sub-regional country groupings in its activities to promote the upgrading of radiation protection infrastructure;

34. Welcomes the Secretariat's progress in implementing the Plan of Activities on the Radiation Protection of the Environment contained in GOV/2005/49, notes that the Agency has brought together all the concerned international organizations and interested Member States and formulated a range of activities aimed at developing a framework and methodology to provide for protection of the environment based on recommendations of the International Commission Radiological Protection, and requests the Director General to report to the Board and the General Conference on progress in the implementation of the plan;

35. Notes the forthcoming XIIth Congress of the International Radiation Protection Association, "Strengthening Radiation Protection Worldwide" (IRPA 12), which will take place in Buenos Aires in October 2008 and encourages the Secretariat to support the dissemination of information arising from this event and to support the participation of developing countries, subject to the availability of resources;

5. The Safety of Radioactive Waste Management

36. Welcomes the increase in the number of Contracting Parties to the Joint Convention from 32 at the first review meeting in 2003 to 41 at the second review meeting in 2006, and appeals to all Member States which have not yet become party to the Joint Convention to do so;

37. Endorses the conclusions and recommendations of the Second Review Meeting, and calls upon the Contracting Parties to take steps to further improve the implementation of their obligations and to further enhance safety in the management of spent fuel and radioactive waste, particularly in those areas identified as warranting further attention;

38. Welcomes the successful conclusion of the Action Plan on the Safety of Radioactive Waste Management, and the integration of further activities into the ongoing radioactive waste management programme;

39. Welcomes the work underway regarding the development of a consolidated safety requirement on radioactive waste disposal and comprehensive safety guidance for all types of waste disposal facilities and on the assessment and demonstration of their safety;

40. Welcomes the significant contribution of the International Conference on the Safety of Radioactive Waste Disposal, held in Japan in October 2005, to the progress in developing internationally harmonized approaches to demonstrating the safe disposal of radioactive waste of all types;

41. Welcomes the outcome of the International Conference on the Management of Spent Fuel from Nuclear Power Reactors, held in Vienna from 19 to 23 June 2006, and encourages the Secretariat to pursue the conference's expectations of greater international cooperation on research and development related to technical aspects of spent fuel management;

6. The Safe Decommissioning of Nuclear Facilities and Other Facilities Using Radioactive Material

42. Encourages Member States to ensure that plans for decommissioning of facilities are developed and mechanisms are put in place for establishment and maintenance of the necessary resources for the implementation of decommissioning activities;

43. Welcomes the progress made on implementation of the International Action Plan on Decommissioning of Nuclear Facilities, and encourages the Secretariat to review the Action Plan in the light of the outcomes and findings of the International Conference on Lessons Learned from the Decommissioning of Nuclear Facilities and the Safe Termination of Nuclear Activities, to be held in December 2006 in Athens, Greece;

44. Encourages the Secretariat to continue its support for planning for the decommissioning of research reactors, specifically through the Research Reactor Decommissioning Demonstration Project undertaken in cooperation with the Asian Nuclear Safety Network;

45. Welcomes Member States' support for the remediation of contaminated sites in Iraq, encourages the Agency to continue its technical support to this new project, and requests the Director General to report to the Board and the General Conference on the progress of the project activities;

46. Endorses the conclusions and recommendations of the Chernobyl Forum related to the future remediation of the Chernobyl NPP site and management of the associated radioactive waste, and encourages the Agency to continue to provide technical assistance in implementing these recommendations.

7. Education and Training in Nuclear, Radiation, Transport and Waste Safety

47. Underlines the fundamental importance of sustainable programmes for education and training in nuclear, radiation, transport safety and waste management, remaining convinced that such education and training is a key component of any adequate safety infrastructure;

48. Welcomes the ongoing commitment of the Secretariat and Member States to the implementation of the Strategy for Education and Training in Radioactive Waste Disposal, and calls upon the Secretariat to strengthen and GC(50)/RES/10 to expand this programme of activities to include nuclear installations, especially research reactors, subject to the availability of financial resources;

49. Supports the Secretariat's continued focus on developing sustainable educational and training programmes, including through Education and Training Appraisal missions to identify training needs and draw up programmes to meet training requirements, and the further development of a network of training centres and 'train-the-trainer' workshops, and urges the Secretariat to continue to strengthen its activities in these areas, subject to the availability of financial resources;

50. Encourages the Secretariat to employ electronic networking and outreach (ENO) projects to implement e-learning;

51. Requests the Secretariat to take into consideration the recommendation of the Steering Committee on Education and
Training that the Secretariat give high priority to the assessment of training needs in Member States;

52. Urges the Secretariat to enhance its support for regional postgraduate training courses, and to conclude long-term agreements with the regional centres organizing such courses to ensure their sustainability, subject to the availability of financial resources;

8. Nuclear and Radiological Incident and Emergency Preparedness and Response

53. Urges all Member States to become parties to the Convention on Early Notification of a Nuclear Accident (the Early Notification Convention) and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (the Assistance Convention), thereby contributing to a broader and improved basis for international emergency response, to the benefit of all Member States;

54. Continues to encourage all Member States to enhance, where necessary, their own preparedness and response capabilities for nuclear and radiological incidents and emergencies, including their arrangements for responding to acts involving the malicious use of nuclear or radioactive material and to threats of such acts, and to adopt and implement relevant international standards and guidelines, and encourages the Secretariat to continue facilitating information exchange between first responder organizations;

55. Welcomes the new operational capabilities of the Agency’s Incident and Emergency Centre, and requests the Director General to continue enhancing the capability of the Agency in order to fulfill its role as a global focal point for preparedness and response and as coordinator and facilitator of cooperation among Member States and international organisations in relation to nuclear and radiological incidents, regardless of whether such incidents arise from accident, negligence, or a deliberate act;

56. Welcomes the initiative to develop a new Code of Conduct on International Emergency Management related to nuclear and radiological incident and emergency response, with the objective of ensuring appropriate development, implementation and maintenance of harmonized emergency preparedness and response programmes;

57. Requests the Secretariat to coordinate the development of the international mechanisms for rendering assistance, including the Agency’s Response Assistance Network (RANET) and encourages Member States to put in place arrangements for effective response to requests made under the Assistance Convention and, within their respective capabilities, to make resources available for responding to such requests, and to consider joining the RANET;

58. Welcomes the progress made by the Secretariat and Member States in implementing the International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies, notes with concern that the Secretariat has been largely dependent on extra budgetary contributions in its implementation of the Action Plan, and requests that the Agency provide a detailed analysis of needs to ensure adequate resources for the long-term sustainability of the international incident and emergency response system;

59. Acknowledges the Secretariat’s achievements in streamlining its mechanisms for sharing information on nuclear and radiological incidents and emergencies, and encourages Secretariat and Member States to collaborate in further strengthening the effectiveness of international information-sharing mechanisms;

9. Safety and Security of Radioactive Sources

60. Takes note of the progress report submitted by the Director General in document GC(50)/3(H) on the safety and security of radioactive sources, and commends the Secretariat for the work it has undertaken in this respect;

61. Welcomes the successful completion of the IAEA-Russian Federation/USA “Tripartite” Initiative on Securing and Managing Radioactive Sources, and expresses appreciation to the Governments of the Russian Federation and the USA for their financial and in-kind contributions;

62. Commends the many national and multinational efforts to recover and maintain control of vulnerable and orphan sources, and encourages the Secretariat to continue providing support to the efforts of Member States to strengthen control over radioactive sources;

63. Continues to endorse the principles and objectives of the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources, welcomes the high level of global support for the Code, noting that, as at 11 September 2006, 86 States had made a political commitment to it in line with resolutions GC(47)/RES/7.B and GC(48)/RES/10.D, and urges other States to make such a commitment;

64. Underlines the important role of the Guidance on the Import and Export of Radioactive Sources for the establishment of continuous, global control of radioactive sources, notes that, as at 11 September 2006, 33 States had notified the Director General, pursuant to resolution GC(48)/RES/10.D, of their intention to act in accordance with the Guidance on a harmonized basis, reiterates the need for States to implement the Guidance in a cooperative, harmonized and consistent fashion, noting that the Guidance is supplementary to the Code, encourages those States which have not already notified the Director General to do so, recalling operative paragraph 6 of resolution GC(47)/RES/7.B, and encourages the Secretariat to make available relevant information that will facilitate States’ implementation of the Guidance, subject to the consent of the States concerned;

65. Welcomes the progress made by many Member States in working towards implementing the Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources, and encourages other States to do the same to ensure the sustainability of the control of radioactive sources;

66. Recognizes the value of information exchange on national approaches to controlling radioactive sources; takes note of the Board’s endorsement of the proposal for a formalized process for a voluntary, periodic exchange of information and lessons learned and for the evaluation of progress made by States towards implementing the provisions of the non-legally binding Code of Conduct on GC(50)/RES/10 on the Safety and Security of Radioactive Sources given in Annex 2 to document GC(50)/3; taking into consideration concerns expressed by Member States on the legal and financial aspects;

67. Notes that the Secretariat is taking account of the Code of Conduct on the Safety and Security of Radioactive Sources, and of feedback from Member States on how they are implementing the Code, in any revision of the International Basic Safety Standards for Protection against Ionizing Radiation and the Safety of Radiation Sources (BSS), and encourages the Secretariat to make all Agency guidance documents that pertain to the safety and security of radioactive sources consistent with and complementary to the Code of Conduct; and

68. Welcomes the progress made by Member States in strengthening, as necessary, their regulatory infrastructures to ensure the sustainability of the control of radioactive sources, and requests the Secretariat to continue providing support for the efforts of Member States to strengthen those infrastructures subject to the availability of resources.

B. Transport Safety

The General Conference,

(a) Noting the report on transport safety contained in document GC(50)/3,

(b) Noting concerns about a potential accident or incident during the transport of radioactive materials by sea and about the importance of the protection of people, human health and the environment as well as protection from actual economic loss, as defined in relevant international instruments, due to an accident or incident,

(c) Recognizing that, historically, the safety record of maritime transport of nuclear materials has been excellent,
Recalling that States have under international law the obligation to protect and preserve the maritime environment,

(e) Reaffirming the competence of the Agency in relation to the safety of transport of radioactive materials,

(f) Reaffirming maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments,

(g) Stressing the importance of international cooperation to enhance the safety of international navigation,

(h) Emphasizing that the General Conference has encouraged Member States to make use of the Transport Safety Appraisal Service (TranSAS),

(i) Recalling resolutions GC(49)/RES/9, GC(48)/RES/10, GC(47)/RES/7 and GC(46)/RES/9, and the previous resolutions which invited Member States shipping radioactive materials to provide, as appropriate, assurances to potentially affected States, upon their request, that their national regulations take into account the Agency’s recently amended Transport Regulations and to provide them with relevant information relating to shipments of such materials. The information provided should in no case be contradictory to the measures of physical protection and safety,

(j) Recognizing concerns about the potential for damage to arise in the event of an accident or incident during the maritime transport of radioactive materials, including pollution of the marine environment, recognizing also the importance of having in place effective liability mechanisms, and believing that the principle of strict liability should apply in the event of nuclear damage arising from an accident or incident during the transport of radioactive materials, and

(k) Noting the importance of security for the safe maritime transport of radioactive materials and the strong concern of some States in this regard, and stressing the need to take adequate measures to deter or defeat terrorist and other hostile or criminal actions directed against carriers of radioactive materials, in accordance with international law,

1. Notes the progress on implementation of the Action Plan on the Safety of Transport of Radioactive Materials, approved by the Board in March 2004 and based on the results of the International Conference on the Safety of Transport of Radioactive Material held in July 2003 and the request at the 2003 General Conference for the Agency to develop this Action Plan, and encourages the Secretariat to pursue implementation of all areas of the Action Plan and Member States to cooperate fully with the Secretariat to that end;

2. Stresses the importance of having effective liability mechanisms in place to assure against harm to human health and the environment as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials, welcomes the continuing valuable work of the International Expert Group on Nuclear Liability (INLEX), including the publication and wide dissemination of its explanatory text on the various nuclear liability instruments, the examination of the application and scope of the Agency’s nuclear liability regime, including the examination of any identified gaps, and the holding of a workshop in Australia in November 2005 for representatives of countries in Asia and the Pacific, looks forward to the continuation of INLEX’s work, in particular its further outreach activities, welcomes the workshop in Peru in December 2006 for Latin American countries, and requests the Secretariat to report at appropriate times on the continuing work of INLEX;

3. Welcomes the practice of some shipping States and operators of providing in a timely manner information and responses to relevant coastal States in advance of shipments for the purpose of addressing concerns regarding safety and security, including emergency preparedness, and invites others to do so in order to improve mutual understanding and confidence regarding shipments of radioactive materials. The information and responses provided should in no case be contradictory to measures of physical protection and safety;

4. Emphasizes the importance of maintaining dialogue and consultation aimed at improving mutual understanding, confidence building and enhanced communication in relation to the safe maritime transport of radioactive materials, and in this context welcomes the informal discussions on communication which took place in July 2005 and September 2006 between shipping States and relevant coastal States, with Agency involvement, as recommended by the President of the 2003 International Conference and included in the Action Plan, notes the intention of those States to hold further discussions with Agency involvement, looks forward to progress towards addressing and understanding concerns of coastal and shipping States and expresses the hope that further enhancements to mutual confidence, particularly through voluntary communication practices, with due regard to particular circumstances, will result;

5. Welcomes the constructive exchange of views at the seminar on complex technical issues regarding the transport of radioactive materials held in Vienna in January 2006, which reviewed the latest information related to these issues;

6. Welcomes the implementation so far of the Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies, approved by the Board in June 2004, and looks forward to its further implementation and to further measures to improve the overall international emergency response capability, especially with respect to potential maritime incidents;

7. Welcomes the publication of the report on the TranSAS mission to Japan in December 2005, commends those Member States that have already made use of TranSAS and encourages them to put into effect the resulting recommendations and suggestions, as well as to share their good practices with other Member States, and encourages other Member States to avail themselves of TranSAS and to improve transport practices based on recommendations and suggestions of TranSAS missions;

8. Urges Member States that do not have national regulatory documents governing the transport of radioactive materials to adopt such documents expeditiously, and further urges all Member States to ensure that such regulatory documents are in conformity with the current, recently amended, edition of the Agency’s Transport Regulations;

9. Notes the Secretariat’s work on the security of transport of radioactive materials, and that a meeting, with wide participation by Member States, was convened on this issue in January 2006;

10. Requests Member States to cooperate with the Agency in using the procedures for rating radiological incidents during transport and providing information required for the effective operation of the Database on Events in the Transport of Radioactive Material (ETRAM) and the International Nuclear Event Scale (INES);

11. Recalls that the Board approved in June 2005 a policy for reviewing and revising the Agency’s Transport Regulations whereby the Regulations will be reviewed every two years (the current review cycle of the relevant international bodies), with the decision on revision and publication based on the assessments of the Transport Safety Standards Committee (TRANSOCC) and the Commission on Safety Standards (CSS) as to whether a proposal for change is sufficiently important for safety;

12. Looks forward to the development of a dialogue with the United Nations leading to the establishment of a process in which language differences between IAEA and UN Model Regulations may be reconciled;

13. Welcomes the progress made in conjunction with the International Federation of Air Line Pilots’ Associations (IFALPA) on the problems related to refusals of air shipments of radioactive materials (in particular for medical applications), looks forward to a satisfactory resolution of this issue, encourages the Secretariat to continue addressing the denial of shipping issues, and welcomes the establishment of a steering committee to oversee the resolution of the problem;

14. Acknowledges the progress made in relation to education and training for the safe transport of radioactive materials, including the preparation and translation of training materials into official languages, welcomes the course to be held in Malaysia this year and the plans to hold other regional training courses every two or three years, and requests the Director General to continue to strengthen and widen the Agency’s efforts in this area, involving to
the extent possible from the concerned regions, subject to the availability of resources; and

15. Requests the Director General to report at the fifty-first (2007) regular session of the General Conference on the implementation of this resolution.

Nuclear Security – Measures to Protect Against Nuclear Terrorism – Progress on Measures to Protect against Nuclear and Radiological Terrorism

[Resolution GC(50)/RES/11 adopted by the IAEA General Conference on 22 September 2006]

The General Conference,

(a) Recalling its previous resolutions on measures to improve the security of nuclear materials and other radioactive materials, and on measures against illicit trafficking in nuclear materials and other radioactive materials,

(b) Considering, in view of the ever growing number of tragic terrorist attacks worldwide, the need to continue to devote specific attention to the potential implications of terrorist acts for the security of nuclear materials and other radioactive materials in use, storage and transport involving associated facilities, and emphasizing the importance of physical protection and other measures against illicit trafficking and national control systems for ensuring protection against nuclear terrorism and other malicious acts, including the use of radioactive material in a radiological dispersion device,

(c) Noting the four-year Nuclear Security Plan 2006-2009 adopted by the Board of Governors in September 2005,

(d) Recognizing that threat-based risk assessment methodology is relevant for nuclear and other radioactive materials,

(e) Mindful of the obligations of every Member State to keep its peaceful nuclear programmes safe and secure, asserting that responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of international cooperation in supporting the efforts of States to fulfil their responsibilities,

(f) Noting United Nations Security Council resolution 1373, which calls on all States to work, particularly through bilateral and multilateral arrangements, to prevent acts of terrorism,

(g) Noting also that actions of the international community to combat the proliferation of weapons of mass destruction and prevent access by non-State actors to weapons of mass destruction and related material, notably United Nations Security Council resolution 1540, constitute valuable contributions to the protection against nuclear and radiological terrorism, and noting the relevant initiatives,

(h) Noting the adoption of United Nations Security Council Resolution 1673 which extend the mandate of the 1540 Committee in promoting the full implementation of the resolution and intending to continue working actively at national and international levels to achieve this important aim,

(i) Noting in this context the various contributions of the G-8 since the adoption of the global partnership against the spread of weapons and materials of mass destruction at the Kananaksis summit in June 2002, including the recent Saint-Petersburg Declaration on counter-terrorism and the Statement on strengthening the United Nations’ counter-terrorism program, noting also the implementation of the European Union strategy against proliferation of weapons of mass destruction adopted in December 2003, and other national and international contributions, such as the Global Initiative to combat nuclear terrorism announced in July 2006,

(j) Recalling that international conferences expressed their appreciation for international assistance and support for national programmes to secure and control unsecured nuclear and other radioactive materials, consistent with national laws and regulations,

(k) Reaffirming the importance of the Convention on the Physical Protection of Nuclear Material, as the only multilateral legally binding instrument dealing with the physical protection of nuclear material,

(l) Noting United Nations General Assembly Resolution 60/78 on 8 December 2005 which inter alia calls upon all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery; and welcoming the adoption, by consensus, of the International Convention for the Suppression of Acts of Nuclear Terrorism by United Nations General Assembly Resolution 59/290 and noting also that the Convention remains open for signature until 31 December 2006,

(m) Recalling that other international agreements negotiated under the auspices of the Agency are relevant to an integrated approach to nuclear security and the physical protection of nuclear material and other radioactive materials against the threat of nuclear and radiological terrorism, based on prevention, those agreements including the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management,

(n) Reaffirming the importance of the Code of Conduct on the Safety and Security of Radioactive Sources as a valuable instrument for enhancement of safety and security of radioactive sources while recognizing that the Code is not a legally binding instrument,

(o) Noting the central contribution of Agency safeguards agreements and additional protocols, and also of States’ Systems of Accounting for and Control of Nuclear Materials, to preventing illicit trafficking and to deterring and detecting diversion of nuclear materials,

(p) Recognizing the work done by the IAEA in cooperation with Member States to ensure the effectiveness and reliability of equipment used to detect illicit movement of nuclear and radiological materials and the need to continue its work in this regard, and

(q) Stressing the essential importance of ensuring the confidentiality of information relevant to nuclear and radiological security, in particular information that might be of interest to terrorists,

1. Welcomes the first annual report submitted by the Director General in document GOV/2006/46 on measures to improve nuclear security and protection against nuclear and radiological terrorism, produced in response to GC(49)/RES/10; commends the Director General and the Secretariat for the implementation of both the 2002-2005 Plan of Activities and the Nuclear Security Plan for 2006-2009 and looks forward to their continued efforts to improve nuclear and radiological security and prevent nuclear and radiological terrorism;

2. Calls upon all Member States to provide political, financial and technical support, including in-kind contributions, to improve nuclear and radiological security and prevent nuclear and radiological terrorism, and to provide the Nuclear Security Fund the political and, on a voluntary basis, financial support it needs;

3. Welcomes the adoption by consensus, at the Conference held in July 2005 in Vienna of an important amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) which substantially strengthens the convention, extending its scope to cover the physical protection of nuclear facilities and the domestic transport, storage and use of nuclear material, thereby strengthening the global nuclear security; notes that only five States Parties have ratified the amendment; calls on States Parties to the Convention to ratify as soon as possible the amendment and act for its early entry into force and encourages them to act in accordance with the object and purpose of the amendment until such time as it enters into force, and calls on all States that have not done so to adhere to the Convention and adopt the amendment as soon as possible;

4. Expresses its deep satisfaction at the adoption by the United Nations General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism as the 13th multilateral legal instrument dealing with terrorism, invites all States that have
not yet done so, to sign it before 31 December 2006 and to strive for its early entry into force;

5. Welcomes the recent adoption of the General Assembly Resolution on the United Nations Global Counter-Terrorism Strategy encouraging the IAEA to help States to build capacity to prevent terrorists from accessing nuclear materials, ensure security at related facilities and respond effectively in the event of an attack using such materials;

6. Calls on all States not to provide any form of support to non-state actors that commit or intend to commit acts of nuclear or radioactive terrorism, and to take all necessary steps required by United Nations Security Council Resolution 1540 to inter alia prevent illicit trafficking of nuclear and other radioactive material; invites the Secretariat, subject to the availability of resources, to provide such assistance as is within the scope of the Agency’s statutory responsibilities upon request to Member States in fulfilling their commitment under the Resolution and to the 1540 Committee;

7. Welcomes the activities in the physical protection of nuclear materials and facilities and the prevention and detection of and response to illicit activities involving nuclear material and other radioactive materials undertaken by the Agency to improve nuclear and radiological security and prevent nuclear and radiological terrorism;

8. Welcomes also the activities undertaken to provide for an exchange of information with Member States, including continued maintenance of the Illicit Trafficking Database programme, invites all States to participate in the Illicit Trafficking Database programme on a voluntary basis, and further invites all States to consider the potential danger of illicit trafficking across their borders and within their countries;

9. Welcomes the Agency’s work in the field of nuclear forensics and the establishment of a Coordinated Research Project on improvement of technical measures to detect and respond to illicit trafficking of nuclear material and other radioactive materials, and urges Member States to provide continued support to the Agency’s activities in connection with the detection and determination of the origin of illicitly trafficked nuclear or radioactive material;

10. Takes note of the international symposium on the minimization of HEU in the civilian nuclear sector hosted by the Government of Norway in cooperation with the IAEA in Oslo in June 2006 and welcomes the efforts of the IAEA to assist countries which, on a voluntary basis, have chosen to convert research reactors from HEU to LEU fuel;

11. Notes with appreciation the work of the Advisory Group on Nuclear Security in providing advice from Member States’ experts on the orientations and the implementation of Agency activities relevant to nuclear and radiological security, and to review associated documents and services;

12. Takes note of the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear and radiological security, and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures and to report as appropriate to the Board of Governors on the status of the implementation of the new confidentiality measures;

13. Invites the Director General to continue to implement, in consultation and coordination with Member States, pursuant to the Nuclear Security Plan for 2006-2009, and subject to the availability of resources, Agency activities relevant to nuclear and radiological security and protection against nuclear and radiological terrorism;

14. Welcomes the Agency’s initiative to assist States, as appropriate, in planning their future nuclear security activities in particular through Integrated Nuclear Security Support Plans (INSSP) and encourages the Agency to prepare an annual report, highlighting significant accomplishments of the prior year and establishing goals and priorities for the year to come; and

15. Requests the Director General to submit this report to the General Conference at its fifty-first session on activities regarding these issues undertaken by the Agency.

---

**Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol**

[Resolution GC(50)/RES/14, adopted by the IAEA General Conference on 22 September 2006]

The General Conference,

(a) Recalling resolution GC(49)/RES/13,

(b) Convinced that the Agency’s safeguards promote greater confidence among States, inter alia by providing assurance that States are complying with their obligations under relevant safeguards agreements, and thus contribute to strengthening their collective security,

(c) Considering the Treaty on the Non-Proliferation of Nuclear Weapons, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Nuclear Free Zone Treaty, the African Nuclear-Weapon-Free Zone Treaty and the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone and the Agency’s essential role in applying safeguards in accordance with the relevant articles of these treaties,

(d) Noting that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented and that the Agency’s capability to detect undeclared nuclear material and activities should be increased,

(e) Welcoming the Board’s decision, in September 2005, that the Small Quantities Protocol (SQP) should remain part of the Agency’s safeguards system, subject to the modifications in the standardized text and the change in the criteria for an SQP referred to in paragraph 2 of document GC(50)/2,

(f) Welcoming the fact that, as of 21 September 2006, eight States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors,

(g) Stressing the importance of the Model Additional Protocol approved on 15 May 1997 by the Board of Governors aimed at strengthening the effectiveness and improving the efficiency of the safeguards system,

(h) Welcoming the fact that, as of 21 September 2006, 111 States and other Parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 79 of those States and other parties,

(i) Welcoming the fact that all nuclear-weapon States have signed protocols additional to their voluntary offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State’s obligations under article I of the NPT, and noting with satisfaction that protocols additional to the voluntary offer safeguards agreements are in force for three of these States,

(j) Noting the call by the United Nations Secretary-General in his report “In Larger Freedom: Towards Development, Security and Human Rights for All” of March 2005, inter alia, to strengthen the verification authority of the Agency through universal adoption of the Model Additional Protocol,

(k) Noting that additional protocols constitute one of the important instruments in enhancing the Agency’s ability to derive safeguards conclusions regarding the absence of undeclared nuclear material and activities,

(l) Noting the high priority the Agency attaches, in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear material verification activities with strengthening measures,

(m) Taking note of the Agency’s Safeguards Statement for 2005, 1 Operative paragraph 3 was voted on separately and was approved (77 votes in favour, 3 against, 0 abstentions). The entire resolution was thereupon adopted without a vote.
(n) **Stressing** the continuing need for the Agency’s safeguards system to be equipped to respond to new challenges within its mandate,

(o) **Noting** the considerable increase in the Agency’s safeguards responsibilities since the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular since the approval of the Model Additional Protocol by the Board of Governors in May 1997,

(p) **Recalling** that the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons - *inter alia* -

1. reaffirmed that the IAEA is the competent authority responsible for verifying and assuring, in accordance with the Agency’s Statute and the Agency’s safeguards system, compliance with its safeguards agreements, and  
2. recommended that the Director General of the IAEA and the IAEA’s Member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion and entry into force of safeguards agreements and additional protocols, including, for example, specific measures to assist States with less experience in nuclear activities to implement legal requirements,

(q) **Noting** that the 2005 Review Conference of the States Party to the Treaty on the Non-Proliferation of Nuclear Weapons was unable to adopt a final consensus on substantive matters, including on the strengthening of Agency safeguards, and encouraging all States Party to work towards a substantive outcome for the 2010 Review Conference, including its Preparatory Committee Meetings,

(r) **Stressing** that the strengthening of the safeguards system should not entail any decrease in the resources available for technical assistance and co-operation and that it should be compatible with the Agency’s function of encouraging and assisting the development and practical application of atomic energy for peaceful uses and with adequate technology transfer,

(s) **Noting** the importance of maintaining the principles of confidentiality, and

(t) **Welcoming** the holding of a seminar in Rabat, Morocco entitled “Regional Seminar for African States on the Conclusion and Implementation of Additional Protocols (October 2005); an interregional seminar in Vienna entitled “IAEA Seminar on the Role of State Systems of Accounting for and Control of Nuclear Material in Implementing Safeguards in States with Comprehensive Safeguards Agreements and with Small Quantities Protocols” (February 2006); a regional seminar in Quito, Ecuador entitled “Verifying Compliance with Nuclear Non-Proliferation Commitments: Strengthened Safeguards, Small Quantities Protocols and Additional Protocols” (April, 2006); and a seminar in Sydney, Australia, entitled “IAEA Regional Seminar for Asia/Pacific on Multilateral Verification of Nuclear Non-Proliferation Undertakings: IAEA Safeguards Agreements, Small Quantities Protocols and Additional Protocols” (July 2006); and sharing the hope for the continuation of these efforts in order to broaden adherence to the Agency’s strengthened safeguards system,

Consistent with the respective safeguards undertakings of Member States:

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 obligations, and underscores the vital importance of effective safeguards for facilitating co-operation in the field of peaceful uses of nuclear energy;
3. **Bear**ing in mind the importance of achieving the universal application of the Agency’s safeguards system, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible,
4. **Affirms** that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to detecting undeclared nuclear material and activities must be implemented rapidly and universally by all concerned States and other Parties in compliance with their respective international commitments;
5. **Stresses** the importance of the Agency’s safeguards system, including comprehensive safeguards agreements and additional protocols, to the non-proliferation of nuclear material for prohibited purposes, and in particular to the non-diversion of nuclear material placed under safeguards, and the adherence of undeclared nuclear material and activities for a State as a whole;
6. **Stresses** the importance of the Agency’s safeguards system, including comprehensive safeguards agreements and additional protocols, to the non-proliferation of nuclear material for prohibited purposes, and in particular to the non-diversion of nuclear material placed under safeguards, and the adherence of undeclared nuclear material and activities for a State as a whole;
7. **Acknowledges** the work of the Advisory Committee on Safeguards and Verification within the Framework of the Agency’s Statute in accordance with the Board’s decision in June 2005, in whose work all Member States may participate, to consider ways and means to strengthen the safeguards system, and to report thereon, with recommendations, to the Board, and appreciates the Secretariat’s efforts in supporting that work;
8. **Requests** all concerned States and other Parties to safeguards agreements, including nuclear weapon States, that have not yet done so to promptly sign additional protocols and to bring them into force as soon as possible, in conformity with their national legislation;
9. **Notes** in this regard 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 adherence of undeclared nuclear material and activities for a State as a whole;
10. **Requests** 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;
11. **Notes** that 75 States have a comprehensive safeguards agreement supplemented by an additional protocol in force; and that, of these, 45 States have significant nuclear activities and 27 States have supportive SOPs;
12. **Further invites** the nuclear-weapon States to keep the scope of their additional protocols under review;
13. **Requests** the Secretariat to continue to assist States with SOPs, including non-members of the Agency, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material;
14. **Requests** the Secretariat to pursue the implementation of these measures as broadly as possible and without delay as far as available resources permit, and recalls the need for all concerned States and other Parties to safeguards agreements with the Agency to supply the Agency with all the information required;
15. **Requests** the Secretariat to continue to assist States with SOPs, including non-members of the Agency, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material;
16. **Requests** that the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons - *inter alia* -

1. reaffirmed that the IAEA is the competent authority responsible for verifying and assuring, in accordance with the Agency’s Statute and the Agency’s safeguards system, compliance with its safeguards agreements, and  
2. recommended that the Director General of the IAEA and the IAEA’s Member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion and entry into force of safeguards agreements and additional protocols, including, for example, specific measures to assist States with less experience in nuclear activities to implement legal requirements,
18. Recognizes that elements of the conceptual framework for integrated safeguards continue to be developed in the light of experience, further evaluation and technological development, and requests the Secretariat to continue to extend the implementation of integrated safeguards on a priority basis in an effective and cost-efficient manner;

19. Urges the Secretariat to continue to study, in the context of implementation of integrated safeguards, the extent to which the credible assurance of the absence of undeclared nuclear material and activities, including those related to enrichment and reprocessing, for a State as a whole could lead to a corresponding reduction in the current level of verification efforts with respect to declared nuclear material in that State and a corresponding reduction in the costs associated with such efforts;

20. Acknowledges that Agency safeguards can achieve further effectiveness and efficiency when a State level perspective is used in the planning, implementation and evaluation of safeguards activities taking into account the range of available safeguards measures, in conformity with the relevant safeguards agreement(s) in force for that State;

21. Encourages continued cooperation between the Secretariat and Regional and State Systems of Accounting for and Control of Nuclear Material, taking into account their responsibilities and competencies;

22. Notes the commendable efforts of some Member States, notably Japan, and the IAEA 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 2006), and encourages them to continue these efforts, as appropriate, 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;

23. Requests the Secretariat to examine, subject to the availability of resources, innovative technological solutions to strengthen the effectiveness and to improve the efficiency of safeguards;

24. Welcomes efforts to strengthen safeguards, including the Secretariat’s activities in verifying and analysing information provided by Member States on nuclear supply and procurement, taking into account the need for efficiency, and invites all States to cooperate with the Agency in this regard;

25. Commends the Director General and the Secretariat for the continued objective, factual and technically based reporting to the Board of Governors and the General Conference on the implementation of safeguards with appropriate reference to relevant provisions of safeguards agreements;

26. Requests Member States to cooperate among themselves to provide appropriate assistance to facilitate exchange of equipment, material and scientific and technological information for the implementation of additional protocols;

27. 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

28. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-first regular session.

---

**Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea**

[GC(50)/RES/15, Resolution adopted 22 September 2006]

---

**Application of IAEA Safeguards in the Middle East**

[Resolution GC(50)/RES/16, adopted by the IAEA General Conference on 22 September 2006]

The General Conference,

(a) Recognizing the importance of the non-proliferation of nuclear weapons – both globally and regionally – in enhancing international peace and security,

(b) Mindful of the usefulness of the Agency’s safeguards system as a reliable means of verification of the peaceful uses of nuclear energy,

(c) Concerned by the grave consequences, endangering peace and security, of the presence in the Middle East region of nuclear activities not wholly devoted to peaceful purposes,

(d) Welcoming the initiatives regarding the establishment of a zone free of all weapons of mass destruction, including nuclear weapons, in the Middle East and earlier initiatives regarding arms control in the region,

(e) Recognizing that full realization of these objectives would be promoted by the participation of all States in the region,

(f) Commending the efforts of the Agency concerning the application of safeguards in the Middle East and the positive response of most States in concluding a full-scope safeguards agreement, and

(g) Recalling its resolution GC(49)/RES/15,

1. Takes note of the Director General’s report in document GC(50)/12;

2. 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 nuclear-weapon-free zone (NWFZ);

3. 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;

4. Takes note of the importance of the bilateral Middle East peace negotiations and the activities of the multilateral working group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a NWFZ;

5. Requests the Director General to continue 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;

6. 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;

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. 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

9. Requests the Director General to submit to the Board of Governors and the General Conference at its fifty-first 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”.

Agreement Between the Republic of Argentina and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy [ABACC agreement]

[Signed at Guadalajara, Mexico, 18 July 1991]


Noting the progress achieved in Bilateral nuclear co-operation as a result of the joint work under the co-operative agreement on the peaceful uses of nuclear energy, signed in Buenos Aires on 20 May 1980;


Reaffirming their decision to deepen the process of integration between the two countries;

Recognizing the importance of the peaceful use of nuclear energy for the scientific, technological, economic and social development of their peoples;

Believing that the benefits of all applications of nuclear technology should be accessible for peaceful purposes to all States;

Reaffirming the principles of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean; Have agreed as follows:

Basic Undertaking

Article I

1. The Parties undertake to use the nuclear material and facilities under their jurisdiction or control exclusively for peaceful purposes;

2. The Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in:

(a) The testing, use, manufacture, production or acquisition by any means of any nuclear weapon; and

(b) The receipt, storage, installation, deployment or any other form of possession of any nuclear weapon.

3. Bearing in mind that at present no technical distinction can be made between nuclear explosive devices for peaceful purposes and those for military purposes, the Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in, the testing, use, manufacture, production or acquisition by means of any nuclear explosive device while the above-mentioned technical limitation exists.

Article II

None of the provisions of the present Agreement shall affect the inalienable right of the Parties to carry out research on, produce and use nuclear energy for peaceful purposes, each Party maintaining its industrial, technological and commercial secrets, without discrimination and in conformity with Articles I, III and IV.

Article III

None of the provisions of the present Agreement shall limit the right of the Parties to use nuclear energy for the propulsion of any type of vehicle, including submarines, since propulsion is a peaceful application of nuclear energy.

Article IV

The Parties undertake to submit all the nuclear materials in all nuclear activities carried out in their territories or anywhere under their jurisdiction or control to the Common System of Accounting and Control of Nuclear Materials (SCCC) established by Article V of the present Agreement.

Common System of Accounting & Control of Nuclear Materials

Article V

The Parties shall establish the Common System of Accounting and Control of Nuclear Materials (hereinafter referred to as ‘SCCC’), the objective of which shall be to verify, in accordance with the basic guidelines established in the Annex to the present Agreement, that the nuclear materials in all nuclear activities of the Parties are not diverted to the purposes prohibited by the present Agreement.

Brazilian–Argentine Agency for Accounting & Control of Nuclear Materials

Article VI

The Parties shall establish the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (hereinafter referred to as the ‘ABACC’), which shall have legal personality enabling it to carry out the objective assigned to it under the present Agreement.

Objective of the ABACC

Article VII

The objective of the ABACC will be to administer and implement the SCCC in accordance with the provisions of the present Agreement.

Powers of the ABACC

Article VIII

The powers of the ABACC shall be:

(a) To agree with the Parties new General Procedures and Implementation Manuals and any modifications to the existing procedures and manuals that may be necessary;

(b) To carry out the inspections and other procedures required for implementation of the SCCC;

(c) To designate inspectors to carry out the inspections indicated in (b);

(d) To evaluate the inspections carried out in implementation of the SCCC;

(e) To engage the necessary services to ensure fulfilment of its objective;

(f) To represent the Parties before third parties in connection with the implementation of the SCCC;

(g) To take legal action

Organs of the ABACC

Article IX

The organs of the ABACC shall be the Commission and the Secretariat.

Composition of the Commission

Article X

The Commission shall consist of four members, two being designated by each Party. The Commission shall be established within 60 days of the entry into force of the present Agreement.

Functions of the Commission

Article XI

The functions of the Commission shall be:

(a) To monitor the functioning of the SCCC;

(b) To approve the General Procedures and Implementation Manuals referred to in Article VIII(a) after their negotiation by the Secretariat;

(c) To procure the necessary resources for the establishment of the Secretariat;

(d) To supervise the functioning of the Secretariat, preparing instructions and directives as appropriate in each case;

(e) To appoint the professional staff of the Secretariat and to approve the appointment of auxiliary staff;

(f) To prepare a list of duly qualified inspectors from among those proposed by the Parties to carry out the inspection tasks entrusted to them by the Secretariat;
K – 2

(g) To inform the Party concerned of any anomalies which may arise in the implementation of the SCC; that Party shall then be obliged to take the necessary measures to rectify the situation;
(h) To call upon the Parties to establish any ad hoc advisory groups which may be deemed necessary to improve the functioning of the SCC;
(i) To report to the Parties every year on the implementation of the SCC;
(j) To inform the Parties of the non-compliance by one of the Parties of the commitments made under the present Agreement;
(k) To prepare rules of procedure for itself and regulations for the Secretariat.

Composition of the Secretariat

Article XII

1. The Secretariat shall consist of the professional staff appointed by the Commission and of auxiliary staff. In the performance of their duties, the staff of the Secretariat shall be subject to the regulations approved and the directives formulated by the Commission.
2. The senior staff of the nationality of each Party shall take it in turns each year to act as Secretary of the ABACC, beginning with the nationality of the country in which the headquarters is not located.
3. The inspectors designated under Article VII(c) shall be responsible exclusively to the Secretariat while carrying out the duties assigned to them by the Secretariat in connection with the SCC.

Functions of the Secretariat

Article XIII

The Secretariat shall have the following functions:
(a) To implement the directives and instructions issued by the Commission;
(b) In this context, to perform the necessary activities for implementation and administration of the SCC;
(c) To act, under the mandate of the Commission, as the representative of the ABACC in its relations with the Parties and with third parties;
(d) To designate from among those included in the list referred to in Article XII(f) the inspectors who will carry out the inspection tasks necessary for the implementation of the SCC, taking into account that the inspectors who are nationals of one of the Parties should carry out inspections at the facilities of the other Party and to instruct them in the performance of their duties;
(e) To receive the reports which the inspectors will prepare on the results of their inspections;
(f) To evaluate the inspections in accordance with the appropriate procedures;
(g) To inform the Commission immediately of any discrepancy in the records of either of the Parties which emerges from the evaluation of the inspection results;
(h) To prepare the ABACC's budget for approval by the Commission;
(i) To report regularly to the Commission on its activities and, in particular, on the implementation of the SCC.

Confidentiality of the Information

Article XIV

1. The ABACC shall not be authorized to divulge industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programme of the Parties without the express consent of the Parties.
2. The members of the Commission, the staff of the Secretariat, the inspectors and all persons involved in the implementation of the SCC shall not reveal industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programmes of the Parties acquired in or as a result of the performance of their duties. This obligation shall continue even after they have ceased working for the ABACC or doing work related to the implementation of the SCC.
3. The penalties for infringements of paragraph 2 of this Article shall be determined by the respective national legislations, each Party establishing the penalty for infringements committed by its nationals regardless of where they were committed.

Headquarters of the ABACC

Article XV

1. The headquarters of the ABACC shall be in the city of Rio de Janeiro.
2. The ABACC shall negotiate with the Federative Republic of Brazil the relevant headquarters agreement.

Financial and Technical Support

Article XVI

1. The Parties shall provide in equal amounts the necessary funds for the functioning of the SCC and the ABACC.
2. The Parties shall make their technical capabilities available to the ABACC in support of its activities. Persons allocated temporarily to these support tasks shall be bound by the commitment laid down in Article XIV.

Privileges and Immunities

Article XVII

1. The ABACC shall enjoy legal personality and full legal capacity. Its privileges and immunities and those of its staff in Brazil shall be laid down in the headquarters agreement referred to in Article XV.
2. The privileges and immunities of the inspectors and other staff working on a temporary basis for the ABACC shall be determined in an Additional Protocol.

Interpretation and Application

Article XVIII

Any dispute relating to the interpretation and application of the present Agreement shall be settled by the Parties through diplomatic channels.

Breach of the Agreement

Article XIX

Any serious breach of the present Agreement by one of the Parties shall entitle the other Party to terminate the agreement or to suspend its application in whole or in part, notification thereof being made by that Party to the Secretariat of the United Nations and the Secretariat of the Organization of American States.

Ratification and Entry into Force

Article XX

The present Agreement shall enter into force 30 days after the date of exchange of the respective instruments of ratification. Its text shall be transmitted by the Parties to the Secretariat of the United Nations and the Secretariat of the Organisation of American States for registration.

Amendments

Article XXI

The present Agreement may be amended by the Parties at any time by mutual consent. The entry into force of the amendments shall be in accordance with the procedure laid down in Article XX.

Duration

Article XXII

The present Agreement shall be valid for an indefinite period. It may be terminated by either of the Parties by written notification to the other Party, notification thereof being made by the Party terminating the Agreement to the Secretariat of the United Nations and the Secretariat of the Organisation of American States. The termination shall become effective six months after the date of receipt of this notification.

Done in the city of Guadalajara, on the 18th day of the month of July 1991, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.
ANNEX

Basic Guidelines for the Common System of Accounting and Control of Nuclear Materials

Article I

1. The Common System of Accounting and Control of Nuclear Materials (the SCCC) is a set of procedures established by the Parties to detect, with a reasonable degree of certainty, whether the nuclear materials in all their nuclear activities have been diverted to uses not authorised under the terms of the present Agreement.

2. The SCCC consists of General Procedures and Implementation Manuals for each category of installation.

Article II

The SCCC shall be based on a structure of nuclear material accounting areas and shall be applied as of one of the following initiating events:

(a) The production of any nuclear material of suitable composition and purity for direct use in the manufacture of nuclear fuel or in isotopic enrichment, including the subsequent generations of nuclear material produced from such material;

(b) The import of any nuclear material having the characteristics set forth in paragraph (a) above or any other nuclear materials produced in a subsequent stage of the nuclear fuel cycle.

Article III

The nuclear material shall cease to be subject to the SCCC when:

(a) It has been moved outside the jurisdiction or control of the Parties; or

(b) It has been transferred to a non-nuclear use or a nuclear use not relevant in terms of the SCCC; or

(c) It has been used, diluted or transformed so that it cannot be used for any nuclear use relevant in terms of the SCCC or it is practically irrevocable.

Article IV

The application of the SCCC to nuclear materials used for the nuclear propulsion of any type of vehicle, including submarines, or in other activities which, by their nature, require a special procedure shall have the following special characteristics:

(a) The suspension of inspections, of access to operational accounting records and of notifications and reports required under the SCCC in relation to these nuclear materials for the duration of their use for the above-mentioned activities;

(b) The reapplication to these nuclear materials of the procedures referred to in paragraph (a) when they cease to be used for those activities;

(c) The recording by the ABACC of the total quantity and composition of such nuclear materials under the jurisdiction or control of one of the Parties and all transfers of these materials outside such jurisdiction or control.

Article V

The suitable level of accounting and control of nuclear materials for each installation shall be determined according to the strategic value obtained from analysis of the following variables:

(a) Category of the nuclear material, taking into account the relevance of its isotopic composition;

(b) Conversion time;

(c) Inventory/flow of the nuclear material;

(d) Category of the installation;

(e) Degree of importance of the installation in comparison with other existing installations;

(f) Existence of containment and surveillance methods.

Article VI

The SCCC, where appropriate, shall include such measures as:

(a) A system of records or reports reflecting, for each nuclear material accounting area, the inventory of nuclear materials and changes in that inventory;

(b) Provisions for the correct application of the accounting and control procedures and measures;

(c) Measuring systems to determine the nuclear material inventories and their variations;

(d) Evaluation of the accuracy and degree of approximation of the measurements and calculations of their uncertainty;

(e) Procedures to identify, revise and evaluate shipper-receiver differences in the measurements;

(f) Procedures for carrying out a physical inventory;

(g) Procedures for determining and evaluating non-accounted material;

(h) Implementation of containment and surveillance systems.
Unilateral Security Assurances by Nuclear-Weapon States

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/610/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/612/11]

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 States.

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;

Finally: for the first time, a draft resolution deals with both positive and negative 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 petit principe; 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 evidenced 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.
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.1/337, 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.

Assistance 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 reaffirms 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.

The United Nations Security Council 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.


[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.


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 against 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 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 member 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 assuring 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 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-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;

10. Underlines that the issues raised in this resolution remain of continuing concern to the Council.


[Submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, Sweden, and South Africa as members of the New Agenda Coalition (NAC). Reproduced from NPT/CONF.2005/PC.II/WP.11, 1 May 2003]

1. INTRODUCTION

The Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons states that: “The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue.”

Paragraph 98 of the 1995 Principles and Objectives for Non-Proliferation and Disarmament states that: “Noting United Nations Security Council resolution 984(95), which was adopted unanimously on 11 April 1995, concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.”

The 1990 Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which, while the document as a whole did not achieve agreement, was consensus language, that: "The Conference recognises the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon States, including those which are not parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness.”

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that: "There is in neither customary nor conventional international law any specific authorisation of the threat or use of nuclear weapons" and that "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful.”

2. PERSPECTIVE

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT.

Security assurances rightfully belong to those who have given up the nuclear weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions that would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally binding instrument on security assurances; and
- In what format such security assurances would be provided.

4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, that they are legally in a position to possess nuclear weapons and that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX (3) of the Nuclear Non-Proliferation Treaty identifies and defines a nuclear weapon State as one “which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.”

5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES


6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to
provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances that rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the aforementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances, these assurances were qualified to exclude cases of an invasion or any other attack on a nuclear-weapon State’s territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES

An internationally legally binding instrument would, inter alia, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.
- The identification of the States providing the security assurances.
- The identification of the States beneficiary of the security assurances.
- Any qualifications to the security assurances provided for in the instrument.
- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear weapons.

8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these assurances should only be granted in the context of nuclear-weapon-free zones are not valid. The primary undertaking not to aspire to nuclear weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.

9. A DRAFT [PROTOCOL] [AGREEMENT]

A draft [Protocol] [Agreement] that demonstrates how security assurances could be encapsulated taking into account the contents of this paper is attached. This draft is attached on the understanding that any such [Protocol] [Agreement] would be the subject of intensive and detailed negotiations that would need to be agreed upon by consensus amongst all the States parties to the NPT. As such, it is further understood that all States parties would reserve, and exercise, the right to make proposals for changes, additions and/or deletions to the text, should it be considered as a possible basis for further work.

ANNEX — DRAFT [PROTOCOL] [AGREEMENT] ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Preamble

The States party to this [Protocol] [Agreement].

Being also parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature in London, Moscow and Washington on 1 July 1968 (hereinafter called ‘the Treaty’).

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty to these efforts, (Taken from UNSCR 984(1995))

Taking into consideration the legitimate concern of non-nuclear weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures are undertaken to safeguard their security, (Taken from UNSCR 984(1995))

Agreeing that legally binding security assurances by the five nuclear weapon states to the non-nuclear weapon states parties to the Treaty strengthen the nuclear and non-proliferation regime, (Taken from 2000 NPT Final Document)

Recognising the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances, (Taken from UNSCR 984(1995))

Reaffirming the need for all States party to the Treaty to comply fully with all their obligations, (Taken from UNSCR 984(1995))

Reaffirming also the importance of the Treaty and the need for the full implementation and achievement of all of its provisions,

Reaffirming furthermore that the Board of Governors of the International Atomic Energy Agency (IAEA) is responsible for the consideration of cases of non-compliance with IAEA safeguards agreements, (IAEA Statute)

Reaffirming that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, (Taken from 2000 NPT Final Document)

Recalling the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States Parties to the Treaty are committed under Article VI of the Treaty, (Taken from 2000 NPT Final Document)

Have decided and hereby agree as follows:

Article I

1. The nuclear-weapon States party to this [Protocol] [Agreement] as defined in terms of Article IX (3) of the Treaty undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty.

2. The States party to this [Protocol] [Agreement] undertake, individually or collectively, to take appropriate measures in response to a request for political, military, technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State party to the Treaty which is a victim of the use of nuclear weapons. (Taken from UNSCR 984(1995))

Article II

1. The security assurance provided for in terms of Article I (1) of this [Protocol] [Agreement] shall be provided by the nuclear-weapon State parties as defined in terms of Article IX (3) of the Treaty.

2. The States receiving the security assurance provided for in terms of Article I (1) shall be non-nuclear-weapon State parties to the Treaty which are in compliance with their obligations under Article I of the Treaty. (Taken from security assurances statements by NWS of April 1995)

3. The security assurance provided for in terms of Article I (1) shall cease to apply in the event of an invasion or any other armed attack on a nuclear-weapon State’s territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State party to the Treaty in association or alliance with a nuclear-weapon State. (Taken from security assurances statements by NWS of April 1995)
Article III
1. The States party to this [Protocol] [Agreement] undertake to cooperate with the Security Council of the United Nations in the event of the use or threat of use of nuclear weapons. The Security Council shall consider measures in conformity with the Charter of the United Nations to address such an act or action. (Taken from UNSCR 984(1995))

Article IV
1. This [Protocol] [Agreement] shall be signed and shall be open for signature by any State party to the Treaty. It shall be subject to ratification.
2. This [Protocol] [Agreement] shall enter into force for each State party on the date of deposit of its instrument of ratification.
3. This [Protocol] [Agreement] shall be of unlimited duration and shall remain in force as long as the Treaty is in force.
4. This [Protocol] [Agreement] shall not be subject to reservations.
5. Any amendments to the [Protocol] [Agreement] proposed by a State party shall be carried out in accordance with the procedures of Article VII (1) and (2) of the Treaty.
6. Each State party to the [Protocol] [Agreement] shall in exercising its national sovereignty have the right to withdraw from the [Protocol] [Agreement] in accordance with the provisions of Article X (1) of the Treaty.
7. The operation and effectiveness of this [Protocol] [Agreement] shall be reviewed at the Review Conferences of the Treaty.

Article V
1. Nothing in this [Protocol] [Agreement] shall be interpreted as in any way limiting or detracting from the obligations of any State under other agreements or treaties on the establishment of nuclear-weapon-free zones.

Article VI
1. This [Protocol] [Agreement], the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the Depository Governments of the Treaty. Duty certified copies of this [Protocol] [Agreement] shall be transmitted by the Depository Governments to the Governments of the signatory States.
2. IN WITNESS WHEREOF the undersigned, duly authorized, have signed this [Protocol] [Agreement],
3. DONE in triplicate, at the cities of London, Moscow and Washington, the ... day of ...

Working Paper on Security Assurances Submitted by China
[Reproduced from NPT/CONF.2005/WP.9]

The Chinese Delegation hereby requests that the following elements be incorporated in the report of Main Committee I and the Final Document of the Review Conference.

1. In order to free the world from the threat of nuclear weapons and the risk of nuclear war, all nuclear weapons should be subjected to complete prohibition and thorough destruction. Before this objective is achieved, all nuclear-weapon states should undertake not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones at any time and under any circumstances.
2. Legally binding security assurance by nuclear-weapon states to the non-nuclear-weapon states is conducive to strengthening the international nuclear non-proliferation regime. International legally binding instruments on these issues should be concluded as early as possible.
3. Nuclear-weapon states should lower the role of nuclear weapons in their national security strategies and not list any countries as targets of nuclear strike.
4. Nuclear-weapon states should support non-nuclear-weapon states’ efforts to establish nuclear-weapon-free zones and undertake corresponding obligations.
5. The Conference on Disarmament should re-establish an ad hoc committee on negative security assurances and start substantive work and negotiations without delay.

Working Paper on Security Assurances Submitted by Iran
[Reproduced from NPT/CONF.2005/WP.49]

Working paper by the Islamic Republic of Iran on negative security assurances

1. The question of the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) against use or threat of use of nuclear weapons has been an important issue since the inception of the NPT.
2. In the early 1980s, all five nuclear-weapon States, in response to the international demand for a treaty on negative security assurances against nuclear weapons, as a first limited step, accepted some qualified undertakings not to use such weapons against States Parties to the NPT and those which renounce the production and acquisition of such weapons.
3. In early April 1995, this pledge was reaffirmed through unilateral statements by nuclear-weapon States and on 11 April 1995, just days before the 1995 NPT Review and Extension Conference, United Nations Security Council resolution 984 was adopted taking note of these unilateral statements and recognizing “the legitimate interest of non-nuclear-weapon States parties to the Treaty on Non-Proliferation of Nuclear Weapons to receive assurances”. The Security Council is also very explicit in “considering that the … resolution constitutes a step in this direction”. The 1995 unilateral statements and the subsequent United Nations Security Council resolution are inseparable parts of the deal over the indefinite extension of the Treaty and the efforts to weaken those achievements seriously undermine the very credibility of the NPT.
4. The unilateral declarations of the nuclear-weapon States and the Security Council resolution were duly taken note of in a package of decisions, by the 1995 NPT Review and Extension Conference. Principle 8 of the Decision on Principles and Objectives stipulated that “further steps should be considered to assure non-nuclear-weapons States Parties 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.”

5. The 2000 NPT Review Conference in paragraph 2 under “Article VII Chapter” of its Final Document reaffirmed the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons, and agreed that legally binding security assurances by the five nuclear-weapon States parties to the Treaty to the non-nuclear-weapon States strengthen the nuclear proliferation regime and called upon the Preparatory Committee to make recommendations to the 2005 Review Conference. In view of this agreement, despite the inability of the Preparatory Committee, the NPT Review Conference has a clear mandate to make a decision on Negative Security Assurances.

6. Today, as an effect of the adoption of the Nuclear Posture Review in 2001, the non-nuclear-weapon States are more than ever under the real threat of use of nuclear weapons. The development of new types of nuclear weapons and naming non-nuclear-weapon States as targets of such inhumane weaponry clearly violates the obligations under Article VI of the Treaty and put their commitment to their 1995 unilateral statement under serious question. Contrary to some claims, the development of mini-usable nukes or the so-called bunker busters are not mere studies. Hundreds of millions of dollars have already been allocated to the project and the international community should not await the deployment or even use of such weapons to react.

7. Iran considers the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons and pending the total elimination of these inhuman weapons, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority by the international community.

8. We therefore expect this Conference in the implementation of the mandate from the 2000 Review Conference, to make a decision on the Negative Security Assurances to Non-nuclear Weapon States. The Conference could reaffirm, inter alia, that:

(i) In the post cold war era and pending the conclusion of a legally binding instrument on negative security assurances, the nuclear-weapons States should undertake unconditional and unqualified commitments so as not to use or threat of use of nuclear weapons against non-nuclear-weapons States parties to the NPT.

(ii) In light of the new developments in the international security arena, a new resolution from the United Nations Security Council underlining unqualified security assurances on use or threat of use of nuclear weapons against non-nuclear-weapons States parties to the NPT would enhance regional and international peace and security.

9. We regret that the Preparatory Committee was disabled from producing recommendations on the Security Assurances to the 2005 Review Conference. Therefore, we propose that the Conference would establish an AD-Hoc Committee to work on a draft legally binding instrument on providing security assurances by the five nuclear-weapons States to non-nuclear-weapons States parties to the Treaty, and to submit the draft of the legal instrument to the next Review Conference for its consideration and adoption. As a first step to address the twin issues of illegality of use and NSA, we believe that as suggested by the NGO community this conference should adopt a decision through which the Conference “decides that the threat or use of nuclear weapons against non-nuclear-weapons States shall be prohibited.”
The Zangger Committee: A History
1971-1990

[Reproduced from Annex attached to INFIRC/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, already 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.


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 III.2(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 his 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 INFIRC/209 dated 3 September 1974.

7. The three exceptions (Belgium, Italy and Switzerland) subsequently wrote to the Director General informing him of their decision to comply with the undertakings of the Nuclear Suppliers' Group set out in INFIRC/209 dated February 1978.

The 'Trigger List'.

8. The memorandum dealing with equipment and non-nuclear material (INFIRC/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.

9. Attached to the original Trigger List was an Annex 'clarifying' or defining the items described on it in some detail. The passage of time and successive developments in technology have meant that the Committee is constantly engaged in monitoring the need for revision or further 'clarification' of Trigger List items and the original Annex has thus grown considerably. To date, four clarification exercises (conducted on the basis of consensus, through the same procedure of internal notification and, where appropriate, by identical letters to the Director General of the IAEA) have taken place.

Details of the four clarification exercises are set out below:

- In November 1977 the clarifications contained in the Trigger List Annex were updated to bring them into conformity with those of INFIRC/254. However, three member States (Belgium, Italy and Switzerland) expressed the reserve that, in their opinion, the new item 'Plants for the production of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor' (2.6.1) did not fall within the legal scope of Article I II2.6(b) of the NPT and would entail an implicit modification of it. Accordingly, they made it clear that they would act on this item on the basis of their commitments under the Nuclear Suppliers' Guidelines.

- The amendments were published in the IAEA document INFIRC/209/Mod.1. issued on 1 December 1978.

- In order to take account of the technological development which had taken place during the preceding decade in the field of isotope separation by the gas centrifuge process, the clarifications in the Trigger List Annex concerning Isotope Separation Plant Equipment were updated to include additional detail.

The text of the next clarification was published in the IAEA document INFIRC/209/Mod.2 of February 1984.

- For similar reasons the clarifications contained in the Trigger List Annex concerning Fuel Reprocessing Plants were updated to include further items of equipment.

- The text of the new clarification was published in the IAEA document INFIRC/209/Mod.3 of August 1985.

- The clarifications contained in the Trigger List Annex concerning Isotope Separation Plant Equipment were further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method.

The text of the new clarification was published in the IAEA document INFIRC/209/Mod.4 of February 1990.

Status of the Committee.

10. The Committee's Understandings and the INFIRC/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.

Membership.

11. A list of the current Member States of the Zangger Committee is set out below.

Australia
Austria
Belgium
Canada
Czechoslovakia
Denmark
Finland
Germany
Greece
Hungary
Ireland
Italy
Japan
Luxembourg
Netherlands
Norway
The Nuclear Suppliers Group: Its Origins, Role and Activities

[Compiled by Sweden on Behalf of the Member States of the Nuclear Suppliers Group, Reproduced from INFCIRC/639/Rev. 3, 30 May 2005]

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 participants pursue the goals of the NSG through adherence to the NSG Guidelines, which 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) reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plants and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology associated with each of the above items.

3. The second set of NSG Guidelines governs the export of nuclear-related dual-use items and technologies, that is, items that can make a major contribution to an un-safeguarded nuclear fuel cycle or nuclear explosive activity, but that have non-nuclear uses as well, for example in industry.

4. The NSG Guidelines are consistent with, and complement, the various international, legally binding instruments in the field of nuclear non-proliferation. These include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga), the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) and the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok).

5. The aim of the NSG Guidelines is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, and that international trade and cooperation in the nuclear field is not hindered unjustly in the process. The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms. The NSG urges all States to adhere to the Guidelines.

6. The commitment of NSG participants to rigorous conditions of supply, in the context of the further development of the applications of nuclear energy for peaceful purposes, makes the NSG one of the elements of the international nuclear non-proliferation regime.

Background to Present Paper

7. The purpose of this paper is to contribute to a broader understanding of the NSG and its activities as part of an overall effort to promote dialogue and cooperation between NSG participants and non-NSG participants. This document provides information on actions taken by NSG participants to give effect to their commitment to improve transparency in nuclear-related export controls and to cooperate more closely with non-NSG participants to achieve this objective. In so doing, it aims to encourage wider adherence to the NSG Guidelines.

8. The paper's purpose is therefore consistent with Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," agreed at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPTREC) where Paragraph 17 of that document states that "transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty." In this connection, NSG participants also take into account Paragraph 16 of that document, which calls for preferential treatment to be accorded to non-nuclear weapons 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 the NSG action to promote openness and transparency.

I. Origins and Development of the NSG

Export Controls

9. From the beginning of international cooperation in the peaceful uses of nuclear energy, supplier countries have recognised the responsibility to ensure that such cooperation does not contribute to the proliferation of nuclear weapons. Shortly after entry into force of the NPT in 1970, multilateral consultations on nuclear export controls led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee in 1971 and what has become known as the Nuclear Suppliers Group in 1975. Between 1978 and 1991, the NSG was not active, even though its Guidelines were in place. The Zangger Committee continued to meet on a regular basis during this period to review and amend the list of items subject to export controls, the so-called "Trigger List."

The Zangger Committee

10. The Zangger Committee had its origins in 1971 when major nuclear suppliers regularly involved in nuclear trade came together to reach common understandings on how to implement Article III.2 of the NPT with a view to facilitating consistent interpretation of the obligations arising from that Article. In 1974 the Zangger Committee published a "Trigger List," that is, items which would trigger a requirement for safeguards and the Zangger guidelines ("common understandings") governing the export, direct or indirect, of those items to non-nuclear-weapons States (NNWS) that are not party to the NPT. The Zangger Understandings establish three conditions for the supply: a non-explosive-use assurance, an IAEA safeguards requirement, and a re-transfer provision that requires

---

1 These guidelines are contained in INFCIRC/254, Part 1 (as amended).
2 These guidelines are contained in INFCIRC/254, Part 2 (as amended).
the receiving State to apply the same conditions when re-exporting these items. The Zangger Trigger List and the Understandings are published as IAEA document INFCIRC/259, as amended.

The NSG

11. The NSG was created 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. It was thus felt that conditions of nuclear supply might need to be adopted so as to better ensure that nuclear cooperation could be pursued without contributing to the risk of nuclear proliferation. This event brought together the major suppliers of nuclear material, non-nuclear material for reactors, equipment and technology who were members of the Zangger Committee, as well as States who were not parties to the NPT.

12. The NSG, taking into account the work already done by the Zangger Committee, agreed on a set of guidelines incorporating a Trigger List. The NSG Guidelines were published in 1978 as IAEA Document INFCIRC/254 (subsequently amended), to apply to nuclear transfers for peaceful purposes to help ensure that such transfers would not be diverted to un-safeguarded nuclear fuel cycle or nuclear explosive activities. There is a requirement for formal government assurances from recipients to this effect. The NSG Guidelines also strengthened re-transfer provisions and adopted a requirement for physical protection measures and an agreement to exercise particular caution in the transfer of sensitive facilities, technology and material usable for nuclear weapons or other nuclear explosive devices. In doing so, the NSG Guidelines recognised the fact that there is a class of technologies and materials that are particularly sensitive—namely, enrichment and reprocessing technologies—because they can lead directly to the creation of material usable for nuclear weapons or other nuclear explosive devices. The implementation of effective physical protection measures is also critical. This can help prevent the theft and illicit transfer of nuclear material.

13. At the 1990 NPT Review Conference (NPTRC), a number of recommendations made by the committee reviewing the implementation of Article III had a significant impact on the NSG's activities in the 1990s. These included the following:

- That NPT parties consider further improvements in measures to prevent the diversion of nuclear technology for nuclear weapons;
- That States engage in consultations to ensure appropriate coordination of their controls on the exports of items, such as tritium, not identified in Article III.2 but still relevant to nuclear weapons proliferation and therefore to the NPT as a whole;
- That nuclear supplier States require, as a necessary condition for the transfer of relevant nuclear supplies to non-nuclear weapon States, the acceptance of IAEA safeguards on all their current and future nuclear activities (i.e. full-scope safeguards or comprehensive safeguards).

14. Shortly thereafter, it became apparent that export control provisions then in force had not prevented Iraq, a party to the NPT, from pursuing a clandestine nuclear weapons programme, which later prompted UN Security Council action. A large part of Iraq's effort had been to acquire dual-use items not covered by the NSG Guidelines and then to build its own nuclear explosive devices. The implementation of physical protection measures is also critical. This can help prevent the theft and illicit transfer of nuclear material.

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 un-safeguarded nuclear fuel cycle or nuclear explosive activity. These Dual-Use Guidelines were published as Part 2 of INFCIRC/254, and the original Guidelines published in 1978 became Part 1 of INFCIRC/254;
- To establish a framework for consultation on the Dual-Use Guidelines, for the exchange of information on their implementation and on procurement activities of potential proliferation concern;
- To establish procedures for exchanging notifications that have been issued as a result of national decisions not to authorise transfers of dual-use equipment or technology and to ensure that NSG participants do not approve transfers of such items without first consulting with the State that issued the notification;
- To make a full-scope safeguards agreement with the IAEA a condition for the future supply of Trigger List items to any non-nuclear-weapon State. This decision ensured that only NPT parties and other States with full-scope safeguards agreements could benefit from nuclear transfers.

16. The endorsement at the 1995 NPTREC of the full-scope safeguards policy already adopted by the NSG in 1992 clearly reflects the conviction of the international community that this nuclear supply policy is a vital element to promote shared nuclear non-proliferation commitments and obligations. Specifically, Paragraph 12 of Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" states that full-scope safeguards an international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices should be a condition for granting licences for Trigger List items under new supply arrangements with non-nuclear-weapon States.

17. The 2000 NPTRC reconfirmed also that any transfer of nuclear-related dual-use items should be in full conformity with the NPT.

The NSG, the Zangger Committee and the NPT

18. The NSG and the Zangger Committee differ slightly in the scope of their Trigger Lists of especially designed or prepared (EDP) items and in the export conditions for items on those lists. Concerning the scope of those lists, the Zangger list is restricted to items falling under Article III.2 of the NPT. The NSG Guidelines, in addition to covering equipment and material, also cover the technology for the development, production and use of the items on the list. On export conditions for the items on the Trigger Lists, the NSG has a formal full-scope safeguards requirement as a condition of supply. The NSG Guidelines apply to transfers for peaceful purposes to any NNWS and, in the case of controls on retransfer, to transfers to any State.

19. The NSG Guidelines also contain the so-called "Non-Proliferation Principle," adopted in 1994, whereby a supplier, notwithstanding other provisions in the NSG Guidelines, authorises a transfer only when satisfied that the transfer would not contribute to the proliferation of nuclear weapons. The Non-Proliferation Principle seeks to address the rare but important cases where adherence to the NPT or to a Nuclear Weapon Free Zone Treaty may not by itself be a guarantee that a State will consistently share the objectives of the Treaty or that it will remain in compliance with its Treaty obligations.

20. The NSG arrangement covering exports of dual-use items is a major difference between the NSG and the Zangger Committee. As dual-use items cannot be defined as EDP equipment, they fall outside the Zangger Committee's mandate. As noted above, the control of dual-use items has been recognised as making an important contribution to nuclear non-proliferation.

21. Despite these differences between the two regimes, it is important to keep in mind that they serve the same objective and are equally valid instruments of nuclear non-proliferation efforts. There is close cooperation between the NSG and the Zangger Committee on the review and amendment of the Trigger Lists.

II. Structure and Current Activities of the NSG Participation

22. From the initial publication of INFCIRC/254 in 1978 to now, participation has increased steadily. (See full list of NSG participants in the Annex.)

23. Factors taken into account for participation include the following:
The ability to supply items (including items in transit) covered by the Annexes to Parts 1 and 2 of the NSG Guidelines;

- Adherence to the Guidelines and action in accordance with the Annexes to Parts 1 and 2 of the NSG Guidelines;
- Enforcement of a legally based domestic export control system that gives effect to the commitment to act in accordance with the Guidelines;
- Adherence to one or more treaties, such as the NPT, the Treaties of Tlatelolco, Rarotonga, Pelindaba, Bangkok or an equivalent international nuclear non-proliferation agreement, and full compliance with the obligations of such agreement(s);
- Support of international efforts towards non-proliferation of weapons of mass destruction and of their delivery vehicles.

Organisation of Work

24. The NSG works on the basis of consensus. Overall responsibility for activities lies with the NSG participants who meet once a year in a Plenary meeting.

25. A rotating Chair has overall responsibility for coordination of work and outreach activities. (See full list of NSG Chairs in the Annex.)

26. The NSG Plenary can decide to set up technical working groups on matters such as the review of the NSG Guidelines, the Annexes, the procedural arrangements, information sharing and transparency activities. The NSG Plenary can also mandate the Chairs to conduct outreach activities with specific countries. The aim of the outreach activities is to promote adherence to the NSG Guidelines.

27. Typically, the agenda of the Plenary meeting focuses on reports from working groups that may be operating or may have concluded their work since previous Plenaries as well as on reports from the previous NSG Chair on outreach activities. Time is also allotted to review items of interest such as trends in nuclear proliferation and developments since the previous Plenary meeting.

28. In addition to the Plenary meeting, the NSG has two other standing bodies that report to the Plenary. These are the Consultative Group (CG) and the Information Exchange Meeting (IEM) with Chairs that also rotate annually. The CG meets at least twice a year and is tasked to hold consultations on issues associated with the Guidelines on nuclear supply and the technical annexes. The IEM precedes the NSG Plenary and provides another opportunity for NSG participants to share information and developments of relevance to the objectives and content of the NSG Guidelines. Under the mandate of information exchange, the Licensing and Enforcement Experts Meeting, or LEEM, discusses issues relating to effective licensing and enforcement practices.

29. NSG participants review the Guidelines in INFIRC/254 from time to time to ensure that they are up to date to meet evolving nuclear proliferation challenges. The IAEA is notified of agreed amendments to Parts 1 and 2 of the NSG Guidelines and their associated lists and reissues INFIRC/254 accordingly. Such amendments can be additions, deletions or corrections.

30. The Permanent Mission of Japan in Vienna, acting as a Point of Contact, carries out a practical support function. It receives and distributes NSG documents, notifies meeting schedules and provides practical assistance to the NSG Plenary, the CG and IEM Chairs and Chairs of the various working groups established by the Plenary.

How the Guidelines Work

31. The NSG Guidelines introduce a degree of order and predictability among the suppliers and harmonise standards and interpretations of suppliers' undertakings with the aim of ensuring that the normal process of commercial competition does not lead to outcomes that further the proliferation of nuclear weapons. Consultations among NSG participants are also designed to ensure that any possible impediments to international nuclear trade and cooperation are kept to a minimum.

32. The NSG Guidelines are implemented by each NSG participant in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements. This is the prerogative and right of all States for all export decisions in any field of commercial activity and is also in line with the text of Article III.2 of the NPT, which refers to "each State Party," and thus emphasises the sovereign obligation of any party to the Treaty to exercise proper export controls. NSG participants meet regularly to exchange information on issues of nuclear proliferation concern and how these impact on national export control policy and practice. However, it is important to remember that the NSG does not have a mechanism for limiting supply or the coordination of marketing arrangements and does not take decisions on licence applications as a group.

33. The requirement that no transfer of Trigger List items to NNWS takes place unless the recipient State has full-scope safeguards on all its nuclear activities is particularly pertinent because it establishes a uniform standard of supply that is based on the IAEA's international verification system. The strengthened safeguards system of the IAEA, as adopted in 1997, should improve considerably the Agency's ability to exercise its verification role.

34. Contacts and briefings take place with non-participating countries: in addition to the outreach activities conducted with potential NSG participants, the NSG conducts briefings of non-NSG participants with a view to increasing the understanding of and adherence to the NSG Guidelines. States can choose to adhere to the Guidelines without being obliged to participate in the NSG.

III. Developments of the NSG to Date

35. The NSG Guidelines have significantly strengthened international solidarity in the field of transfers of nuclear material. NSG undertakings reflect the non-proliferation and peaceful nuclear cooperation objectives that NSG participants share with all NPT parties and parties to other international legally binding non-proliferation commitments. Controls on the transfer of listed items and technologies provide essential support for the implementation of these treaties and for the continuation and development of peaceful nuclear cooperation, thus also facilitating the utilisation of nuclear energy in developing countries.

36. Contrary to fears that the NSG Guidelines act as an impediment to the transfer of nuclear materials and equipment, they have in fact facilitated the development of such trade. For some time now, supply arrangements have incorporated NSG commitments. Such arrangements are designed to expedite transfers and trade. The NSG commitments, when woven into the supply arrangements with a basis in respective national laws, provide governments with legitimate and defensible arguments that such arrangements diminish proliferation risk. In this manner, 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 un-safeguarded nuclear programmes.

39. There is close interdependence between the controls in Part 1 of the Guidelines and the effective implementation of comprehensive IAEA safeguards. The NSG supports full international efforts to strengthen safeguards to detect undeclared activities as well as to monitor declared nuclear activities to ensure that they continue to meet vital nuclear non-proliferation requirements and to provide the assurances needed for the continuation of international nuclear trade.

40. The NSG held an Intersessional Meeting in Vienna in October 1998, following the concern expressed by NSG participants at the nuclear tests conducted by India and Pakistan in May 1998. NSG participants discussed their impact and they reaffirmed their commitment to the NSG Guidelines.
41. The NSG held an Extraordinary Plenary Meeting in Vienna in December 2002 and agreed to several comprehensive amendments to strengthen its Guidelines, intended to prevent and counter the threat of diversion of nuclear exports to nuclear terrorism. The Plenary emphasised that effective export controls are an important tool to combat the threat of nuclear terrorism. While discussing the DPRK nuclear programme, the Participating Governments of the NSG called on all States to exercise extreme vigilance to make best efforts that none of their exports of goods and technologies contribute to nuclear weapons programmes. In this regard, NSG participants welcome UNSCR 1540’s affirmation that the prevention of nuclear weapons should not hamper international cooperation in materials, equipment and technology used for peaceful purposes while goals of peaceful utilisation should not be used as a cover for proliferation.

42. At the 2004 NSG Plenary in Göteborg, Sweden, the NSG welcomed Libya’s voluntary decision to eliminate materials, equipment and programmes leading to the production of nuclear weapons, while noting with deep concern the discovery of elements of a covert international proliferation trafficking network through which sensitive nuclear-related equipment had found its way to Libya. The Göteborg Plenary also noted the importance of Iran’s full compliance with its obligations under the Nuclear Non-Proliferation Treaty (NPT) and called on Iran to implement proactively all of the provisions of the resolutions of the International Atomic Energy Agency (IAEA) Board of Governors and to restore broad international confidence.

43. NSG Participants continue discussions on illicit procurement and trafficking, while calling on all States to exercise extreme vigilance to make best efforts that none of their exports of goods and technologies contribute to nuclear weapons programmes. In this regard, NSG participants welcome UNSCR 1540’s affirmation that the prevention of nuclear weapons should not hamper international cooperation in materials, equipment and technology used for peaceful purposes while goals of peaceful utilisation should not be used as a cover for proliferation.

44. NSG participants also welcome UNSCR 1540’s recognition of the importance of export controls to non-proliferation efforts, as well as its decision that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear weapons, including establishing end-user controls.

45. To further strengthen Participating Government’s national export controls, the 2004 Göteborg Plenary decided to adopt a “catch-all” mechanism in the NSG Guidelines, to provide a national legal basis to control the export of nuclear related items that are not on the control lists, when such items are or may be intended for use in connection with a nuclear weapons programme. Participating Governments also agreed on the importance of effective and consistent Guideline implementation, including requiring the existence of national export licensing regulations, enforcement measures, and penalties for violations.

46. In recognition of the threats posed by the proliferation of nuclear weapons and the unrestricted spread of sensitive nuclear technologies, NSG participants continue to discuss ways to further strengthen the NSG Guidelines in order to address these challenges.

IV. NSG Action to Promote Openness and Transparency

47. 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 imposed requirements on non-NSG participants, which have been made without their participation.

48. NSG participants understand the reasons for these concerns but state emphatically that the objectives of the NSG have consistently been to fulfill 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.

49. The NSG has consistently promoted openness and greater understanding of its aims, as well as adherence to its Guidelines and is prepared to support efforts by States to adhere to and implement the Guidelines. In response to the interest shown by individual States and groups of States, a series of contacts have taken place to inform them about the NSG’s activities and to encourage them to adhere to the Guidelines. These contacts have been organised through special missions to these countries by successive NSG Plenary Chairs and representatives of NSG participants as well as during NSG seminars specially convened for this purpose (in 1994 and 1995).

50. The NSG welcomes the call in Paragraph 17 of the “Principles and Objectives for Nuclear Non-proliferation and Disarmament” adopted at the 1995 NPTREC for more openness and transparency, and responded substantively to the call at its Buenos Aires Plenary meeting on 25-26 April 1996 by establishing a working group to consider how to promote openness and transparency through further dialogue and cooperation with non-NSG participants.

51. This is in addition to the ongoing NSG outreach programme and regular contacts with specific countries to inform them about NSG practices and to promote adherence to the Guidelines.

52. As a first step, NSG participants have strengthened their dialogue with non-NSG participants through contacts that took place in the margins of the 1996 IAEA General Conference. This dialogue continues in capitals and on other occasions such as regular nuclear and security policy dialogues, as well as during multilateral meetings that deal with these issues. This paper is a further practical contribution to this process.

53. On 7-8 October 1997, immediately following the forty-first session of the IAEA General Conference, the NSG held the “International Seminar on the Role of Export Controls in Nuclear Non-Proliferation” in Vienna. Given the importance of including all actual and potential supplier countries and the wish for a genuine, open and all-inclusive dialogue, it was decided to invite all States to the Seminar, both parties and non-parties to the NPT.

54. On the basis of the dialogue started in Vienna, a second international seminar on the same subject was held in New York on 9-9 April 1999, ahead of the 1999 NPT Preparatory Committee Meeting. As in 1997, speakers were drawn from both NSG participants and non-NSG participants and from a variety of backgrounds so that the debate could cover a broad spectrum of views. Both seminars were attended by representatives from Governments, international organisations, and leading experts from the media, the academic world and industry.

55. The two international seminars were designed to be a further but not final step in promoting the goals of transparency within a framework of dialogue and cooperation on the role of export controls in nuclear non-proliferation and in the promotion of nuclear trade for peaceful purposes. These events proved to be very beneficial in terms of furthering transparency about nuclear export controls.

56. At the 2001 Aspen Plenary the NSG agreed upon the creation of a web site in order to better inform the public of the role and activities of the NSG. The web site, with the following URLs, was opened to the public at the 2002 Prague Plenary. http://www.nuclearsuppliersgroup.org http://www.nsg-online.org

57. Recognising the increased need for transparency, openness and dialogue in order to address export control challenges posed by illicit procurement of nuclear and nuclear-related materials and the globalisation of the nuclear industry, NSG participants agreed at the 2004 Göteborg Plenary to strengthen contacts with non-partners through seminars and other joint activities with States outside of the NSG.

58. NSG participants are also exploring other means of cooperating more closely with non-NSG participants, to promote understanding of the Guidelines as well as adherence and implementation.

Conclusions

59. 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.

60. 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.
61. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulators.

62. 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.

63. The NSG is committed to the further promotion of openness and transparency in its practices and policy.

ANNEX

NSG participants and those who have held the Chair

- ARGENTINA (1996 / 97 – BUENOS AIRES)
- AUSTRALIA
- AUSTRIA
- BELARUS
- BELGIUM
- BRAZIL
- BULGARIA
- CANADA (1997 / 98 – OTTAWA)
- CHINA
- CYPRUS
- CZECH REPUBLIC (2002 / 03 – PRAGUE)
- DENMARK
- ESTONIA
- FINLAND (1995 / 96 – HELSINKI)
- FRANCE (2000 / 01 – PARIS)
- GERMANY
- GREECE
- HUNGARY
- IRELAND
- ITALY (1999 / 00 – FLORENCE)
- JAPAN
- KAZAKHSTAN
- REPUBLIC OF KOREA (2003 / 04 – BUSAN)
- LATVIA
- LITHUANIA
- LUXEMBOURG
- MALTA
- NETHERLANDS (1991 / 92 – THE HAGUE)
- NEW ZEALAND
- NORWAY (2005 / 06 – OSLO)
- POLAND (1992 / 93 – WARSAW)
- PORTUGAL
- ROMANIA
- RUSSIAN FEDERATION
- SLOVAKIA
- SLOVENIA
- SOUTH AFRICA
- SPAIN (1994 / 95 – MADRID)
- SWEDEN (2004 / 05 – GÖTEBORG)
- SWITZERLAND (1993 / 94 – LUCERNE)
- TURKEY
- UKRAINE
- UNITED KINGDOM (1998 / 99 – EDINBURGH)
- UNITED STATES (2001 / 02 – ASPEN)

Permanent Observer: EUROPEAN COMMISSION

Communications Received from Member States Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material

[Reproduced from INFCIRC/209/Rev.2, 9 March 2000]

1. The Director General of the International Atomic Energy Agency has received letters of 15 November 1999 from the Resident Representatives of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Slovak Republic, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States of America, concerning the export of nuclear material and of certain categories of equipment and other material.

2. In light of the wish expressed at the end of each letter, the text of the letter is attached hereto.

[Editorial note: China and the Russian Federation subsequently sent similar letters]

Attachment Letter

Sir,

I have the honour to refer to relevant previous communications from the Resident Representative of [Member State] to the International Atomic Energy Agency. In the years since the procedures described in INFCIRC/209 were formulated for the export of certain categories of equipment and material especially designed or prepared for the processing, use or production of special fissionable material, developments in nuclear technology have brought about the need to clarify parts of the Trigger List originally incorporated in Memorandum B of INFCIRC/209. Such clarifications have been covered in INFCIRC/209/Mods. 1, 2, 3, and 4 (consolidated in INFCIRC/209/Rev. 1) and in INFCIRC/209/Rev. 1/Mods. 1, 2, 3 and 4/Corr.1.

My Government now thinks it desirable to amend the Trigger List to include a new entry entitled “plants for the conversion of uranium and plutonium and equipment especially designed or prepared therefor”, I therefore wish to inform you that a new section 2.7 should be added to Memorandum B and a new section 7 to its Annex, as set out in the attachment to the letter to you from the Secretary of the Committee, dated 5 November 1999. In connection with these changes, section 3 of the Annex should be amended to delete sections 3.5 and 3.6 which have been incorporated into the new section 7.

As hitherto, my Government reserves to itself the right to exercise discretion with regard to the interpretation and implementation of the procedures set out in the above mentioned documents and the right to control, if it wishes, the export of relevant items other than those specified in the aforementioned attachment.

[The Government of (Member State) so far as trade within the European Union is concerned, will implement these procedures in the light of its commitments as a Member State of that Union.]

My Government considers it opportune for the Agency to reissue 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.

This paragraph is included only in the letters from EU Members.

Consolidated Trigger List

Memorandum A

1 Introduction

The Government has had under consideration procedures in relation to exports of nuclear materials in the light of its commitment not to provide source or special fissionable material to any non-nuclear-weapon State for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. Definition of Source and Special Fissionable Material

The definition of source and special fissionable material adopted by the Government shall be that contained in Article XX of the Agency’s Statute:

(a) “Source Material”

The term “source material” means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

(b) “Special Fissionable Material”

i. The term “special fissionable material” means plutonium-238; 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. Re-transfers

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 levels 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 1.1);

2.2. Non-nuclear materials for reactors (see Annex, section 2.1);

2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex, section 3.1);

2.4. Plants for the fabrication of fuel elements (see Annex, section 4.1);

2.5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, designed or prepared therefor (see Annex, section 5.1);

2.6. Plants for the production of heavy water, deuterium and deuterium compounds and equipment designed or prepared therefor (see Annex, section 6.1);

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 7.1).

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 are 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 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 to non-nuclear weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the equipment or material in question, that such equipment or material will fall under a safeguards agreement with the Agency.

5. Retransfers

The Government, when exporting Trigger List items, will require satisfactory assurances that the items will not be re-exported to a non-nuclear-weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

6. Miscellaneous

The Government reserves to itself discretion as to interpretation and implementation of its commitment to in paragraph 1 above and the right to require, if it wishes, safeguards as above in relation to items it exports in addition to those items specified in paragraph 2 above.

Annex

Clarification of Items on the Trigger List

(as designated in Section 2 of Memorandum B)

[Editorial Note: The items contained in this annex are now identical to those in Sections 1–6 of the NSG Guidelines, published in INFCIRC/254 — see below.]
Guidelines for Nuclear Transfers
[Nuclear Suppliers Group, Reproduced from INFCIRC/254/Rev.9/Part1, November 2007]

Communications Received from the Permanent Mission of Brazil Regarding Certain Member States’ Guidelines for the Export of Nuclear Material, Equipment and Technology

GUIDELINES FOR NUCLEAR TRANSFERS

1. The following fundamental principles for safeguards and export controls should apply to nuclear transfers for peaceful purposes to any non-nuclear-weapon State and, in the case of controls on retransfer, to transfers to any State. In this connection, suppliers have defined an export trigger list.

Prohibition on nuclear explosives

2. Suppliers should authorize transfer of items or related technology identified in the trigger list only upon formal governmental assurances from recipients explicitly excluding uses which would result in any nuclear explosive device.

Physical protection

3. (a) All nuclear materials and facilities identified by the agreed trigger list should be placed under effective physical protection to prevent unauthorized use and handling. The levels of physical protection to be ensured in relation to the type of materials, equipment and facilities, have been agreed by the suppliers, taking account of international recommendations.

(b) The implementation of measures of physical protection in the recipient country is the responsibility of the Government of that country. However, in order to implement the terms agreed upon amongst suppliers, the levels of physical protection on which these measures have to be based should be the subject of an agreement between supplier and recipient.

(c) In each case special arrangements should be made for a clear definition of responsibilities for the transport of trigger list items.

Safeguards

4. (a) Suppliers should transfer trigger list items or related technology to a non-nuclear-weapon State only when the receiving State has brought into force an agreement with the IAEA requiring the application of safeguards on all source and special fissionable material in its current and future peaceful activities. Suppliers should authorize such transfers only upon formal governmental assurances from the recipient that:

(1) if the above-mentioned agreement should be terminated the recipient will bring into force an agreement with the IAEA based on existing IAEA safeguards agreements requiring the application of safeguards on all trigger list items or related technology transferred by the supplier or processed, or produced or used in connection with such transfers; and

(2) if the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should elaborate appropriate verification measures. If the recipient does not accept these measures, it should allow at the request of the supplier the restitution of transferred and derived trigger list items.

(b) Transfers covered by paragraph 4 (a) to a non-nuclear-weapon State without such a safeguards agreement should be authorized only in exceptional cases when they are deemed essential for the safe operation of existing facilities and if safeguards are applied to those facilities. Suppliers should inform and, if appropriate, consult in the event that they intend to authorize or to deny such transfers.

(c) The policy referred to in paragraph 4 (a) and 4 (b) does not apply to agreements or contracts drawn up on or prior to April 3, 1992. In case of countries that have adhered or will adhere to INF/CIRC/254/Rev. 1/Part 1 later than April 3, 1992, the policy only applies to agreements (to be) drawn up after their date of adherence.

(d) Under agreements to which the policy referred to in paragraph 4 (a) does not apply (see paragraphs 4 (b) and (c)) suppliers should transfer trigger list items or related technology only when covered by IAEA safeguards with duration and coverage provisions in conformity with IAEA doc. GOV/1621. However, suppliers undertake to strive for the earliest possible implementation of the policy referred to in paragraph 4 (a) under such agreements.

(e) Suppliers reserve the right to apply additional conditions of supply as a matter of national policy.

5. Suppliers will jointly reconsider their common safeguards requirements, whenever appropriate.

Special controls on sensitive exports

6. Suppliers should exercise restraint in the transfer of sensitive facilities, technology and material usable for nuclear weapons or other nuclear explosive devices. If enrichment or reprocessing facilities, equipment or technology are to be transferred, suppliers should encourage recipients to accept, as an alternative to national plants, supplier involvement and/or other appropriate multinational participation in resulting facilities. Suppliers should also promote international (including IAEA) activities concerned with multinational regional fuel cycle centres.

Special controls on export of enrichment facilities, equipment and technology

7. For a transfer of an enrichment facility, or technology thereof, the recipient nation should agree that neither the transferred facility, nor any facility based on such technology, will be designed or operated for the production of greater than 20% enriched uranium without the consent of the supplier nation, of which the IAEA should be advised.

Controls on supplied or derived material usable for nuclear weapons or other nuclear explosive devices

8. Suppliers should, in order to advance the objectives of these guidelines and to provide opportunities further to reduce the risks of proliferation, include, whenever appropriate and practicable, in agreements on supply of nuclear materials or of facilities which produce material usable for nuclear weapons or other nuclear explosive devices, provisions calling for mutual agreement between the supplier and the recipient on arrangements for reprocessing, storage, alteration, use, transfer or retransfer of any material usable for nuclear weapons or other nuclear explosive devices involved.

Controls on retransfer

9. (a) Suppliers should transfer trigger list items or related technology only upon the recipient’s assurance that in the case of:

(1) retransfer of such items or related technology, or

(2) transfer of trigger list items derived from facilities originally transferred by the supplier, or with the help of equipment or technology originally transferred by the supplier; the recipient of the retransfer or transfer will have provided the same assurances as those required by the supplier for the original transfer.

(b) In addition the supplier’s consent should be required for:

(1) any retransfer of trigger list items or related technology and any transfer referred to under paragraph 9(a) (2) from any State which does not require full scope safeguards, in accordance with paragraph 4(a) of these Guidelines, as a condition f supply;

(2) any retransfer of enrichment, reprocessing or heavy water production facilities, equipment or related technology, and for any transfer of facilities or equipment of the same type derived from items originally transferred by the supplier;

(3) any retransfer of heavy water or material usable for nuclear weapons or other nuclear explosive devices.

(c) To ensure the consent right as defined under paragraph 9(b), government to government assurances will be required for any relevant original transfer.

(d) Suppliers should consider restraint in the transfer of items and related technology identified in the trigger list if there is a risk of retransfers contrary to the assurances given under paragraph 9(a) and (c) as a result of a failure by the recipient to develop and
maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.

**Non-proliferation Principle**

10. Notwithstanding other provisions of these Guidelines, suppliers should authorize transfer of items or related technology identified in the trigger list only when they are satisfied that the transfers would not contribute to the proliferation of nuclear weapons or other nuclear explosive devices or be diverted to acts of nuclear terrorism.

**Implementation**

11. Suppliers should have in place legal measures to ensure the effective implementation of the Guidelines, including export licensing regulations, enforcement measures, and penalties for violations.

**SUPPORTING ACTIVITIES**

**Physical security**

12. Suppliers should promote international co-operation in the areas of physical security through the exchange of physical security information, protection of nuclear materials in transit, and recovery of stolen nuclear materials and equipment. Suppliers should promote broadened adherence to the respective international instruments, inter alia, to the Convention on the Physical Protection of Nuclear Material, as well as implementation of INFCIRC/225, as amended from time to time. Suppliers recognize the importance of these activities and other relevant IAEA activities in preventing the proliferation of nuclear weapons and countering the threat of nuclear terrorism.

**Support for effective IAEA safeguards**

13. Suppliers should make special efforts in support of effective implementation of IAEA safeguards. Suppliers should also support the Agency’s efforts to assist Member States in the improvement of their national systems of accounting and control of nuclear material and to increase the technical effectiveness of safeguards. Similarly, they should make every effort to support the IAEA in increasing further the adequacy of safeguards in the light of technical developments and the rapidly growing number of nuclear facilities, and to support appropriate initiatives aimed at improving the effectiveness of IAEA safeguards.

**Trigger list plant design features**

14. Suppliers should encourage the designers and makers of trigger list facilities to construct them in such a way as to facilitate the application of safeguards and to enhance physical protection, taking also into consideration the risk of terrorist attacks. Suppliers should promote protection of information on the design of trigger list installations, and stress to recipients the necessity of doing so. Suppliers also recognize the importance of including safety and non-proliferation features in designing and construction of trigger list facilities.

**Export Controls**

15. Suppliers should, where appropriate, stress to recipients the need to subject transferred trigger list items and related technology and trigger list items derived from facilities originally transferred by the supplier or with the help of equipment or technology originally transferred by the supplier to export controls as outlined in UNSC Resolution 1540. Suppliers are encouraged to offer assistance to recipients to fulfill their respective obligations under UNSC Resolution 1540 where appropriate and feasible.

**Consultations**

16. (a) Suppliers should maintain contact and consult through regular channels on matters connected with the implementation of these Guidelines.

(b) Suppliers should consult, as each deems appropriate, with other governments concerned on specific sensitive cases, to ensure that any transfer does not contribute to risks of conflict or instability.

(c) Without prejudice to sub-paragraphs (d) to (f) below:

--In the event that one or more suppliers believe that there has been a violation of supplier/recipient understanding resulting from these Guidelines, particularly in the case of an explosion of a nuclear device, or illegal termination or violation of IAEA safeguards by a recipient, suppliers should consult promptly through diplomatic channels in order to determine and assess the reality and extent of the alleged violation. Suppliers are also encouraged to consult where nuclear material or nuclear fuel cycles activity undeclared to the IAEA or a nuclear explosive activity is revealed.

--Pending the early outcome of such consultations, suppliers will not act in a manner that could prejudice any measure that may be adopted by other suppliers concerning their current contacts with that recipient. Each supplier should also consider suspending transfers of Trigger List items while consultations under 16(c) are ongoing, pending supplier agreement on an appropriate response.

--Upon the findings of such consultations, the suppliers, bearing in mind Article XII of the IAEA Statute, should agree on an appropriate response and possible action, which could include the termination of nuclear transfers to that recipient.

(d) If a recipient is reported by the IAEA to be in breach of its obligation to comply with its safeguards agreement, suppliers should consider the suspension of the transfer of Trigger List items to that State whilst it is under investigation by the IAEA. For the purposes of this paragraph, “breach” refers only to serious breaches of proliferation concern;

(e) Suppliers support the suspension of transfers of Trigger List items to States that violate their nuclear non-proliferation and safeguards obligations, recognising that the responsibility and authority for such decisions rests with national governments or the United Nations Security Council. In particular, this is applicable in situations where the IAEA Board of Governors takes any of the following actions:

--finds, under Article XII.C of the Statute, that there has been non-compliance in the recipient, or requires a recipient to take specific actions to bring itself into compliance with its safeguards obligations;

--Decides that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded, including situations where actions taken by a recipient have made the IAEA unable to carry out its safeguards mission in that State.

An extraordinary Plenary meeting will take place within one month of the Board of Governors’ action, at which suppliers will review the situation, compare national policies and decide on an appropriate response.

(f) The provisions of subparagraph (e) above do not apply to transfers under paragraph 4 (b) of the Guidelines.

17. Unanimous consent is required for any changes in these Guidelines, including any which might result from the reconsideration mentioned in paragraph 5.

**ANNEX A**

**TRIGGER LIST REFERRED TO IN GUIDELINES**

**GENERAL NOTES**

1. The object of these controls should not be defeated by the transfer of component parts. Each government will take such actions as it can to achieve this aim and will continue to seek a workable definition for component parts, which could be used by all suppliers.

2. With reference to Paragraph 9(b)(2) of the Guidelines, same type should be understood as when the design, construction or operating processes are based on the same or similar physical or chemical processes as those identified in the Trigger List.

3. Suppliers recognize the close relationship for certain isotope separation processes between plants, equipment and technology for uranium enrichment and that for the separation of stable isotopes for research, medical and other non-nuclear industrial purposes. In that regard, suppliers should carefully review their legal measures, including export licensing regulations and information/technology classification and security practices, for stable isotope separation activities to ensure the implementation of appropriate protection measures as warranted. Suppliers recognize that, in particular cases, appropriate protection...
measures for stable isotope separation activities will be essentially the same as those for uranium enrichment. (See Introductory Note in Section 5 of the Trigger List.) In accordance with Paragraph 18(a) of the Guidelines, suppliers shall consult with other suppliers as appropriate, in order to promote uniform policies and procedures in the transfer and protection of stable isotope separation plants, equipment and technology.

TECHNOLOGY CONTROLS

The transfer of "technology" directly associated with any item in the List will be subject to as great a degree of scrutiny and control as will the item itself, to the extent permitted by national legislation.

Controls on "technology" transfer do not apply to information "in the public domain" or to "basic scientific research".

In addition to controls on "technology" transfer for nuclear non-proliferation reasons, suppliers should promote protection of this technology for the design, construction, and operation of trigger list facilities in consideration of the risk of terrorist attacks, and should stress to recipients the necessity of doing so.

DEFINITIONS

"Technology" means specific information required for the "development", "production", or "use" of any item contained in the List. This information may take the form of "technical data", or "technical assistance".

"Basic scientific research" - Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed towards a specific practical aim or objective.

"development" - is related to all phases before "production" such as:
- design
- design research
- design analysis
- design concepts
- assembly and testing of prototypes
- pilot production schemes
- data
- process of transforming design data into a product
- configuration design
- integration design
- layouts

"In the public domain" - "In the public domain," as it applies herein, means technology that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove technology from being in the public domain.)

"production" - means all production phases such as:
- construction
- production engineering
- manufacture
- integration
- assembly (mounting)
- inspection
- testing
- quality assurance

"technical assistance" - "Technical assistance" may take forms such as: instruction, skills, training, working knowledge, consulting services.

Note: "Technical assistance" may involve transfer of "technical data".

"technical data" - "Technical data" may take forms such as blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

"use" - Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

MATERIAL AND EQUIPMENT

1. Source and special fissionable material

As defined in Article XX of the Statute of the International Atomic Energy Agency:

1.1. "Source material"

The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

1.2. "Special fissionable material"

i) The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

ii) The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

However, for the purposes of the Guidelines, items specified in subparagraph (a) below, and exports of source or special fissionable material to a given recipient country, within a period of 12 months, below the limits specified in subparagraph (b) below, shall not be included:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%. Special fissionable material when used in gram quantities or less as a sensing component in instruments; and Source material which the Government is satisfied is to be used only in nonnuclear activities, such as the production of alloys or ceramics;

(b) Special fissionable material 50 effective grams; Natural uranium 500 kilograms;

Depleted uranium 1000 kilograms; and Thorium 1000 kilograms.

2. Equipment and Non-nuclear Materials

The designation of items of equipment and non-nuclear materials adopted by the Government is as follows (quantities below the levels indicated in the Annex B being regarded as insignificant for practical purposes):

2.1. Nuclear reactors and especially designed or prepared equipment and components therefor (see Annex B, section 1);

2.2. Non-nuclear materials for reactors (see Annex B, section 2);

2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex B, section 3);

2.4. Plants for the fabrication of nuclear reactor fuel elements, and equipment especially designed or prepared therefor (see Annex B, section 4);

2.5. Plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor (see Annex B, section 5);

2.6. Plants for the production or concentration of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefore (see Annex B, section 6);

2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in sections 4 and 5 respectively, and equipment especially designed or prepared therefore (See Annex B, section 7).

ANNEX B

CLARIFICATION OF ITEMS ON THE TRIGGER LIST
1. Nuclear reactors and especially designed or prepared equipment and components therefore

1.1. Complete nuclear reactors

Nuclear reactors capable of operation so as to maintain a controlled self-sustaining fission chain reaction, excluding zero energy reactors, the latter being defined as reactors with a designed maximum rate of production of plutonium not exceeding 100 grams per year.

EXPLANATORY NOTE

A "nuclear reactor" basically includes the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain or come in direct contact with or control the primary coolant of the reactor core. It is not intended to exclude reactors which could reasonably be capable of modification to produce significantly more than 100 grams of plutonium per year. Reactors designed for sustained operation at significant power levels, regardless of their capacity for plutonium production are not considered as "zero energy reactors".

EXPLANATORY NOTE

The export of the whole set of major items within this boundary will take place only in accordance with the procedures of the Guidelines. Those individual items within this functionally defined boundary which will be exported only in accordance with the procedures of the Guidelines are listed in paragraphs 1.2. to 1.10. The Government reserves to itself the right to apply the procedures of the Guidelines to other items within the functionally defined boundary.

1.2. Nuclear reactor vessels

Metal vessels, or major shop-fabricated parts therefor, especially designed or prepared to contain the core of a nuclear reactor as defined in paragraph 1.1. above, as well as relevant reactor internals as defined in paragraph 1.8. below.

EXPLANATORY NOTE

The reactor vessel head is covered by item 1.2. as a major shop-fabricated part of a reactor vessel.

1.3. Nuclear reactor fuel charging and discharging machines

Manipulative equipment especially designed or prepared for inserting or removing fuel in a nuclear reactor as defined in paragraph 1.1. above.

EXPLANATORY NOTE

The items noted above are capable of on-load operation or at employing technically sophisticated positioning or alignment features to allow complex off-load fueling operations such as those in which direct viewing of or access to the fuel is not normally available.

1.4. Nuclear reactor control rods and equipment

Especially designed or prepared rods, support or suspension structures therefor, rod drive mechanisms or rod guide tubes to control the fission process in a nuclear reactor as defined in paragraph 1.1. above.

1.5. Nuclear reactor pressure tubes

Tubes which are especially designed or prepared to contain fuel elements and the primary coolant in a reactor as defined in paragraph 1.1. above at an operating pressure in excess of 50 atmospheres.

1.6. Zirconium tubes

Zirconium metal and alloys in the form of tubes or assemblies of tubes, and in quantities exceeding 500 kg for any one recipient country in any period of 12 months, especially designed or prepared for use in a reactor as defined in paragraph 1.1. above, and in which the relation of hafnium to zirconium is less than 1:500 parts by weight.

1.7. Primary coolant pumps

Pumps especially designed or prepared for circulating the primary coolant for nuclear reactors as defined in paragraph 1.1. above.

EXPLANATORY NOTE

Especially designed or prepared pumps may include elaborate sealed or multi-sealed systems to prevent leakage of primary coolant, canned-driven pumps, and pumps with inertial mass systems. This definition encompasses pumps certified to Section III, Division I, Subsection NB (Class 1 components) of the American Society of Mechanical Engineers (ASME) Code, or equivalent standards.

1.8. Nuclear reactor internals

"Nuclear reactor internals" especially designed or prepared for use in a nuclear reactor as defined in paragraph 1.1 above, including support columns for the core, fuel channels, thermal shields, baffles, core grid plates, and diffuser plates.

EXPLANATORY NOTE

"Nuclear reactor internals" are major structures within a reactor vessel which have one or more functions such as supporting the core, maintaining fuel alignment, directing primary coolant flow, providing radiation shields for the reactor vessel, and guiding in-core instrumentation.

1.9. Heat exchangers

Heat exchangers (steam generators) especially designed or prepared for use in the primary coolant circuit of a nuclear reactor as defined in paragraph 1.1. above.

EXPLANATORY NOTE

Steam generators are especially designed or prepared to transfer the heat generated in the reactor (primary side) to the feed water (secondary side) for steam generation. In the case of a liquid metal fast breeder reactor for which an intermediate liquid metal coolant loop is also present, the heat exchangers for transferring heat from the primary side to the intermediate coolant circuit are understood to be within the scope of control in addition to the steam generator. The scope of control for this entry does not include heat exchangers for the emergency cooling system or the decay heat cooling system.

1.10. Neutron detection and measuring instruments

Especially designed or prepared neutron detection and measuring instruments for determining neutron flux levels within the core of a reactor as defined in paragraph 1.1. above.

EXPLANATORY NOTE

The scope of this entry encompasses in-core and ex-core instrumentation which measure flux levels in a large range, typically from 104 neutrons per cm² per second to 1010 neutrons per cm² per second or more. Ex-core refers to those instruments outside the core of a reactor as defined in paragraph 1.1. above, but located within the biological shielding.

2. Non-nuclear materials for reactors

2.1. Deuterium and heavy water

Deuterium, heavy water (deuterium oxide) and any other deuterium compound in which the ratio of deuterium to hydrogen atoms exceeds 1:5000 for use in a nuclear reactor as defined in paragraph 1.1. above in quantities exceeding 200 kg of deuterium atoms for any one recipient country in any period of 12 months.

2.2. Nuclear grade graphite

Graphite having a purity level better than 5 parts per million boron equivalent and with a density greater than 1.50 g/cm³ for use in a nuclear reactor as defined in paragraph 1.1 above, in quantities exceeding 30 metric tons for any one recipient country in any period of 12 months.

EXPLANATORY NOTE
For the purpose of export control, the Government will determine whether or not the exports of graphite meeting the above specifications are for nuclear reactor use. Boron equivalent (BE) may be determined experimentally or is calculated as the sum of BE for impurities (excluding BEcarbon, since carbon is not considered an impurity) including boron, where:

$$BE_{\text{Z}} (\text{ppm}) = CF \times \text{concentration of element Z (in ppm)};$$

$$CF = \text{conversion factor: } (\frac{\sigma_z}{A_z}) \text{ divided by } (\frac{\sigma_B}{A_B});$$

$\sigma$ and $A$ are the thermal neutron capture cross sections (in barns) for naturally occurring boron and element Z respectively; and $A_B$ and $A_Z$ are the atomic masses of naturally occurring boron and element Z respectively.

3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor

INTRODUCTORY NOTE

Reprocessing irradiated nuclear fuel separates plutonium and uranium from intensely radioactive fission products and other transuranic elements. Different technical processes can accomplish this separation. However, over the years Purex has become the most commonly used and accepted process. Purex involves the dissolution of irradiated nuclear fuel in nitric acid, followed by separation of the uranium, plutonium, and fission products by solvent extraction using a mixture of tributyl phosphate in an organic diluent. Purex facilities have process functions similar to each other, including: irradiated fuel element chopping, fuel dissolution, solvent extraction, and process liquor storage. There may also be equipment for thermal denitrification of uranium nitrate, conversion of plutonium nitrate to oxide or metal, and treatment of fission product waste liquor to a form suitable for long term storage or disposal. However, the specific type and configuration of the equipment performing these functions may differ between Purex facilities for several reasons, including the type and quantity of irradiated nuclear fuel to be reprocessed and the intended disposition of the recovered materials, and the safety and maintenance philosophy incorporated into the design of the facility. A "plant for the reprocessing of irradiated fuel elements," includes the equipment and components which normally come in direct contact with and directly control the irradiated fuel and the major equipment and components which normally come in direct contact with and directly control the irradiated fuel and the major equipment performing these functions may differ between Purex conversion of plutonium nitrate to oxide or metal, and treatment of fission product waste liquor to a form suitable for long term storage or disposal.\n
EXPORTS

The export of the whole set of major items within this boundary will take place only in accordance with the procedures of the Guidelines. The Government reserves to itself the right to apply the procedures of the Guidelines to other items within the functionally defined boundary as listed below. Items of equipment that are considered to fall within the meaning of the phrase "and equipment especially designed or prepared" for the reprocessing of irradiated fuel elements include:

3.1. Irradiated fuel element chopping machines

INTRODUCTORY NOTE

This equipment breaches the cladding of the fuel to expose the irradiated nuclear material to dissolution. Especially designed metal cutting shears are the most commonly employed, although advanced equipment, such as lasers, may be used. Remotely operated equipment especially designed or prepared for use in a reprocessing plant as identified above and intended to cut, chop or shear irradiated nuclear fuel assemblies, bundles or rods.

3.2. Dissolvers

INTRODUCTORY NOTE

Dissolvers normally receive the chopped-up spent fuel. In these critically safe vessels, the irradiated nuclear material is dissolved in nitric acid and the remaining hulls removed from the process stream. Critically safe tanks (e.g. small diameter, annular or slab tanks) especially designed or prepared for use in a reprocessing plant as identified above, intended for dissolution of irradiated nuclear fuel and which are capable of withstanding hot, highly corrosive liquid, and which can be remotely loaded and maintained.

3.3. Solvent extractors and solvent extraction equipment

INTRODUCTORY NOTE

Solvent extractors both receive the solution of irradiated fuel from the dissolvers and the organic solution which separates the uranium, plutonium, and fission products. Solvent extraction equipment is normally designed to meet strict operating parameters, such as long operating lifetimes with no maintenance requirements or adaptability to easy replacement, simplicity of operation and control, and flexibility for variations in process conditions. Especially designed or prepared solvent extractors such as packed or pulse columns, mixer settlers or centrifugal contacts for use in a plant for the reprocessing of irradiated fuel. Solvent extractors must be resistant to the corrosive effect of nitric acid. Solvent extractors are normally fabricated to extremely high standards (including special welding and inspection and quality assurance and quality control techniques) out of low carbon stainless steels, titanium, zirconium, or other high quality materials.

3.4. Chemical holding or storage vessels

INTRODUCTORY NOTE

Three main process liquor streams result from the solvent extraction step. Holding or storage vessels are used in the further processing of all three streams, as follows:

(a) The pure uranium nitrate solution is concentrated by evaporation and passed to a denitrification process where it is converted to uranium oxide. This oxide is re-used in the nuclear fuel cycle.

(b) The intensely radioactive fission products solution is normally concentrated by evaporation and stored as a liquor concentrate. This concentrate may be subsequently evaporated and converted to a form suitable for storage or disposal.

(c) The pure plutonium nitrate solution is concentrated and stored pending its transfer to further process steps. In particular, holding or storage vessels for plutonium solutions are designed to avoid criticality problems resulting from changes in a concentrated form of this stream. Especially designed or prepared holding or storage vessels for use in a plant for the reprocessing of irradiated fuel. The holding or storage vessels must be resistant to the corrosive effect of nitric acid. The holding or storage vessels are normally fabricated of materials such as low carbon stainless steels, titanium or zirconium, or other high quality materials. Holding or storage vessels may be designed for remote operation and maintenance and may have the following features for control of nuclear criticality:

1. walls or internal structures with a boron equivalent of at least two per cent, or
2. a maximum diameter of 175 mm (7 in) for cylindrical vessels, or
3. a maximum width of 75 mm (3 in) for either a slab or annular vessel.

4. Plants for the fabrication of nuclear reactor fuel elements, and equipment especially designed or prepared therefor

INTRODUCTORY NOTE

Nuclear fuel elements are manufactured from one or more of the source or special fissionable materials mentioned in MATERIAL AND EQUIPMENT of this annex. For oxide fuels, the most common type of fuel, equipment for pressing pellets, sintering, grinding and grading will be present. Mixed oxide fuels are handled in glove boxes (or equivalent containment) until they are sealed in the cladding. In all cases, the fuel is hermetically sealed inside a suitable cladding which is designed to be the primary envelope encasing the fuel so as to provide suitable performance and safety during reactor operation. Also, in all cases, precise control of processes, procedures and equipment to extremely high standards is necessary in order to ensure predictable and safe fuel performance.

EXPLANATORY NOTE
Items of equipment that are considered to fall within the meaning of the phrase "and equipment especially designed or prepared" for the fabrication of fuel elements include equipment which:

(a) normally comes in direct contact with, or directly processes, or controls, the production flow of nuclear material;
(b) seals the nuclear material within the cladding;
(c) checks the integrity of the cladding or the seal; or
(d) checks the finish treatment of the sealed fuel.

Such equipment or systems of equipment may include, for example:

1) fully automatic pellet inspection stations especially designed or prepared for checking final dimensions and surface defects of the fuel pellets;
2) automatic welding machines especially designed or prepared for welding end caps onto the fuel pins (or rods);
3) automatic test and inspection stations especially designed or prepared for checking the integrity of completed fuel pins (or rods).

Item 3 typically includes equipment for: a) x-ray examination of pin (or rod) end cap welds, b) helium leak detection from pressurized pins (or rods), and c) gamma-ray scanning of the pins (or rods) to check for correct loading of the fuel pellets inside.

5. Plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor

INTRODUCTORY NOTE

Plants, equipment and technology for the separation of uranium isotopes have, in many instances, a close relationship to plants, equipment and technology for the separation of stable isotopes. In particular, the controls under Section 5 also apply to plants and equipment that are intended for the separation of stable isotopes. These controls of plants and equipment for the separation of stable isotopes are complimentary to controls on plants and equipment especially designed or prepared for the processing, use or production of special fissionable material covered by the Trigger List. These supplementary Section 5 controls for stable isotope uses do not apply to the electromagnetic isotope separation process, which is addressed under Part 2 of the Guidelines. Processes for which the controls in Section 5 equally apply whether the intended use is uranium isotope separation or stable isotope separation are: gas centrifuge, gaseous diffusion, the plasma separation process, and acrodynamic processes. For some processes, the relationship to uranium isotope separation depends on the element (stable isotope) being separated. These processes are: laser-based processes (e.g. molecular laser isotope separation and atomic vapor laser isotope separation), chemical exchange, and ion exchange. Suppliers must therefore evaluate these processes on a case-by-case basis to apply Section 5 controls for stable isotope uses accordingly. Items of equipment that are considered to fall within the meaning of the phrase "equipment, other than analytical instruments, especially designed or prepared" for the separation of isotopes of uranium include:

5.1. Gas centrifuges and assemblies and components especially designed or prepared for use in gas centrifuges

INTRODUCTORY NOTE

The gas centrifuge normally consists of a thin-walled cylinder(s) of between 75 mm (3 in) and 400 mm (16 in) diameter contained in a vacuum environment and spun at high peripheral speed of the order of 300 m/s or more with its central axis vertical. In order to achieve high speed the materials of construction for the rotating components have to be of a high strength to density ratio and the rotor assembly, and hence its individual components, have to be manufactured to very close tolerances in order to minimize the unbalance. In contrast to other centrifuges, the gas centrifuge for uranium enrichment is characterized by having within the rotor chamber a rotating disc-shaped baffle(s) and a stationary tube arrangement for feeding and extracting the UF6 gas and featuring at least 3 separate channels, of which 2 are connected to scoops extending from the rotor axis towards the periphery of the rotor chamber. Also contained within the vacuum environment are a number of critical items which do not rotate and which although they are especially designed are not difficult to fabricate nor are they fabricated out of unique materials. A centrifuge facility however requires a large number of these components, so that quantities can provide an important indication of end use.

5.1.1. Rotating components

(a) Complete rotor assemblies:

Thin-walled cylinders, or a number of interconnected thin-walled cylinders, manufactured from one or more of the high strength to density ratio materials described in the EXPLANATORY NOTE to this Section. If interconnected, the cylinders are joined together by flexible bellows or rings as described in section 5.1.1.(c) following. The rotor is fitted with an internal baffle(s) and end caps, as described in section 5.1.1.(d) and (e) following, if in final form. However the complete assembly may be delivered only partly assembled.

(b) Rotor tubes:

Especially designed or prepared thin-walled cylinders with thickness of 12 mm (0.5 in) or less, a diameter of between 75 mm (3 in) and 400 mm (16 in), and manufactured from one or more of the high strength to density ratio materials described in the EXPLANATORY NOTE to this Section.

(c) Rings or Bellows:

Components especially designed or prepared to give localized support to the rotor tube or to join together a number of rotor tubes. The bellows is a short cylinder of wall thickness 3 mm (0.12 in) or less, a diameter of between 75 mm (3 in) and 400 mm (16 in), having a convolute, and manufactured from one of the high strength to density ratio materials described in the EXPLANATORY NOTE to this Section.

(d) Baffles:

Disc-shaped components of between 75 mm (3 in) and 400 mm (16 in) diameter especially designed or prepared to be mounted inside the centrifuge rotor tube, in order to isolate the take-off chamber from the main separation chamber and, in some cases, to assist the UF6 gas circulation within the main separation chamber of the rotor tube, and manufactured from one of the high strength to density ratio materials described in the EXPLANATORY NOTE to this Section.

(e) Top caps/Bottom caps:

Disc-shaped components of between 75 mm (3 in) and 400 mm (16 in) diameter especially designed or prepared to fit to the ends of the rotor tube, and so contain the UF6 within the rotor tube, and in some cases to support, retain or contain as an integrated part an element of the upper bearing (top cap) or to carry the rotating elements of the motor and lower bearing (bottom cap), and manufactured from one of the high strength to density ratio materials described in the EXPLANATORY NOTE to this Section.

EXPLANATORY NOTE

The materials used for centrifuge rotating components are:

(a) Maraging steel capable of an ultimate tensile strength of 2.05 X 109 N/m2 (300,000 psi) or more;
(b) Aluminium alloys capable of an ultimate tensile strength of 0.46 X 109 N/m2 (67,000 psi) or more;
(c) Filamentary materials suitable for use in composite structures and having a specific modulus of 3.18 X 106 (or m) or greater and a specific ultimate tensile strength of 7.62 X 104 m or greater ('Specific Modulus' is the Young's Modulus in N/m2 divided by the specific weight in N/m3; 'Specific Ultimate Tensile Strength' is the ultimate tensile strength in N/m2 divided by the specific weight in N/m3).

5.1.2. Static components

(a) Magnetic suspension bearings:

Especially designed or prepared bearing assemblies consisting of an annular magnet suspended within a housing containing a damping medium. The housing will be manufactured from a UF6 resistant material (see EXPLANATORY NOTE to Section 5.2.). The magnet couples with a pole piece or a second magnet fitted to
the top cap described in Section 5.1.1.(e). The magnet may be ring-shaped with a relation between outer and inner diameter smaller or equal to 1.6:1. The magnet may be in a form having an initial permeability of 0.15 H/m (120,000 in CGS units) or more, or a remanence of 98.5% or more, or an energy product of greater than 80 kJ/m³ (107 gauss-ostedals). In addition to the usual material properties, it is a prerequisite that the deviation of the magnetic axes from the geometrical axes is limited to very small tolerances (lower than 0.1 mm or 0.004 in) or that homogeneity of the material of the magnet is specially called for.

(b) Bearings/Dampers:
Especially designed or prepared bearings comprising a pivot/cup assembly mounted on a damper. The pivot is normally a hardened steel shaft with a hemisphere at one end and with a means of attachment to the bottom cap described in section 5.1.1.(e) at the other. The shaft may however have a hydrodynamic bearing attached. The cup is pellet-shaped with a hemispherical indentation in one surface. These components are often supplied separately to the damper.

(c) Molecular pumps:
Especially designed or prepared cylinders having internally machined or extruded helical grooves and internally machined bores. Typical dimensions are as follows: 75 mm (3 in) to 400 mm (16 in) internal diameter, 10 mm (0.4 in) or more wall thickness, with the length equal to or greater than the diameter. The grooves are typically rectangular in cross-section and 2 mm (0.08 in) or more in depth.

(d) Motor stators:
Especially designed or prepared ring-shaped stators for high speed multiphase AC hysteresis (or reluctance) motors for synchronous operation within a vacuum in the frequency range of 600 – 2000 Hz and a power range of 50 - 1000 VA. The stators consist of multi-phase windings on a laminated low loss iron core comprised of thin layers typically 2.0 mm (0.08 in) thick or less.

(e) Centrifuge housing/recipients:
Components especially designed or prepared to contain the rotor tube assembly of a gas centrifuge. The housing consists of a rigid cylinder of wall thickness up to 30 mm (1.2 in) with precision machined ends to locate the bearings and with one or more flanges for mounting. The machined ends are parallel to each other and perpendicular to the cylinder's longitudinal axis to within 0.05 degrees or less. The housing may also be a honeycomb type structure to accommodate several rotor tubes. The housings are made of or protected by materials resistant to corrosion by UF6.

(f) Scoops:
Especially designed or prepared tubes of up to 12 mm (0.5 in) internal diameter for the extraction of UF6 gas from within the rotor tube by a Pitot tube action (that is, with an aperture facing into the circumferential gas flow within the rotor tube, for example by bending the end of a radially disposed tube) and capable of being fixed to the central gas extraction system. The tubes are made of or protected by materials resistant to corrosion by UF6.

5.2. Especially designed or prepared auxiliary systems, equipment and components for gas centrifuge enrichment plants

INTRODUCTORY NOTE
The auxiliary systems, equipment and components for a gas centrifuge enrichment plant are the systems of plant needed to feed UF6 to the centrifuges, to link the individual centrifuges to each other to form cascades (or stages) to allow for progressively higher enrichments and to extract the 'product' and 'tails' UF6 from the centrifuges, together with the equipment required to drive the centrifuges or to control the plant. Normally UF6 is evaporated from the solid using heated autoclaves and is distributed in gaseous form to the centrifuges by way of cascade header pipework. The 'product' and 'tails' UF6 gaseous streams flowing from the centrifuges are also passed by way of cascade header pipework to cold traps (operating at about 203 K (-70ºC)) where they are condensed prior to onward transfer into suitable containers for transportation or storage. Because an enrichment plant consists of many thousands of centrifuges arranged in cascades there are many kilometers of cascade header pipework, incorporating thousands of welds with a substantial amount of repetition of layout. The equipment, components and piping systems are fabricated to very high vacuum and cleanliness standards.

5.2.1. Feed systems/product and tails withdrawal systems
Especially designed or prepared process systems including:
Feed autoclaves (or stations), used for passing UF6 to the centrifuge cascades at up to 100 kPa (15 psi) and at a rate of 1 kg/h or more;
Desublimers (or cold traps) used to remove UF6 from the cascades at up to 3 kPa (0.5 psi) pressure. The desublimers are capable of being chilled to 203 K (-70°C) and heated to 343 K (70°C);
Product and 'tails' stations used for trapping UF6 into containers.
This plant, equipment and pipework is wholly made of or lined with UF6-resistant materials (see EXPLANATORY NOTE to this section) and is fabricated to very high vacuum and cleanliness standards.

5.2.2. Machine header piping systems
Especially designed or prepared piping systems and header systems for handling UF6 within the centrifuge cascades. The piping network is normally of the 'triple' header system with each centrifuge connected to each of the headers. There is thus a substantial amount of repetition in its form. It is wholly made of UF6-resistant materials (see EXPLANATORY NOTE to this section) and is fabricated to very high vacuum and cleanliness standards.

5.2.3 Special shut-off and control valves
Especially designed or prepared bellows-sealed valves, manual or automated, shut-off or control, made of or protected by materials resistant to corrosion by UF6, with a diameter of 10 to 160 mm, for use in main or auxiliary systems of gas centrifuge enrichment plants.

5.2.4. UF6 mass spectrometers/ion sources
Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking 'on-line' samples of feed, product or tails, from UF6 gas streams and having all of the following characteristics:
1. Unit resolution for atomic mass unit greater than 320;
2. Ion sources constructed of or lined with nichrome or monel or nickel plated;
3. Electron bombardment ionization sources;
4. Having a collector system suitable for isotopic analysis.

5.2.5. Frequency changers
Frequency changers (also known as converters or invertors) especially designed or prepared to supply motor stators as defined under 5.1.2.(d), or parts, components and sub-assemblies of such frequency changers having all of the following characteristics:
1. A multiphase output of 600 to 2000 Hz;
2. High stability (with frequency control better than 0.1%);
3. Low harmonic distortion (less than 2%); and
4. An efficiency of greater than 80%.

EXPLANATORY NOTE
The items listed above either come into direct contact with the UF6 process gas or directly control the centrifuges and the passage of the gas from centrifuge to centrifuge and cascade to cascade. Materials resistant to corrosion by UF6 include stainless steel, aluminium, aluminium alloys, nickel or alloys containing 60% or more nickel.

5.3. Especially designed or prepared assemblies and components for use in gaseous diffusion enrichment

INTRODUCTORY NOTE
In the gaseous diffusion method of uranium isotope separation, the main technological assembly is a special porous gaseous diffusion barrier, heat exchanger for cooling the gas (which is heated by the process of compression), seal valves and control valves, and pipelines. Inasmuch as gaseous diffusion technology uses uranium hexafluoride (UF₆), all equipment, pipeline and instrumentation surfaces (that come in contact with the gas) must be made of materials that remain stable in contact with UF₆. A gaseous diffusion facility requires a number of these assemblies, so that quantities can provide an important indication of end use.

5.3.1. Gaseous diffusion barriers

(a) Especially designed or prepared thin, porous filters, with a pore size of 100 - 1,000 Å (angstroms), a thickness of 5 mm (0.2 in) or less, and for tubular forms, a diameter of 25 mm (1 in) or less, made of metallic, polymer or ceramic materials resistant to corrosion by UF₆, and

(b) especially prepared compounds or powders for the manufacture of such filters. Such compounds and powders include nickel or alloys containing 60% or more nickel, aluminium oxide, or UF₆-resistant fully fluorinated hydrocarbon polymers having a purity of 99.9% or more, a particle size less than 10 microns, and a high degree of particle size uniformity, which are especially prepared for the manufacture of gaseous diffusion barriers.

5.3.2. Diffuser housings

Especially designed or prepared hermetically sealed cylindrical vessels greater than 300 mm (12 in) in diameter and greater than 900 mm (35 in) in length, or rectangular vessels of comparable dimensions, which have an inlet connection and two outlet connections all of which are greater than 50 mm (2 in) in diameter, for containing the gaseous diffusion barrier, made of or lined with UF₆-resistant materials and designed for horizontal or vertical installation.

5.3.3. Compressors and gas blowers

Especially designed or prepared axial, centrifugal, or positive displacement compressors, or gas blowers with a suction volume capacity of 1 m³/min or more of UF₆, and with a discharge pressure of up to several hundred kPa (100 psi), designed for long-term operation in the UF₆ environment with or without an electrical motor of appropriate power, as well as separate assemblies of such compressors and gas blowers. These compressors and gas blowers have a pressure ratio between 2:1 and 6:1 and are made of, or lined with, materials resistant to UF₆.

5.3.4. Rotary shaft seals

Especially designed or prepared vacuum seals, with seal feed and seal exhaust connections, for sealing the shaft connecting the compressor or the gas blower rotor with the driver motor so as to ensure a reliable seal against in-leaking of air into the inner chamber of the compressor or gas blower which is filled with UF₆. Such seals are normally designed for a buffer gas in-leakage rate of less than 1000 cm³/min (60 l/min).

5.3.5. Heat exchangers for cooling UF₆

Especially designed or prepared heat exchangers made of or lined with UF₆-resistant materials (except stainless steel) or with copper or any combination of those metals, and intended for a leakage pressure change rate of less than 10 Pa (0.0015 psi) per hour under a pressure difference of 100 kPa (15 psi).

5.4. Especially designed or prepared auxiliary systems, equipment and components for use in gaseous diffusion enrichment

INTRODUCTORY NOTE

The auxiliary systems, equipment and components for gaseous diffusion enrichment plants are the systems of plant needed to feed UF₆ to the gaseous diffusion assembly, to link the individual assemblies to each other to form cascades (or stages) to allow for progressively higher enrichments and to extract the "product" and "tails" UF₆ from the diffusion cascades. Because of the high inertial properties of diffusion cascades, any interruption in their operation, and especially their shut-down, leads to serious consequences. Therefore, a strict and constant maintenance of vacuum in all technological systems, automatic protection from accidents, and precise automated regulation of the gas flow is of importance in a gaseous diffusion plant. All this leads to a need to equip the plant with a large number of special measuring, regulating and controlling systems. Normally UF₆ is evaporated from cylinders placed within autoclaves and is distributed in gaseous form to the entry point by way of cascade header pipework. The "product" and "tails" UF₆ gaseous streams flowing from exit points are passed by way of cascade header pipework to either cold traps or to compression stations where the UF₆ gas is liquefied prior to onward transfer into suitable containers for transportation or storage. Because a gaseous diffusion enrichment plant consists of a large number of gaseous diffusion assemblies arranged in cascades, there are many kilometers of cascade header pipework, incorporating thousands of welds with substantial amounts of repetition of layout. The equipment, components and piping systems are fabricated to very high vacuum and cleanliness standards.

5.4.1. Feed systems/product and tails withdrawal systems

Especially designed or prepared process systems, capable of operating at pressures of 300 kPa (45 psi) or less, including: Feed autoclaves (or systems), used for passing UF₆ to the gaseous diffusion cascades; Desublimers (or cold traps) used to remove UF₆ from diffusion cascades; Liquefaction stations where UF₆ gas from the cascade is compressed and cooled to form liquid UF₆. "Product" or "tails" stations used for transferring UF₆ into containers.

5.4.2. Header piping systems

Especially designed or prepared piping systems and header systems for handling UF₆ within the gaseous diffusion cascades. This piping network is normally of the "double" header system with each cell connected to each of the headers.

5.4.3. Vacuum systems

(a) Especially designed or prepared large vacuum manifolds, vacuum headers and vacuum pumps having a suction capacity of 5 m³/min (175 ft³/min) or more.

(b) Vacuum pumps especially designed for service in UF₆-bearing atmospheres made of, or lined with, aluminium, nickel, or alloys bearing more than 60% nickel. These pumps may be either rotary or positive, may have displacement and fluorocarbon seals, and may have special working fluids present.

5.4.4. Special shut-off and control valves

Especially designed or prepared manual or automated shut-off and control bellows valves made of UF₆-resistant materials with a diameter of 40 to 1500 mm (1.5 to 59 in) for installation in main and auxiliary systems of gaseous diffusion enrichment plants.

5.4.5. UF₆ mass spectrometers/ion sources

Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking "on-line" samples of feed, product or tails, from UF₆ gas streams and having all of the following characteristics:

1. Unit resolution for atomic mass unit greater than 320;
2. Ion sources constructed of or lined with nichrome or monel or nickel plated;
3. Electron bombardment ionization sources;
4. Collector system suitable for isotopic analysis.

EXPLANATORY NOTE

The items listed above either come into direct contact with the UF₆ process gas or directly control the flow within the cascade. All surfaces which come into contact with the process gas are wholly made of, or lined with, UF₆-resistant materials. For the purposes of the sections relating to gaseous diffusion items the materials resistant to corrosion by UF₆ include stainless steel, aluminium, aluminium alloys, aluminium oxide, nickel or alloys containing 60% or more nickel and UF₆-resistant fully fluorinated hydrocarbon polymers.

5.5. Especially designed or prepared systems, equipment and components for use in aerodynamic enrichment plants
INTRODUCTORY NOTE

In aerodynamic enrichment processes, a mixture of gaseous UF6 and light gas (hydrogen or helium) is compressed and then passed through separating elements where isotopic separation is accomplished by the generation of high centrifugal forces over a curved-wall geometry. Two processes of this type have been successfully developed: the separation nozzle process and the vortex tube process. For both processes the main components of a separation stage include cylindrical vessels housing the special separation elements (nozzles or vortex tubes), gas compressors and heat exchangers to remove the heat of compression. An aerodynamic plant requires a number of these stages, so that quantities can provide an important indication of end use. Since aerodynamic processes use UF6, all equipment, pipeline and instrumentation surfaces (that come in contact with the gas) must be made of materials that remain stable in contact with UF6.

EXPLANATORY NOTE

The items listed in this section either come into direct contact with the UF6 process gas or directly control the flow within the cascade. All surfaces which come into contact with the process gas are wholly made of or protected by UF6-resistant materials. For the purposes of the section relating to aerodynamic enrichment items, the materials resistant to corrosion by UF6 include copper, stainless steel, aluminium, aluminium alloys, nickel or alloys containing 60% or more nickel and UF6-resistant fully fluorinated hydrocarbon polymers.

5.5.1. Separation nozzles

Especially designed or prepared separation nozzles and assemblies thereof. The separation nozzles consist of slit-shaped, curved channels having a radius of curvature less than 1 mm (typically 0.1 to 0.05 mm), resistant to corrosion by UF6 and having a knife-edge within the nozzle that separates the gas flowing through the nozzle into two fractions.

5.5.2. Vortex tubes

Especially designed or prepared vortex tubes and assemblies thereof. The vortex tubes are cylindrical or tapered, made of or protected by materials resistant to corrosion by UF6, having a diameter of between 0.5 cm and 4 cm, a length to diameter ratio of 20:1 or less and with one or more tangential inlets. The tubes may be equipped with nozzle-type appendages at either or both ends.

EXPLANATORY NOTE

The feed gas enters the vortex tube tangentially at one end or through swirl vanes or at numerous tangential positions along the periphery of the tube.

5.5.3. Compressors and gas blowers

Especially designed or prepared axial, centrifugal or positive displacement compressors or gas blowers made of or protected by materials resistant to corrosion by UF6 and having a suction volume capacity of 2 m3/min or more of UF6/carrier gas (hydrogen or helium) mixture.

EXPLANATORY NOTE

These compressors and gas blowers typically have a pressure ratio between 1:2.1 and 6:1.

5.5.4. Rotary shaft seals

Especially designed or prepared rotary shaft seals, with seal feed and seal exhaust connections, for sealing the shaft connecting the compressor rotor or the gas blower rotor with the driver motor so as to ensure a reliable seal against out-leakage of process gas or in-leakage of air or seal gas into the inner chamber of the compressor or gas blower which is filled with a UF6/carrier gas mixture.

5.5.5. Heat exchangers for gas cooling

Especially designed or prepared heat exchangers made of or protected by materials resistant to corrosion by UF6.

5.5.6. Separation element housings

Especially designed or prepared separation element housings, made of or protected by materials resistant to corrosion by UF6, for containing vortex tubes or separation nozzles.

EXPLANATORY NOTE

These housings may be cylindrical vessels greater than 300 mm in diameter and greater than 900 mm in length, or may be rectangular vessels of comparable dimensions, and may be designed for horizontal or vertical installation.

5.5.7. Feed systems/product and tails withdrawal systems

Especially designed or prepared process systems or equipment for enrichment plants made of or protected by materials resistant to corrosion by UF6, including:

(a) Feed autoclaves, ovens, or systems used for passing UF6 to the enrichment process;

(b) Desublimers (or cold traps) used to remove UF6 from the enrichment process for subsequent transfer upon heating;

(c) Solidification or liquefaction stations used to remove UF6 from the enrichment process by compressing and converting UF6 to a liquid or solid form;

(d) Product or ‘tails’ stations used for transferring UF6 into containers.

5.5.8. Header piping systems

Especially designed or prepared header piping systems, made of or protected by materials resistant to corrosion by UF6, for handling UF6 within the aerodynamic cascades. This piping network is normally of the ‘double’ header design with each stage or group of stages connected to each of the headers.

5.5.9. Vacuum systems and pumps

(a) Especially designed or prepared vacuum systems having a suction capacity of 5 m3/min or more, consisting of vacuum manifolds, vacuum headers and vacuum pumps, and designed for service in UF6-bearing atmospheres,

(b) Vacuum pumps especially designed or prepared for service in UF6-bearing atmospheres and made of or protected by materials resistant to corrosion by UF6. These pumps may use fluorocarbon seals and special working fluids.

5.5.10. Special shut-off and control valves

Especially designed or prepared manual or automated shut-off and control bellows valves made of or protected by materials resistant to corrosion by UF6 with a diameter of 40 to 1500 mm for installation in main and auxiliary systems of aerodynamic enrichment plants.

5.5.11. UF6 mass spectrometers/Ion sources

Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking ‘on-line’ samples of feed, ‘product’ or ‘tails’, from UF6 gas streams and having all of the following characteristics:

1. Unit resolution for mass greater than 320;

2. Ion sources constructed of or lined with nichrome or monel or nickel plated;

3. Electron bombardment ionization sources;

4. Collector system suitable for isotopic analysis.

5.5.12. UF6/carrier gas separation systems

Especially designed or prepared process systems for separating UF6 from carrier gas (hydrogen or helium).

EXPLANATORY NOTE

These systems are designed to reduce the UF6 content in the carrier gas to 1 ppm or less and may incorporate equipment such as:

(a) Cryogenic heat exchangers and cryoseparators capable of temperatures of -120°C or less, or

(b) Cryogenic refrigeration units capable of temperatures of -120°C or less, or

(c) Separation nozzle or vortex tube units for the separation of UF6 from carrier gas, or...
5.6.6. Feed preparation systems (Chemical exchange)

Especially designed or prepared systems for producing high-purity uranium chloride feed solutions for chemical exchange uranium isotope separation plants.

EXPLANATORY NOTE

These systems consist of dissolution, solvent extraction and/or ion exchange equipment for purification and electrolytic cells for reducing the uranium U+6 or U+4 to U+3. These systems produce uranium chloride solutions having only a few parts per million of metallic impurities such as chromium, iron, vanadium, molybdenum and other bivalent or higher multi-valent cations. Materials of construction for portions of the system processing high-purity U-3 include glass, fluorocarbon polymers, polyphenyl sulfone or polyether sulfone plastic-lined and resin-impregnated graphite.

5.6.7. Ion exchange columns (Ion exchange)

Especially designed or prepared systems for oxidation of U-3 to U-4 for return to the uranium isotope separation cascade in the chemical exchange enrichment process.

EXPLANATORY NOTE

These systems may incorporate equipment such as:

(a) Equipment for contacting chlorine and oxygen with the aqueous effluent from the isotope separation equipment and extracting the resultant U-4 into the stripped organic stream returning from the product end of the cascade.

(b) Equipment that separates water from hydrochloric acid so that the water and the concentrated hydrochloric acid may be reintroduced to the process at the proper locations.

5.6.6. Fast-reacting ion exchange resins/adsorbents (Ion exchange)

Fast-reacting ion-exchange resins or adsorbents especially designed or prepared for uranium enrichment using the ion exchange process, including porous macroporous resins, and/or pellicular structures in which the active chemical exchange groups are limited to a coating on the surface of an inactive porous support structure, and other composite structures in any suitable form including particles or fibers. These ion exchange resins/adsorbents have diameters of 0.2 mm or less and must be chemically resistant to concentrated hydrochloric acid solutions as well as physically strong enough so as not to degrade in the exchange columns. The resins/adsorbents are especially designed to achieve very fast uranium isotope exchange kinetics (exchange rate half-time of less than 10 seconds) and are capable of operating at a temperature in the range of 100°C to 200°C.

5.6.7. Ion exchange columns (Ion exchange)

Cylindrical columns greater than 1000 mm in diameter for containing and supporting packed beds of ion exchange resin/adsorbent, especially designed or prepared for uranium enrichment using the ion exchange process. These columns are made of or protected by materials (such as titanium or fluorocarbon plastics) resistant to corrosion by concentrated hydrochloric acid.
solutions and are capable of operating at a temperature in the range of 100°C to 200°C and pressures above 0.7 MPa (102 psi).

5.6.8. Ion exchange reflux systems (Ion exchange)
(a) Especially designed or prepared chemical or electrochemical reduction systems for regeneration of the chemical reducing agent(s) used in ion exchange uranium enrichment cascades.
(b) Especially designed or prepared chemical or electrochemical oxidation systems for regeneration of the chemical oxidizing agent(s) used in ion exchange uranium enrichment cascades.

EXPLANATORY NOTE
The ion exchange enrichment process may use, for example, trivalent titanium (Ti+3) as a reducing cation in which the reduction system would regenerate Ti+3 by reducing Ti+4.

The process may use, for example, trivalent iron (Fe+3) as an oxidant in which case the oxidation system would regenerate Fe+3 by oxidizing Fe+2.

5.7. Especially designed or prepared systems, equipment and components for use in laser-based enrichment plants.

INTRODUCTORY NOTE
Present systems for enrichment processes using lasers fall into two categories; those in which the process medium is atomic uranium vapor and those in which the process medium is the vapor of a uranium compound. Common nomenclature for such processes include: first category - atomic vapor laser isotope separation (AVLIS or SILVA); second category - molecular laser isotope separation (MLIS or MOLIS) and chemical reaction by isotope selective laser activation (CRISLA). The systems, equipment and components for laser enrichment plants embrace: (a) devices to feed uranium-metal vapor (or selective photo-ionization) or devices to feed the vapor of a uranium compound (for photo-dissociation or chemical activation); (b) devices to collect enriched and depleted uranium metal as ‘product’ and ‘tails’ in the first category, and devices to collect dissociated or reacted compounds as ‘product’ and unaffected material as ‘tails’ in the second category; (c) process laser systems to selectively excite the uranium-235 species; and (d) feed preparation and product conversion equipment. The complexity of the spectroscopy of uranium atoms and compounds may require incorporation of any of a number of available laser technologies.

EXPLANATORY NOTE
Many of the items listed in this section come into direct contact with uranium metal vapor or liquid or with process gas consisting of UF6 or a mixture of UF6 and other gases. All surfaces that come into contact with the uranium or UF6 are wholly made of or protected by corrosion-resistant materials. For the purposes of the section relating to laser-based enrichment items, the materials resistant to corrosion by the vapor or liquid of uranium metal or uranium alloys include yttria-coated graphite and tantalum; and the materials resistant to corrosion by UF6 include copper, stainless steel, aluminium, aluminium alloys, nickel or alloys containing 60% or more nickel and UF6-resistant fully fluorinated hydrocarbon polymers.

5.7.1. Uranium vaporization systems (AVLIS)
Especially designed or prepared uranium vaporization systems which contain highpower strip or scanning electron beam guns with a delivered power on the target of more than 2.5 kW/cm.

5.7.2. Liquid uranium metal handling systems (AVLIS)
Especially designed or prepared liquid metal handling systems for molten uranium or uranium alloys, consisting of crucibles and cooling equipment for the crucibles. EXPLANATORY NOTE
The crucibles and other parts of this system that come into contact with molten uranium or uranium alloys are made of or protected by materials of suitable corrosion and heat resistance. Suitable materials include tantalum, yttria-coated graphite, graphite coated with other rare earth oxides (see INF/IRC2/254/Part 2 - (as amended) or mixtures thereof.

5.7.3. Uranium metal ‘product’ and ‘tails’ collector assemblies (AVLIS)
Especially designed or prepared ‘product’ and ‘tails’ collector assemblies for uranium metal in liquid or solid form.

EXPLANATORY NOTE
Components for these assemblies are made of or protected by materials resistant to the heat and corrosion of uranium metal vapor or liquid (such as yttria-coated graphite or tantalum) and may include pipes, valves, fittings, ‘gutters’, feed-throughs, heat exchangers and collector plates for magnetic, electrostatic or other separation methods.

5.7.4. Separator module housings (AVLIS)
Especially designed or prepared cylindrical or rectangular vessels for containing the uranium metal vapor source, the electron beam gun, and the ‘product’ and ‘tails’ collectors.

EXPLANATORY NOTE
These housings have multiplicity of ports for electrical and water feed-throughs, laser beam windows, vacuum pump connections and instrumentation diagnostics and monitoring. They have provisions for opening and closure to allow refurbishment of internal components.

5.7.5. Supersonic expansion nozzles (MLIS)
Especially designed or prepared supersonic expansion nozzles for cooling mixtures of UF6 and carrier gas to 150 K or less and which are corrosion resistant to UF6.

5.7.6. Uranium pentafluoride product collectors (MLIS)
Especially designed or prepared uranium pentafluoride (UF5) solid product collectors consisting of filter, impact, or cyclone-type collectors, or combinations thereof, and which are corrosion resistant to the UF5/UF6 environment.

5.7.7. UF6/carrier gas compressors (MLIS)
Especially designed or prepared compressors for UF6/carrier gas mixtures, designed for long term operation in a UF6 environment. The components of these compressors that come into contact with process gas are made of or protected by materials resistant to corrosion by UF6.

5.7.8. Rotary shaft seals (MLIS)
Especially designed or prepared rotary shaft seals, with seal feed and seal exhaust connections, for sealing the shaft connecting the compressor rotor with the driver motor so as to ensure a reliable seal against out-leakage of process gas or in-leakage of air or seal gas into the inner chamber of the compressor which is filled with a UF6/carrier gas mixture.

5.7.9. Fluorination systems (MLIS)
Especially designed or prepared systems for fluorinating UF5 (solid) to UF6 (gas).

EXPLANATORY NOTE
These systems are designed to fluorinate the collected UF5 powder to UF6 for subsequent collection in product containers or for transfer as feed to MLIS units for additional enrichment. In one approach, the fluorination reaction may be accomplished within the isotope separation system to react and recover directly off the ‘product’ collectors. In another approach, the UF5 powder may be removed/ transferred from the ‘product’ collectors into a suitable reaction vessel (e.g., fluidized-bed reactor, screw reactor or flame tower) for fluorination. In both approaches, equipment for storage and transfer of fluorine (or other suitable fluorinating agents) and for collection and transfer of UF6 are used.

5.7.10. UF6 mass spectrometers/ion sources (MLIS)
Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking ‘on-line’ samples of feed, ‘product’ or ‘tails’, from UF6 gas streams and having all of the following characteristics:

1. Unit resolution for mass greater than 320;
2. Ion sources constructed of or lined with nichrome or monel or nickel plated;
3. Electron bombardment ionization sources;
4. Collector system suitable for isotopic analysis.

5.7.11. Feed systems/product and tails withdrawal systems (MLIS)
Especially designed or prepared process systems or equipment for enrichment plants made of or protected by materials resistant to corrosion by UF6, including:
(a) Feed autoclaves, ovens, or systems used for passing UF6 to the enrichment process;
(b) Desublimers (or cold traps) used to remove UF6 from the enrichment process for subsequent transfer upon heating;
(c) Solidification or liquefaction stations used to remove UF6 from the enrichment process by compressing and converting UF6 to a liquid or solid form;
(d) ‘Product’ or ‘tails’ stations used for transferring UF6 into containers.

5.7.12. UF6/carrier gas separation systems (MLIS)
Especially designed or prepared process systems for separating UF6 from carrier gas. The carrier gas may be nitrogen, argon, or other gas.

EXPLANATORY NOTE
These systems may incorporate equipment such as:
(a) Cryogenic heat exchangers or cryoseparators capable of temperatures of -120°C or less, or
(b) Cryogenic refrigeration units capable of temperatures of -120°C or less, or
(c) UF6 cold traps capable of temperatures of -20°C or less.

5.7.13. Laser systems (AVLIS, MLIS and CRISLA)
Lasers or laser systems especially designed or prepared for the separation of uranium isotopes.

EXPLANATORY NOTE
The lasers and laser components of importance in laser-based enrichment processes include those identified in INFCIRC/254/Part 2 - (as amended). The laser system for the AVLIS process usually consists of two lasers: a copper vapor laser and a dye laser. The laser system for MLIS usually consists of a CO2 or excimer laser and a multi-pass optical cell with revolving mirrors at both ends. Lasers or laser systems for both processes require a spectrum frequency stabilizer for operation over extended periods of time.

5.8. Especially designed or prepared systems, equipment and components for use in plasma separation enrichment plants.

INTRODUCTORY NOTE
In the plasma separation process, a plasma of uranium ions passes through an electric field tuned to the 235U ion resonance frequency so that they preferentially absorb energy and increase the diameter of their corkscrew-like orbits. Ions with a large diameter path are trapped to produce a product enriched in 235U. The plasma, which is made by ionizing uranium vapor, is contained in a vacuum chamber with a high strength magnetic field produced by a superconducting magnet. The main technological systems of the process include the uranium plasma generation system, the separator module with superconducting magnet (see INFCIRC/254/Part 2 - (as amended)), and metal removal systems for the collection of ‘product’ and ‘tails’.

5.8.1. Microwave power sources and antennae
Especially designed or prepared microwave power sources and antennae for producing or accelerating ions and having the following characteristics: greater than 30 GHz frequency and greater than 50 kW mean power output for ion production.

5.8.2. Ion excitation coils
Especially designed or prepared radio frequency ion excitation coils for frequencies of more than 100 kHz and capable of handling more than 40 kW mean power.

5.8.3. Uranium plasma generation systems
Especially designed or prepared systems for the generation of uranium plasma, which may contain high-power strip or scanning electron beam guns with a delivered power on the target of more than 2.5 kW/cm.

5.8.4. Liquid uranium metal handling systems
Especially designed or prepared liquid metal handling systems for molten uranium or uranium alloys, consisting of crucibles and cooling equipment for the crucibles.

EXPLANATORY NOTE
The crucibles and other parts of this system that come into contact with molten uranium or uranium alloys are made of or protected by materials of suitable corrosion and heat resistance. Suitable materials include tantalum, yttria-coated graphite, graphite coated with other rare earth oxides (see INFCIRC/254/Part 2 - (as amended)) or mixtures thereof.

5.8.5. Uranium metal ‘product’ and ‘tails’ collector assemblies
Especially designed or prepared ‘product’ and ‘tails’ collector assemblies for uranium metal in solid form. These collector assemblies are made of or protected by materials resistant to the heat and corrosion of uranium metal vapor, such as yttria-coated graphite or tantalum.

5.8.6. Separator module housings
Cylindrical vessels especially designed or prepared for use in plasma separation enrichment plants for containing the uranium plasma source, radio-frequency drive coil and the ‘product’ and ‘tails’ collectors.

EXPLANATORY NOTE
These housings have a multiplicity of ports for electrical feed-throughs, diffusion pump connections and instrumentation diagnostics and monitoring. They have provisions for opening and closure to allow for refurbishment of internal components and are constructed of a suitable non-magnetic material such as stainless steel.

5.9. Especially designed or prepared systems, equipment and components for use in electromagnetic enrichment plants.

INTRODUCTORY NOTE
In the electromagnetic process, uranium metal ions produced by ionization of a salt feed material (typically UCl4) are accelerated and passed through a magnetic field that has the effect of causing the ions of different isotopes to follow different paths. The major components of an electromagnetic isotope separator include: a magnetic field for ion-beam diversion/separation of the isotopes, an ion source with its acceleration system, and a collection system for the separated ions. Auxiliary systems for the process include the magnet power supply system, the ion source high-voltage power supply system, the vacuum system, and extensive chemical handling systems for recovery of product and cleaning/recycling of components.

5.9.1. Electromagnetic isotope separators
Electromagnetic isotope separators especially designed or prepared for the separation of uranium isotopes, and equipment and components thereof, including:
(a) Ion sources
Especially designed or prepared single or multiple uranium ion sources consisting of a vapor source, ionizer, and beam accelerator, constructed of suitable materials such as graphite, stainless steel, or copper, and capable of providing a total ion beam current of 50 mA or greater.
(b) Ion collectors
Collector plates consisting of two or more slits and pockets especially designed or prepared for collection of enriched and
depleted uranium ion beams and constructed of suitable materials such as graphite or stainless steel.

(c) Vacuum housings

Especially designed or prepared vacuum housings for uranium electromagnetic separators, constructed of suitable non-magnetic materials such as stainless steel and designed for operation at pressures of 0.1 Pa or lower.

EXPLANATORY NOTE

The housings are specially designed to contain the ion sources, collector plates and water-cooled liners and have provision for diffusion pump connections and opening and closure for removal and reinstallation of these components.

(d) Magnet pole pieces

Especially designed or prepared magnet pole pieces having a diameter greater than 2 m used to maintain a constant magnetic field within an electromagnetic isotope separator and to transfer the magnetic field between adjoining separators.

5.9.2. High voltage power supplies

Especially designed or prepared high-voltage power supplies for ion sources, having all of the following characteristics: capable of continuous operation, output voltage of 20,000 V or greater, output current of 1 A or greater, and voltage regulation of better than 0.1% over a time period of 6 hours.

5.9.3. Magnet power supplies

Especially designed or prepared high-power, direct current magnet power supplies having all of the following characteristics: capable of continuously producing a current output of 500 A or greater at a voltage of 100 V or greater and with a current or voltage regulation better than 0.1% over a period of 6 hours.

6. Plants for the production or concentration of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor

INTRODUCTORY NOTE

Heavy water can be produced by a variety of processes. However, the two processes that have proven to be commercially viable are the water-hydrogen sulphide exchange process (GS process) and the ammonia-hydrogen exchange process.

The GS process is based upon the exchange of hydrogen and deuterium between water and hydrogen sulphide within a series of towers which are operated with the top section cold and the bottom section hot. Water flows down the towers while the hydrogen sulphide gas circulates from the bottom to the top of the towers. A series of perforated trays are used to promote mixing between the gas and the water. Deuterium migrates to the water at low temperatures and to the hydrogen sulphide at high temperatures. Gas or water, enriched in deuterium, is removed from the first stage towers at the junction of the hot and cold sections and the process is repeated in subsequent stage towers. The product of the last stage, water enriched up to 30% in deuterium, is sent to a distillation unit to produce reactor grade heavy water; i.e., 99.75% deuterium oxide.

The ammonia-hydrogen exchange process can extract deuterium from synthesis gas through contact with liquid ammonia in the presence of a catalyst. The synthesis gas is fed into exchange towers and to an ammonia converter. Inside the towers the gas flows from the bottom to the top while the liquid ammonia flows from the top to the bottom. The deuterium is stripped from the hydrogen in the synthesis gas and concentrated in the ammonia. The ammonia then flows into an ammonia cracker at the bottom of the tower while the gas flows into an ammonia converter at the top. Further enrichment takes place in subsequent stages and reactor grade heavy water is produced through final distillation. The synthesis gas feed can be provided by an ammonia plant that, in turn, can be constructed in association with a heavy water ammonia-hydrogen exchange plant. The ammonia-hydrogen exchange process can also use ordinary water as a feed source of deuterium.

Many of the key equipment items for heavy water production plants using GS or the ammonia-hydrogen exchange processes are common to several segments of the chemical and petroleum industries. This is particularly so for small plants using the GS process. However, few of the items are available "off-the-shelf". The GS and ammonia-hydrogen processes require the handling of large quantities of flammable, corrosive and toxic fluids at elevated pressures. Accordingly, in establishing the design and operating standards for plants and equipment using these processes, careful attention to the materials selection and specifications is required to ensure long service life with high safety and reliability factors. The choice of scale is primarily a function of economics and need. Thus, most of the equipment items would be prepared according to the requirements of the customer.

Finally, it should be noted that, in both the GS and the ammonia-hydrogen exchange processes, items of equipment which individually are not especially designed or prepared for heavy water production can be assembled into systems which are especially designed or prepared for producing heavy water. The catalyst production system used in the ammonia-hydrogen exchange process and water distillation systems used for the final concentration of heavy water to reactor-grade in either process are examples of such systems.

The items of equipment which are especially designed or prepared for the production of heavy water utilizing either the water-hydrogen sulphide exchange process or the ammonia-hydrogen exchange process include the following:

6.1. Water - Hydrogen Sulphide Exchange Towers

Exchange towers fabricated from fine carbon steel (such as ASTM A516) with diameters of 6 m (20 ft) to 9 m (30 ft), capable of operating at pressures greater than or equal to 2 MPa (300 psi) and with a corrosion allowance of 6 mm or greater, especially designed or prepared for heavy water production utilizing the water-hydrogen sulphide exchange process.

6.2. Blowers and Compressors

Single stage, low head (i.e., 0.2 MPa or 30 psi) centrifugal blowers or compressors for hydrogen-sulphide gas circulation (i.e., gas containing more than 70% H2S) especially designed or prepared for heavy water production utilizing the water-hydrogen sulphide exchange process. These blowers or compressors have a throughput capacity greater than or equal to 56 m³/sec (120,000 SCFM) while operating at pressures greater than or equal to 1.8 MPa (260 psi) suction and have seals designed for wet H2S service.

6.3. Ammonia-Hydrogen Exchange Towers

Ammonia-hydrogen exchange towers greater than or equal to 35 m (114.3 ft) in height with diameters of 1.5 m (4.9 ft) to 2.5 m (8.2 ft) capable of operating at pressures greater than 15 MPa (2225 psi) especially designed or prepared for heavy water production utilizing the ammonia-hydrogen exchange process. These towers also have at least one flanged, axial opening of the same diameter as the cylindrical part through which the tower internals can be inserted or withdrawn.

6.4. Tower Internals and Stage Pumps

Tower internals and stage pumps especially designed or prepared for heavy water production utilizing the ammonia-hydrogen exchange process. Tower internals include especially designed stage contactors which promote intimate gas/liquid contact. Stage pumps include especially designed submersible pumps for circulation of liquid ammonia within a contacting stage internal to the stage towers.

6.5. Ammonia Crackers

Ammonia crackers with operating pressures greater than or equal to 3 MPa (450 psi) especially designed or prepared for heavy water production utilizing the ammonia-hydrogen exchange process.

6.6. Infrared Absorption Analyzers

Infrared absorption analyzers capable of "on-line" hydrogen/deuterium ratio analysis where deuterium concentrations are equal to or greater than 90%.
6.7. Catalytic Burners
Catalytic burners for the conversion of enriched deuterium gas into heavy water especially designed or prepared for heavy water production utilizing the ammoniahydrogen exchange process.

6.8. Complete heavy water upgrade systems or columns therefor
Complete heavy water upgrade systems, or columns therefor, especially designed or prepared for the upgrade of heavy water to reactor-grade deuterium concentration.

EXPLANATORY NOTE
These systems, which usually employ water distillation to separate heavy water from light water, are especially designed or prepared to produce reactor-grade heavy water (i.e., typically 99.75% deuterium oxide) from heavy water feedstock of lesser concentration.

7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in sections 4 and 5 respectively, and equipment especially designed or prepared therefor

EXPORTS
The export of the whole set of major items within this boundary will take place only in accordance with the procedures of the Guidelines. All of the plants, systems, and specially designed or prepared equipment within this boundary can be used for the processing, production, or use of special fissionable material.

7.1. Plants for the conversion of uranium and equipment especially designed or prepared therefor

INTRODUCTORY NOTE
Uranium conversion plants and systems may perform one or more transformations from one uranium chemical species to another, including: conversion of uranium ore concentrates to UO3, conversion of UO3 to UC2, conversion of uranium oxides to UF4, UF6, or UC4, conversion of UF4 to UF6, conversion of UF6 to UF4, conversion of UF4 to uranium metal, and conversion of uranium fluorides to UC2. Many of the key equipment items for uranium conversion plants are common to several segments of the chemical process industry. For example, the types of equipment employed in these processes may include: furnaces, rotary kilns, fluidized bed reactors, flame tower reactors, liquid centrifuges, distillation columns and liquid-liquid extraction columns. However, few of the items are available "off-the-shelf": most would be prepared according to the requirements and specifications of the customer. In some instances, special design and construction considerations are required to address the corrosive properties of some of the chemicals handled (HF, F2, CIF3, and uranium fluorides) as well as nuclear criticality concerns. Finally, it should be noted that, in all of the uranium conversion processes, items of equipment which individually are not especially designed or prepared for uranium conversion can be assembled into systems which are especially designed or prepared for use in uranium conversion.

7.1.1. Especially designed or prepared systems for the conversion of uranium ore concentrates to UO3
EXPLANATORY NOTE
Conversion of uranium ore concentrates to UO3 can be performed by first dissolving the ore in nitric acid and extracting purified uranyl nitrate using a solvent such as tributyl phosphate. Next, the uranyl nitrate is converted to UO3 either by concentration and denitrification or by neutralization with gaseous ammonia to produce ammonium diuranate with subsequent filtering, drying, and calcining.

7.1.2. Especially designed or prepared systems for the conversion of UO3 to UF6
EXPLANATORY NOTE
Conversion of UO3 to UF6 can be performed directly by fluorination. The process requires a source of fluorine gas or chlorine trifluoride.

7.1.3. Especially designed or prepared systems for the conversion of UO3 to UC2
EXPLANATORY NOTE
Conversion of UO3 to UC2 can be performed through reduction of UO3 with cracked ammonia gas or hydrogen.

7.1.4. Especially designed or prepared systems for the conversion of UC2 to UF4
EXPLANATORY NOTE
Conversion of UC2 to UF4 can be performed by reacting UC2 with hydrogen fluoride gas (HF) at 300-500°C.

7.1.5. Especially designed or prepared systems for the conversion of UF4 to UF6
EXPLANATORY NOTE
Conversion of UF4 to UF6 is performed by exothermic reaction with fluorine in a tower reactor. UF6 is condensed from the hot effluent gases by passing the effluent stream through a cold trap cooled to -10°C. The process requires a source of fluorine gas.

7.1.6. Especially designed or prepared systems for the conversion of UF4 to U metal
EXPLANATORY NOTE
Conversion of UF4 to U metal is performed by reduction with magnesium (large batches) or calcium (small batches). The reaction is carried out at temperatures above the melting point of uranium (1130°C).

7.1.7. Especially designed or prepared systems for the conversion of UF6 to UC2
EXPLANATORY NOTE
Conversion of UF6 to UC2 can be performed by one of three processes. In the first, UF6 is reduced and hydrolyzed to UC2 using hydrogen and steam. In the second, UF6 is hydrolyzed by solution in water, ammonia is added to precipitate ammonium diuranate, and the diuranate is reduced to UC2 with hydrogen at 820°C. In the third process, gaseous UF6, CO2, and NH3 are combined in water, precipitating ammonium uranyl carbonate. The ammonium uranyl carbonate is combined with steam and hydrogen at 500-600°C to yield UC2.

UF6 to UC2 conversion is often performed as the first stage of a fuel fabrication plant.

7.1.8. Especially designed or prepared systems for the conversion of UF6 to UF4
EXPLANATORY NOTE
Conversion of UF6 to UF4 is performed by reduction with hydrogen.

7.1.9. Especially designed or prepared systems for the conversion of UF4 to UF6
EXPLANATORY NOTE
Conversion of UF4 to UF6 can be performed by one of two processes. In the first, UF4 is reacted with carbon tetrachloride (CCl4) at approximately 400°C. In the second, UF4 is reacted at approximately 700°C in the presence of carbon black (CAS 1333-88-4), carbon monoxide, and chlorine to yield UF6.

7.2. Plants for the conversion of plutonium and equipment especially designed or prepared therefor

INTRODUCTORY NOTE
Plutonium conversion plants and systems perform one or more transformations from one plutonium chemical species to another, including: conversion of plutonium nitrate to PuO2, conversion of PuO2 to PuF4, and conversion of PuF4 to plutonium metal. Plutonium conversion plants are usually associated with reprocessing facilities, but may also be associated with plutonium fuel fabrication facilities. Many of the key equipment items for plutonium conversion plants are common to several segments of the chemical process industry. For example, the types of equipment employed in these processes may include: furnaces, rotary kilns, fluidized bed reactors, flame tower reactors, liquid...
centrifuges, distillation columns and liquid-liquid extraction columns. Hot cells, glove boxes and remote manipulators may also be required. However, few of the items are available “off-the-shelf”; most would be prepared according to the requirements and specifications of the customer. Particular care in designing for the special radiological, toxicity and criticality hazards associated with plutonium is essential. In some instances, special design and construction considerations are required to address the corrosive properties of some of the chemicals handled (e.g. HF). Finally, it should be noted that, for all plutonium conversion processes, items of equipment which individually are not especially designed or prepared for plutonium conversion can be assembled into systems which are especially designed or prepared for use in plutonium conversion.

7.2.1. Especially designed or prepared systems for the conversion of plutonium nitrate to oxide

EXPLANATORY NOTE

The main functions involved in this process are: process feed storage and adjustment, precipitation and solid/liquid separation, calcination, product handling, ventilation, waste management, and process control. The process systems are particularly adapted so as to avoid criticality and radiation effects and to minimize toxicity hazards. In most reprocessing facilities, this process involves the conversion of plutonium nitrate to plutonium dioxide. Other processes can involve the precipitation of plutonium oxalate or plutonium peroxide.

7.2.2. Especially designed or prepared systems for plutonium metal production

EXPLANATORY NOTE

This process usually involves the fluorination of plutonium dioxide, normally with highly corrosive hydrogen fluoride, to produce plutonium fluoride which is subsequently reduced using high purity calcium metal to produce metallic plutonium and a calcium fluoride slag. The main functions involved in this process are fluorination (e.g. involving equipment fabricated or lined with a precious metal), metal reduction (e.g. employing ceramic crucibles), slag recovery, product handling, ventilation, waste management and process control. The process systems are particularly adapted so as to avoid criticality and radiation effects and to minimize toxicity hazards. Other processes include the fluorination of plutonium oxalate or plutonium peroxide followed by a reduction to metal.

ANNEX C

CRITERIA FOR LEVELS OF PHYSICAL PROTECTION

1. The purpose of physical protection of nuclear materials is to prevent unauthorized use and handling of these materials. Paragraph 3(a) of the Guidelines document calls for agreement among suppliers on the levels of protection to be ensured in relation to the type of materials, and equipment and facilities containing these materials, taking account of international recommendations.

2. Paragraph 3(b) of the Guidelines document states that implementation of measures of physical protection in the recipient country is the responsibility of the Government of that country. However, the levels of physical protection on which these measures have to be based should be the subject of an agreement between supplier and recipient. In this context these requirements should apply to all States.

3. The document INFCIRC/225 of the International Atomic Energy Agency entitled “The Physical Protection of Nuclear Material” and similar documents which from time to time are prepared by international groups of experts and updated as appropriate to account for changes in the state of the art and state of knowledge with regard to physical protection of nuclear material are a useful basis for guiding recipient States in designing a system of physical protection measures and procedures.

4. The categorization of nuclear material presented in the attached table or as it may be updated from time to time shall be prepared according to the requirements and agreements of suppliers shall serve as the agreed basis for designating specific levels of physical protection in relation to the type of materials, and equipment and facilities containing these materials, pursuant to paragraph 3(a) and 3(b) of the Guidelines document.

5. The agreed levels of physical protection to be ensured by the competent national authorities in the use, storage and transportation of the materials listed in the attached table shall as a minimum include protection characteristics as follows:

CATEGORY III

Use and Storage within an area to which access is controlled.

Transportation under special precautions including prior arrangements among sender, recipient and carrier, and prior agreement between entities subject to the jurisdiction and regulation of supplier and recipient States, respectively, in case of international transport, specifying time, place and procedures for transferring transport responsibility.

CATEGORY II

Use and Storage within a protected area to which access is controlled, i.e., 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.

Transportation under special precautions including prior arrangements among sender, recipient, and carrier, and prior agreement between entities subject to the jurisdiction and regulation of supplier and recipient States, respectively, in case of international transport, specifying time, place and procedures for transferring transport responsibility.

CATEGORY I

Materials in this category shall be protected with highly reliable systems against unauthorized use as follows:

Use and storage within a highly protected area, i.e., a protected area as defined for Category II above, to which, in addition, access is restricted to person 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 objective the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

Transportation under special precautions as 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.

6. Suppliers should request identification by recipients of those agencies or authorities having responsibility for ensuring that levels of protection are adequately met and having responsibility for internally co-ordinating response/recovery operations in the event of unauthorized use or handling of protected materials. Suppliers and recipients should also designate points of contact within their national authorities to co-operate on matters of out-of-country transportation and other matters of mutual concern.

**TABLE: CATEGORIZATION OF NUCLEAR MATERIAL**

<table>
<thead>
<tr>
<th>Material</th>
<th>Form</th>
<th>Category I</th>
<th>Category II</th>
<th>Category III</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Plutonium[b][8]</td>
<td>Unirradiated[b][8]</td>
<td>2 kg or more</td>
<td>Less than 2 kg but more than 500 g</td>
<td>500 g or less[c]</td>
</tr>
<tr>
<td>2. Uranium-235</td>
<td>Unirradiated[b][8]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- uranium enriched to 20% 235U or more</td>
<td>5 kg or more</td>
<td>Less than 5 kg but more than 1 kg</td>
<td>1 kg or less[c]</td>
<td></td>
</tr>
<tr>
<td>- uranium enriched to 10% 235U but less than 20%</td>
<td>-</td>
<td>10 kg or more</td>
<td>Less than 10 kg[c]</td>
<td></td>
</tr>
</tbody>
</table>
1. **Export Controls**

Old (Revision 8) | New (Revision 9)
---|---

### Comparison Table of Changes to the Guidelines for Nuclear Transfers (INFCIRC/254/Part 1)

<table>
<thead>
<tr>
<th>Old (Revision 8)</th>
<th>New (Revision 9)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annex A – General Note</strong></td>
<td><strong>Annex A</strong></td>
</tr>
<tr>
<td>3. Suppliers recognize the close relationship for certain isotope separation processes between plants, equipment and technology for uranium enrichment and that for the separation of stable isotopes for research, medical and other non-nuclear industrial purposes. In that regard, suppliers should carefully review their legal measures, including export licensing regulations and information/technology classification and security practices, for stable isotope separation activities to ensure the implementation of appropriate protection measures as warranted. Suppliers recognize that, in particular cases, appropriate protection measures for stable isotope separation activities will be essentially the same as those for uranium enrichment. (See Introductory Note in Section 5 of the Trigger List.) In accordance with Paragraph 16(a) of the Guidelines, suppliers shall consult with other suppliers as appropriate, in order to promote uniform policies and procedures in the transfer and protection of stable isotope separation plants, equipment and technology.</td>
<td><strong>Annex A</strong></td>
</tr>
<tr>
<td><strong>Annex B</strong></td>
<td><strong>Annex A</strong></td>
</tr>
<tr>
<td>2.5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, especially designed or prepared therefore (see Annex B, section 5.);</td>
<td><strong>Annex B</strong></td>
</tr>
<tr>
<td><strong>Annex B, Section 5</strong></td>
<td><strong>Annex B, Section 5</strong></td>
</tr>
<tr>
<td>INTRODUCTORY NOTE</td>
<td>Plants, equipment and technology for the separation of uranium isotopes have, in many instances, a close relationship to plants, equipment and technology for the separation of stable isotopes. In particular cases, the controls under Section 5 also apply accordingly to plants and equipment that are intended for the separation of stable isotopes. These controls of plants and equipment for the separation of stable isotopes are complementary to controls on plants and equipment especially designed or prepared for the processing, use or production of special fissile material covered by the Trigger List. These complementary Section 5 controls for stable isotope uses do not apply to the electromagnetic isotope separation process, which is addressed under Part 2 of the Guidelines. Processes for which the controls in Section 5 equally apply whether the intended use is uranium isotope separation or stable isotope separation are: gas centrifuge, gaseous diffusion, the plasma separation process, and aerodynamic processes. For some processes, the relationship to uranium isotope separation depends on the element (stable isotope) being separated. These processes are: laser-based processes (e.g., molecular laser isotope separation and atomic vapor laser isotope separation), chemical exchange, and ion exchange. Suppliers must therefore evaluate these processes on a case-by-case basis to apply Section 5 controls for stable isotope uses accordingly.</td>
</tr>
<tr>
<td>5.2.3. Special shut-off and control valves</td>
<td><strong>5.2.4.</strong></td>
</tr>
<tr>
<td>Especially designed or prepared bellows-sealed valves, manual or automated, shut-off or control, made of or protected by materials resistant to corrosion by UF₆, with a diameter of 10 to 160 mm, for use in main or auxiliary systems of gas centrifuge enrichment plants.</td>
<td></td>
</tr>
</tbody>
</table>
Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology

[Nuclear Suppliers Group, Reproduced from INFCIRC/254/Rev.7/Part 2, February 2006]

1. The Director General of the International Atomic Energy Agency has received Notes Verbales, dated 1 December 2005, from the Resident Representatives to the Agency of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Poland, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, relating to transfers of nuclear-related dual-use equipment, materials, software and related technology.

2. The purpose of the Notes Verbales is to provide further information on those Governments’ guidelines for transfers of nuclear-related dual-use equipment, materials, software and related technology.

3. In the light of the wish expressed at the end of each Note Verbales, the text of the Notes Verbales is attached. The attachment to the Notes Verbales is also reproduced in full.

NOTE VERBALE

The Permanent Mission of [Country Name] presents its compliments to the Director General of the International Atomic Energy Agency (IAEA) and has the honour to refer to its [relevant previous communication(s)] concerning the decision of the Government of [Country Name] to act in accordance with the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material and Related Technology currently published as document INFCIRC/254/Rev.6/Part 2, including its Annex.

The Government of [Country Name] has decided to amend the Guidelines to reflect the need for effective export controls as a relevant factor for Part 2 transfers. Accordingly, Paragraph 4 (i) has been introduced.

The Government of [Country Name] has also decided to amend the Annex entries on machine tools (1.B.2.b and 1.B.2.c) to reflect the changes in current technology and to control new technology. Accordingly, a new Paragraph 3 has been added to both 1.B.2.b and 1.B.2.c to reflect new technological characteristics, the Technical note 2 of the Annex entry 1.B.2 has been amended and new Technical notes 4, 5 and 6 have been added to clarify the scope of controls.

The Government of [Country Name] has also clarified the scope of control for laser lights. Item 1.B.3.c. was amended to reflect that the scope of control does not control laser-based autocollimators. This is in accordance with recent changes made in Wassenaar.

In the interest of clarity, the complete text of the modified Guidelines and its Annex is reproduced in the attachment, as well as a “Comparison Table of Changes to the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material and Related Technology (INFCIRC/254/Rev.6/Part 2)”. The Government of [Country Name] has decided to act in accordance with the Guidelines so revised.

In reaching this decision, the Government of [Country Name] is fully aware of the need to contribute to economic development while avoiding contributing in any way to a proliferation of nuclear weapons or other nuclear explosive devices or the diversion to acts of nuclear terrorism, and of the need to separate the issue of non-proliferation or non-diversion assurances from that of commercial competition.

[The Government of (Country Name), so far as trade within the European Union is concerned, will implement this decision in the light of its commitments as a Member States of the Union] [This paragraph is included only in notes verbales from members of the European Union.]

The Government of [Country Name] would be grateful if the Director General of the IAEA would bring this Note and its attachment to the attention of all Member States.

The Permanent Mission of [Country Name] avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

GUIDELINES FOR TRANSFERS OF NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE, AND RELATED TECHNOLOGY

OBJECTIVE

1. With the objective of averting the proliferation of nuclear weapons and preventing acts of nuclear terrorism, suppliers have had under consideration procedures in relation to the transfer of certain equipment, materials, software, and related technology that could make a major contribution to a “nuclear explosive activity,” an “un-safeguarded nuclear fuel-cycle activity” or acts of nuclear terrorism. In this connection, suppliers have agreed on the following principles, common definitions, and an export control list of equipment, materials, software, and related technology. The Guidelines are not designed to impede international co-operation as long as such co-operation will not contribute to a nuclear explosive activity, an un-safeguarded nuclear fuel cycle activity or acts of nuclear terrorism. Suppliers intend to implement the Guidelines in accordance with national legislation and relevant international commitments.

BASIC PRINCIPLE

2. Suppliers should not authorize transfers of equipment, materials, software, or related technology identified in the Annex:

   - for use in a non-nuclear-weapon state in a nuclear explosive activity or an un-safeguarded nuclear fuel-cycle activity, or
   - in general, when there is an unacceptable risk of diversion to such an activity, or when the transfers are contrary to the objective of averting the proliferation of nuclear weapons, or
   - when there is an unacceptable risk of diversion to acts of nuclear terrorism.

EXPLANATION OF TERMS

3. (a) “Nuclear explosive activity” includes research on or development, design, manufacture, construction, testing or maintenance of any nuclear explosive device or components or subsystems of such a device.

   (b) “Un-safeguarded nuclear fuel-cycle activity” includes research on or development, design, manufacture, construction, operation or maintenance of any reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or of any heavy water production plant where there is no obligation to accept International Atomic Energy Agency (IAEA) safeguards at the relevant facility or installation, existing or future, when it contains any source or special fissionable material; or of any heavy water storage installation, where there is no obligation to accept International Atomic Energy Agency (IAEA) safeguards at the relevant facility or installation, existing or future, when it contains any source or special fissionable material.

ESTABLISHMENT OF EXPORT LICENSING PROCEDURES

4. Suppliers should have in place legal measures to ensure the effective implementation of the Guidelines, including export licensing regulations, enforcement measures, and penalties for violations. In considering whether to authorize transfers, suppliers should exercise prudence in order to carry out the Basic Principle and should take relevant factors into account, including:

   (a) Whether the recipient state is a party to the Nuclear Non-Proliferation Treaty (NPT), or to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), or to a similar international legally-binding nuclear non-proliferation agreement, and has an IAEA safeguards agreement in force applicable to all its peaceful nuclear activities;
(b) Whether any recipient state that is not party to the NPT, Treaty of Tlatelolco, or a similar international legally-binding nuclear non-proliferation agreement has any facilities or installations listed in paragraph 3(b) above that are operational or being designed or constructed that are not, or will not be, subject to IAEA safeguards;

c) Whether the equipment, materials, software, or related technology to be transferred is appropriate for the stated end-use and whether that stated end-use is appropriate for the end user;

d) Whether the equipment, materials, software, or related technology to be transferred is to be used in research on or development, design, manufacture, construction, operation, or maintenance of any reprocessing or enrichment facility;

e) Whether governmental actions, statements, and policies of the recipient state are supportive of nuclear non-proliferation and whether the recipient state is in compliance with its international obligations in the field of nuclear non-proliferation;

(f) Whether the recipients have been engaged in clandestine or illegal procurement activities; and

(g) Whether a transfer has not been authorized to the end-user or whether the end-user has diverted for purposes inconsistent with the Guidelines any transfer previously authorized.

(h) Whether there is reason to believe that there is a risk of diversion to acts of nuclear terrorism.

(i) Whether there is a risk of retransfers of equipment, material, software, or related technology identified in the Annex or of transfers of any replica thereof contrary to the Basic Principle, as a result of a failure by the recipient State to develop and maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.

5. Suppliers should ensure that their national legislation requires an authorisation for the transfer of items not listed in the Annex if the items in question are or may be intended, in their entirety or in part, for use in connection with a “nuclear explosive activity.”

Suppliers will implement such an authorisation requirement in accordance with their domestic licensing practices.

Suppliers are encouraged to share information on “catch all” denials.

CONDITIONS FOR TRANSFERS

6. In the process of determining that the transfer will not pose any unacceptable risk of diversion, in accordance with the Basic Principle and to meet the objectives of the Guidelines, the supplier should obtain, before authorizing the transfer and in a manner consistent with its national law and practices, the following:

(a) a statement from the end-user specifying the uses and end-use locations of the proposed transfers; and

(b) an assurance explicitly stating that the proposed transfer or any replica thereof will not be used in any nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity.

CONSENT RIGHTS OVER RETRANSFERS

7. Before authorizing the transfer of equipment, materials, software, or related technology identified in the Annex to a country not adhering to the Guidelines, suppliers should obtain assurances that their consent will be secured, in a manner consistent with their national law and practices, prior to any retransfer to a third country of the equipment, materials, software, or related technology, or any replica thereof.

CONCLUDING PROVISIONS

8. The supplier reserves to itself discretion as to the application of the Guidelines to other items of significance in addition to those identified in the Annex, and as to the application of other conditions for transfer that it may consider necessary in addition to those provided for in paragraph 5 of the Guidelines.

9. In furtherance of the effective implementation of the Guidelines, suppliers should, as necessary and appropriate, exchange relevant information and consult with other states adhering to the Guidelines.

10. In the interest of international peace and security, the adherence of all states to the Guidelines would be welcome.

ANNEX

LIST OF NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE, AND RELATED TECHNOLOGY

Note: The International System of Units (SI) is used in this Annex. In all cases the physical quantity defined in SI units should be considered the official recommended control value. However, some machine tool parameters are given in their customary units, which are not SI.

Commonly used abbreviations (and their prefixes denoting size) in this Annex are as follows:

- A --- ampere(s)
- Bq --- becquerel(s)
- °C --- degree(s) Celsius
- Ci --- curie(s)
- cm --- centimeter(s)
- dB --- decibel(s)
- dBrn --- decibel referred to 1 milliwatt
- g --- gram(s); also, acceleration of gravity (9.81 m/s²)
- GBq --- gigabecquerel(s)
- GHz --- gigahertz
- GPa --- gigapascal(s)
- Gy --- gray
- h --- hour(s)
- Hz --- hertz
- J --- joule(s)
- K --- kelvin
- keV --- thousand electron volt(s)
- kg --- kilogram(s)
- kHz --- kilohertz
- kN --- kilonewton(s)
- kPa --- kilopascal(s)
- kV --- kilovolt(s)
- kW --- kilowatt(s)
- m --- meter(s)
- mA --- milliampere(s)
- MeV --- million electron volt(s)
- MHz --- megahertz
- ml --- milliliter(s)
- MPa --- megapascal(s)
- mPa --- millipascal(s)
- MW --- megawatt(s)
- µF --- microfarad(s)
- µm --- micrometer(s)
- µs --- microsecond(s)
- N --- newton(s)
- nm --- nanometer(s)
- ns --- nanosecond(s)
- nH --- nanohenry(es)
- ps --- picosecond(s)
- RMS --- root mean square
- rpm --- revolutions per minute
- s --- second(s)
- T --- tesla(s)
- TIR --- total indicator reading
- V --- volt(s)
- W --- watt(s)

GENERAL NOTE

The following paragraphs are applied to the List of Nuclear-Related Dual-Use Equipment, Material, Software, and Related Technology.

1. The description of any item on the List includes that item in either new or second-hand condition.

2. When the description of any item on the List contains no qualifications or specifications, it is regarded as including all varieties of that item. Category captions are only for convenience in reference and do not affect the interpretation of item definitions.

3. The object of these controls should not be defeated by the transfer of any non-controlled item (including plants) containing one or more controlled components when the controlled component or
components are the principal element of the item and can feasibly be removed or used for other purposes.

Note: In judging whether the controlled component or components are to be considered the principal element, governments should weigh the factors of quantity, value, and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the item being procured.

4. The object of these controls should not be defeated by the transfer of component parts. Each government will take such action as it can to achieve this aim and will continue to seek a workable definition for component parts, which could be used by all the suppliers.

TECHNOLOGY CONTROLS

The transfer of "technology" is controlled according to the Guidelines and as described in each section of the Annex. "Technology" directly associated with any item in the Annex will be subject to as great a degree of scrutiny and control as will the item itself, to the extent permitted by national legislation.

The approval of any Annex item for export also authorizes the export to the same end user of the minimum "technology" required for the installation, operation, maintenance, and repair of the item.

Note: Controls on "technology" transfer do not apply to information "in the public domain" or to "basic scientific research".

GENERAL SOFTWARE NOTE

The transfer of "software" is controlled according to the Guidelines and as described in the Annex.

Note: Controls on "software" transfers do not apply to "software" as follows:

1. Generally available to the public by being:
   a. Sold from stock at retail selling points without restriction; and
   b. Designed for installation by the user without further substantial support by the supplier;
   or

2. "In the public domain".

DEFINITIONS

"Accuracy" –

Usually measured in terms of inaccuracy, defined as the maximum deviation, positive or negative, of an indicated value from an accepted standard or true value.

"Angular position deviation" –

The maximum difference between angular position and the actual, very accurately measured angular position after the workpiece mount of the table has been turned out of its initial position. (Ref. VDI/VDE 2617 Draft: "Rotary table on coordinate measuring machines")

"Basic scientific research" –

Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed toward a specific practical aim or objective.

"Contouring control" –

Two or more "numerically controlled" motions operating in accordance with instructions that specify the next required position and the required feed rates to that position. These feed rates are varied in relation to each other so that a desired contour is generated. (Ref. ISO 2806-1980 as amended)

"Development" –

is related to all phases before "production" such as:

- assembly and testing of prototypes
- pilot production schemes
- design data
- process of transforming design data into a product
- configuration design
- integration design
- layouts

"Fibrous or filamentary materials" –


N.B.:

1. ‘Filament’ or ‘monofilament’ –
   is the smallest increment of fiber, usually several µm in diameter.

2. ‘Roving’ –
   is a bundle (typically 12-120) of approximately parallel ‘strands’.

3. ‘Strand’ –
   is a bundle of ‘rovings’ (typically over 200) arranged approximately parallel.

4. ‘Tape’ –
   is a material constructed of interlaced or unidirectional ‘filaments’, ‘strands’, ‘rovings’, ‘tows’ or ‘yarns’, etc. usually preimpregnated with resin.

5. ‘Yarn’ –
   is a bundle of ‘filaments’, usually approximately parallel.

6. ‘Filament’ –
   See "Fibrous or filamentary materials".

"In the public domain" –

"In the public domain", as it applies herein, means "technology" or "software" that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove "technology" or "software" from being "in the public domain").

"Linearity" –

(Usually measured in terms of non-linearity) is the maximum deviation of the actual characteristic (average of upscale and downscaled readings), positive or negative, from a straight line so positioned as to equalize and minimize the maximum deviations.

"Measurement uncertainty" –

The characteristic parameter which specifies in what range around the output value the correct value of the measurable variable lies with a confidence level of 95%. It includes the uncorrected systematic deviations, the uncorrected backlash, and the random deviations. (Ref. VDI/VDE 2617)

"Microprogram" –

A sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register.

"Monofilament" –

See "Fibrous or filamentary materials".

"Numerical control" –

The automatic control of a process performed by a device that makes use of numeric data usually introduced as the operation is in progress. (Ref. ISO 2382)

"Positioning accuracy" –

of "numerically controlled" machine tools is to be determined and presented in accordance with Item 1.B.2., in conjunction with the requirements below:

(a) Test conditions (ISO 2302/1988), paragraph 3):

(1) For 12 hours before and during measurements, the machine tool and accuracy measuring equipment will be kept at the same ambient temperature. During the pre-measurement time, the slides of the machine will be continuously cycled identically to the way they will be cycled during the accuracy measurements;

(2) The machine shall be equipped with any mechanical, electronic, or software compensation to be exported with the machine;
(3) Accuracy of measuring equipment for the measurements shall be at least four times more accurate than the expected machine tool accuracy;

(4) Power supply for slide drives shall be as follows:
   (i) Line voltage variation shall not be greater than +/- 10% of nominal rated voltage;
   (ii) Frequency variation shall not be greater than +/- 2 Hz of normal frequency;
   (iii) Lineouts or interrupted service are not permitted.

(b) Test Program (paragraph 4):
   (1) Feed rate (velocity of slides) during measurement shall be the rapid traverse rate;
   N.B.: In the case of machine tools which generate optical quality surfaces, the feed rate shall be equal to or less than 50 mm per minute;
   (2) Measurements shall be made in an incremental manner from one limit of the axis travel to the other without returning to the starting position for each move to the target position;
   (3) Axes not being measured shall be retained at mid-travel during test of an axis.

(c) Presentation of the test results (paragraph 2):
   The results of the measurements must include:
   (1) "Positioning accuracy" (A) and
   (2) The mean reversal error (B).

"Production" – means all production phases such as:
   • construction
   • production engineering
   • manufacture
   • integration
   • assembly (mounting)
   • inspection
   • testing
   • quality assurance

"Program" – A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

"Resolution" – The least increment of a measuring device; on digital instruments, the least significant bit. (Ref. ANSI B-89.1.12)

"Roving" – See "Fibrous or filamentary materials".

"Software" – A collection of one or more "programs" or "microprograms"; fixed in any tangible medium of expression.

"Strand" – See "Fibrous or filamentary materials".

"Tape" – See "Fibrous or filamentary materials".

"Technical assistance" – Technical assistance may take forms such as: instruction, skills, training, working knowledge, consulting services.

Note: "Technical assistance" may involve transfer of "technical data".

"Technical data" – "Technical data" may take forms such as blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

"Technology" – means specific information required for the "development", "production", or "use" of any item contained in the List. This information may take the form of "technical data" or "technical assistance".

"Tow" – See "Fibrous or filamentary materials".

"Use" – Operation, installation (including on-site installation), maintenance (checking), repair, overhaul, and refurbishing.

"Yarn" – See "Fibrous or filamentary materials".

ANNEX CONTENTS

1. INDUSTRIAL EQUIPMENT
   1.A. EQUIPMENT, ASSEMBLIES AND COMPONENTS
   1.A.1. High-density radiation shielding windows
   1.A.2. Radiation-hardened TV cameras, or lenses therefor
   1.A.3. Robots, end-effectors and control units
   1.A.4. Remote manipulators
   1.B. TEST AND PRODUCTION EQUIPMENT
   1.B.1. Flow-forming machines, spin-forming machines capable of flowforming functions, and mandrels
   1.B.3. Dimensional inspection machines, instruments, or systems
   1.B.4. Controlled atmosphere induction furnaces, and power supplies therefor
   1.B.5. Isostatic presses, and related equipment
   1.B.6. Vibration test systems, equipment, and components
   1.B.7. Vacuum or other controlled atmosphere metallurgical melting and casting furnaces and related equipment
   1.C. MATERIALS
   1.D. SOFTWARE
   1.E. TECHNOLOGY

2. MATERIALS
   2.A. EQUIPMENT, ASSEMBLIES AND COMPONENTS
   2.A.1. Crucibles made of materials resistant to liquid actinide metals
   2.A.2. Platinized catalysts
   2.A.3. Composite structures in the forms of tubes
   2.B. TEST AND PRODUCTION EQUIPMENT
   2.B.1. Tritium facilities or plants, and equipment therefor
   2.B.2. Lithium isotope separation facilities or plants, and equipment therefor
   2.C. MATERIALS
   2.C.1. Aluminium
   2.C.2. Beryllium
   2.C.3. Bismuth
   2.C.4. Boron
   2.C.5. Calcium
   2.C.6. Chlorine trifluoride
   2.C.7. Fibrous or filamentary materials, and prepregs
   2.C.8. Hafnium
   2.C.9. Lithium
   2.C.10. Magnesium
   2.C.11. Maraging steel
   2.C.12. Radium-226
   2.C.13. Titanium
   2.C.14. Tungsten
   2.C.15. Zirconium
   2.C.16. Nickel powder and porous nickel metal
   2.C.17. Tritium
   2.C.18. Helium-3
   2.C.19. Alpha-emitting radionuclides
   2.D. SOFTWARE
   2.E. TECHNOLOGY 2 – 6

3. URANIUM ISOTOPE SEPARATION EQUIPMENT AND COMPONENTS
   (Other Than Trigger List Items)
   3.A. EQUIPMENT, ASSEMBLIES AND COMPONENTS
   3.A.1. Frequency changers or generators
   3.A.2. Lasers, laser amplifiers and oscillators
   3.A.3. Valves
   3.A.4. Superconducting solenoidal electromagnets
   3.A.5. High-power direct current power supplies
   3.A.6. High-voltage direct current power supplies
   3.A.7. Pressure transducers
   3.A.8. Vacuum pumps
   3.B. TEST AND PRODUCTION EQUIPMENT
   3.B.1. Electrocryogenic cells for fluorine production
   3.B.2. Rotor fabrication or assembly equipment, rotor straightening equipment, bellows-forming mandrels and dies
   3.B.3. Centrifugal multilple balancing machines
   3.B.4. Filament winding machines and related equipment
   3.B.5. Electromagnetic isotope separators
   3.C. MATERIALS
<table>
<thead>
<tr>
<th>Old</th>
<th>New</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ESTABLISHMENT OF EXPORT LICENSING PROCEDURES</strong></td>
<td><strong>ESTABLISHMENT OF EXPORT LICENSING PROCEDURES</strong></td>
</tr>
<tr>
<td>1.B.2. Machine tools, as follows, for removing or cutting metals, ceramics, or composites, which, according to the manufacturer’s technical specifications, can be equipped with electronic devices for simultaneous “contouring control” in two or more axes: N.B.: For “numerical control” units ...</td>
<td>4. (i) Whether there is a risk of retransfers of equipment, material, software, or related technology identified in the Annex or of transfers of any replica thereof contrary to the Basic Principle, as a result of a failure by the recipient State to develop and maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.</td>
</tr>
<tr>
<td>a. Machine tools for turning, ...</td>
<td>a. Machine tools for turning, ...</td>
</tr>
<tr>
<td>Note: Item 1.B.2.a. does not control bar machines ...</td>
<td>Note: Item 1.B.2.a. does not control bar machines ...</td>
</tr>
<tr>
<td>b. Machine tools for milling, ...</td>
<td>b. Machine tools for milling, ...</td>
</tr>
<tr>
<td>1. &quot;Positioning accuracies&quot; with all ...</td>
<td>1. &quot;Positioning accuracies&quot; with all ...</td>
</tr>
<tr>
<td>2. Two or more contouring rotary axes;</td>
<td>2. Two or more contouring rotary axes;</td>
</tr>
<tr>
<td>Note: Item 1.B.2.b. does not control ... characteristics:</td>
<td>Note: Item 1.B.2.b. does not control ... characteristics:</td>
</tr>
<tr>
<td>1. X-axis travel greater than 2 m; and</td>
<td>1. X-axis travel greater than 2 m; and</td>
</tr>
<tr>
<td>2. Overall “positioning accuracy” on ...</td>
<td>2. Overall “positioning accuracy” on ...</td>
</tr>
<tr>
<td>c. Machine tools for grinding, having any of the following characteristics:</td>
<td>c. Machine tools for grinding, having any of the following characteristics:</td>
</tr>
<tr>
<td>1. &quot;Positioning accuracies&quot; with ...</td>
<td>1. &quot;Positioning accuracies&quot; with ...</td>
</tr>
<tr>
<td>2. Two or more contouring rotary axes;</td>
<td>2. Two or more contouring rotary axes;</td>
</tr>
<tr>
<td>Note: Item 1.B.2.c. does not control grinding machines as follows:</td>
<td>Note: Item 1.B.2.c. does not control grinding machines as follows:</td>
</tr>
<tr>
<td>1. Cylindrical, external, internal, and external-internal grinding machines having all the following characteristics:</td>
<td>1. Cylindrical, external, internal, and external-internal grinding machines having all the following characteristics:</td>
</tr>
<tr>
<td>a. Limited to cylindrical grinding;</td>
<td>a. Limited to cylindrical grinding;</td>
</tr>
<tr>
<td>b. A maximum workpiece outside diameter or length of 150 mm;</td>
<td>b. A maximum workpiece outside diameter or length of 150 mm;</td>
</tr>
<tr>
<td>c. Not more than two axes that can be coordinated simultaneously for &quot;contouring control&quot;; and</td>
<td>Limited to a maximum workpiece capacity of 150 mm outside diameter or length; and</td>
</tr>
<tr>
<td>d. No contouring c-axis;</td>
<td>cb. Not more than two axes that can be coordinated simultaneously for &quot;contouring control&quot;; and Axes limited to x, z and c; d. No contouring c-axis;</td>
</tr>
<tr>
<td>2. Jig grinders with axes limited to x, y, and a, where c-axis is used to maintain the grinding wheel normal to the work surface, and the a-axis is configured to grind barrel cams;</td>
<td>2. Jig grinders with axes limited to x, y, and a, where c-axis is used to maintain the grinding wheel normal to the work surface, and the a-axis is configured to grind barrel cams;</td>
</tr>
<tr>
<td>3. Tool or cutter grinding machines with &quot;software&quot; specially designed for the manufacturing of tools or cutters;</td>
<td>3. Tool or cutter grinding machines with &quot;software&quot; specially designed for the manufacturing of tools or cutters;</td>
</tr>
</tbody>
</table>

**COMPARISON TABLE OF CHANGES TO THE GUIDELINES FOR NUCLEAR TRANSFERS**

(INFCIRC/254/Rev. 6/Part 2)
4. Crankshaft or camshaft grinding machines.

Technical Notes: 1. Axis nomenclature shall be in accordance with International Standard ISO 841...
2. Not counted in the total number of contouring rotary axes are secondary parallel contouring rotary axes the centerline of which is parallel to the primary rotary axis.
3. Rotary axes do not...

1.B.3. Dimensional inspection machines, instruments, or systems, as follows:

b. Linear displacement measuring instruments...

c. Angular displacement measuring instruments having an “angular position deviation” equal to or better (less) than 0.00025°.

Note: Item 1.B.3.c. does not control optical instruments, such as autocollimators, using collimated light to detect angular displacement of a mirror.

4. Crankshaft or camshaft grinding machines.

Technical Notes: 1. Stated “positioning accuracy” levels derived under the following procedures from measurements made according to ISO 230/2 (1988) or national equivalents may be used for each machine tool model if provided to, and accepted by, national authorities instead of individual machine tests.

Stated “positioning accuracy” are to be derived as follows:

1. Select five machines of a model to be evaluated;
2. Measure the linear axis accuracies according to ISO 230/2 (1988);
3. Determine the accuracy values (A) …;
4. Determine the average accuracy value of each axis. This average value becomes the stated “positioning accuracy” of each axis for the model (Ax, Ay,…);
5. Since Item 1.B.2. refers to each linear axis, there will be as many stated “positioning accuracy” values as there are linear axes;
6. If any axis of a machine tool not controlled by Items 1.B.2.a., 1.B.2.b., or 1.B.2.c. has a stated “positioning accuracy” of 6 μm or better (less) for grinding machines, and 8 μm or better (less) for milling and turning machines, both according to ISO 230/2 (1988), then the builder should be required to reaffirm the accuracy level once every eighteen months.

1.B.2. does not control special purpose machine tools limited to the manufacture of any of the following parts:

a. Gears
b. Crankshafts or camshafts
c. Tools or cutters
d. Extruder worms

d. Non-wire type Electrical Discharge Machines (EDM)...

d. Non-wire type Electrical Discharge Machines (EDM)...

Note: Stated “positioning accuracy” levels derived under the following procedures from measurements made according to ISO 230/2 (1988) or national equivalents may be used for each machine tool model if provided to, and accepted by, national authorities instead of individual machine tests.

Stated “positioning accuracy” are to be derived as follows:

1. Select five machines of a model to be evaluated;
2. Measure the linear axis accuracies according to ISO 230/2 (1988);
3. Determine the accuracy values (A) …;
4. Measure the linear axis accuracies;...
4.c. Determine the average accuracy values (A) …;
4.d. Determine the average accuracy values;...
5.e. Since Item 1.B.2. refers to each linear axis, there will be as many stated “positioning accuracy” values as there are linear axes;
6. If any axis of a machine tool not controlled by Items 1.B.2.a., 1.B.2.b., or 1.B.2.c. has a stated “positioning accuracy” of 6 μm or better (less) for grinding machines, and 8 μm or better (less) for milling and turning machines, both according to ISO 230/2 (1988), then the builder should be required to reaffirm the accuracy level once every eighteen months.

4. For the purposes of 1.B.2, the number of axes which can be coordinated simultaneously for “contouring control” is the number of axes along or around which, during processing of the workpiece, simultaneous and interrelated motions are performed between the workpiece and a tool. This does not include any additional axes along or around which other relative motions within the machine are performed, such as:

a. Wheel dressing systems in grinding machines;

b. Parallel rotary axes designed for mounting of separate workpieces;

c. Co-linear rotary axes designed for manipulating the same workpiece
by holding it in a chuck from different ends.

5. A machine tool having at least 2 of the 3 turning, milling or grinding capabilities (e.g., a turning machine with milling capability) must be evaluated against each applicable entry, 1.B.2.a., 1.B.2.b. and 1.B.2.c.

6. Items 1.B.2.b.3 and 1.B.2.c.3 include machines based on a parallel linear kinematic design (e.g., hexapods) that have 5 or more axes none of which are rotary axes.
Working Paper on Multilateral Nuclear Supply Principles of the Zangger Committee

[Reproduced from NPT/CONF.2005/WP.15, 27 April 2005]

Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee

Introduction

1. Previous review conferences of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the “NPT Exporters Committee”, essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in final documents or in Committee reports of review conferences from 1975, 1985, 1990, 1995 and 2000.

2. The purpose of this paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee’s objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference of the Parties to the Treaty, which in paragraph 17 of its decision on “Principles and objectives for nuclear non-proliferation and disarmament” stated that “transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty”.

3. Attached to this paper are the statements of previous NPT review conferences referring to the Zangger Committee.

Article III, paragraph 2

4. Article III, paragraph 2 of the NPT performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it provides:

   “Each State Party to the Treaty undertakes not to provide:
   (a) source or special fissionable material, or
   (b) equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.”

5. The main significance of this paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to non-nuclear-weapon States not parties to the NPT unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

Zangger Committee understandings

7. Between 1971 and 1974 a group of 15 States — some already parties to the Treaty, others prospective parties — held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a common understanding on:
   (a) The definition of what constituted “equipment or material especially designed or prepared for the processing, use or production of special fissionable material” (as it was not defined anywhere in the Treaty);
   (b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2 on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on basic “understandings” contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2. The first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second, equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, paragraph 2 (b)).

10. The consensus which formed the basis of the Committee’s understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective domestic export control legislation. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did through an information circular dated 3 September 1974 (IAEA document INFCIRC/209).

11. Memorandum A defines the following categories of nuclear material:
   (a) Source material: natural or depleted uranium and thorium;
   (b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see paras. 16 and 17 below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy water production, and conversion.

13. To fulfill the requirements of article III, paragraph 2, the Zangger Committee understandings contain three basic conditions of supply for these items:
   (a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed, or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;
   (b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with the IAEA;
   (c) Source or special fissionable material, and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

Development of the conditions of supply

14. The Committee is holding discussions on possible amendments to its understandings during which it is considering a number of potential elements as conditions of supply, among which are: (a) full-scope safeguards; (b) the Additional Protocol; (c) physical protection as a condition of supply; and (d) “Supporting Activities”, containing commitments to, inter alia, (i) assist other States parties in establishing and implementing national rules and regulations on nuclear transfers, and (ii) support IAEA in its safeguards task in accordance with repeated calls by review conferences. The Committee would welcome the Conference’s continued support for its efforts.
“Trigger list” and its clarification

15. The two memorandums (see paras. 9-12 above) became known as the “trigger list”, since the export of listed items “triggers” IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or specific fissionable material or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA based on the IAEA safeguards system for NPT purposes.

16. Attached to the trigger list is an annex “clarifying”, or defining, the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has thus become increasingly detailed. To date, eight clarification exercises have taken place. Clarifications are conducted on the basis of consensus, using the same procedure followed in the adoption of the original understandings.

17. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee (these are for publication of modifications and revisions of INFCIRC/209).

(a) In December 1978, the annex was updated to add heavy water production plants and equipment, and a few specific items of isotope separation equipment for uranium enrichment;

(b) In February 1984, further detail was added to the annex to take account of technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In August 1985, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In February 1990, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In May 1992, specific items of equipment were added to the section on heavy water production;

(f) In April 1994, the enrichment section of the annex was subject to its most significant expansion yet. Existing portions of the section were updated, and detailed lists of equipment were added for the enrichment processes of aerodynamic, chemical and ion exchange, laser-based plasma, and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In May 1996, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements as well as on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In March 2000, a new section on uranium conversion was added. This section also contains elements transferred from section 3 (reprocessing).

All these changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

Membership

18. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 35 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States). The Commission of the European Union attends the meetings as permanent observer. Any party that is an actual or potential nuclear supplier is prepared to implement the Committee’s understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interest of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. NPT parties interested in doing so should visit the Committee’s website (www.zanggercommittee.org) and may contact the Secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

Outreach

19. Late in 2001, the Zangger Committee decided to launch an outreach programme between the Zangger Committee and third countries. The outreach programme has three objectives:

(a) To build a strong and sustainable relationship between the Zangger Committee and third countries;

(b) To increase the transparency of the activities of the Committee by explaining its role, purpose and functions, in particular its role as technical interpreter of article III, paragraph 2 of the Treaty;

(c) To provide opportunities for open dialogue on issues of common interest and concern on non-proliferation and nuclear export controls. In conducting this exercise, the Zangger Committee wishes to underline that (a) the outreach programme reflects the fact that the Committee is a technical body with a remit to interpret article III, paragraph 2 of the Treaty and as such outreach will not be a political dialogue; (b) the programme is restricted to States parties to the Treaty; and (c) the programme is informal.

Subjects for discussion include:

• The role and purpose of the Zangger Committee
• The trigger list and its clarification
• Conditions of supply
• Membership of the Committee
• The Committee and NPT conferences.

Zangger Committee and NPT conferences

20. At the first NPT Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-NPT non-nuclear-weapon States. The Conference went on to attach particular importance to the fact that these suppliers had established a supply condition and undertaking of non-diversion to nuclear weapons.

21. In 1980, the Review Conference produced no consensus final document. However, in 1985, the Final Document contained a short reference to the Committee’s activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take account of advances in technology.

22. In 1990 the Zangger Committee was mentioned by name and the Conference provided a brief description of its aims and practices. While the Conference did not adopt a final declaration, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning the implementation of the Treaty in the areas of the non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2 and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee’s requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

23. At the 1995 NPT Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, a consensus text on the Zangger Committee was attained. (The unofficial text emerging from this exercise was subsequently published in IAEA document INFCIRC/482 for information purposes.) The working group noted that a number of 152 suppliers had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying those understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The
working further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time it called for international consultations among all interested States.

24. The Conference approved, inter alia, decision 2, which contains a set of principles and objectives, and decision 3, which provides the basis for the adopted "Enhanced Review Mechanism" of the implementation of the Treaty.

25. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee in the fields of safeguards and export controls (see annex II to this paper, principles 9 to 13). In particular, principle 17 calls upon all States to promote transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

26. At the 2000 Review Conference, export control issues were discussed by an informal, open-ended working group established by Main Committee II. The working group did not reach final agreement on a text mentioning the Zangger Committee. In the end, only two paragraphs of the Final Document referenced indirectly the work of the Zangger Committee, without naming it: the Conference recommended that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time, and it requested that any supplier arrangement should be transparent.

27. The statements of review conferences on the Zangger Committee are attached as annex I to this working paper.

Annex I

References to Zangger Committee activities in NPT Review Conference documents

First NPT Review Conference (1975)

A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

"With regard to the implementation of article III (2) of the Treaty, the Conference notes that a number of states suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connection with their exports of certain such items to non-nuclear-weapon states not party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those states, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements" (NPT/CONF.35, annex 1, p. 3).

Third NPT Review Conference (1985)

The 1980 NPT Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

"The Conference believes that further improvement of the list of materials and equipment which, in accordance with article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology" (NPT/CONF.III/54, annex 1, p. 5, para. 13).

Fourth NPT Review Conference (1990)

While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2. To this end, these States have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not party to the treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear cooperation with non-nuclear-weapon states not party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."

"The Conference notes that 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."

In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

"M – 32

MCIS CNS NPT BRIEFING BOOK 2008 EDITION

NPT Review and Extension Conference (1995)

While the Conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/462:

"The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."

"The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under article III, paragraph 2" (INFCIRC/462, attachment, paras. 5 and 7).

The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II below.

Sixth NPT Review Conference (2000)

Main Committee II and its working group discussed a number of ideas and proposals, including the following language on the Zangger Committee, without reaching final agreement:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to coordinate their implementation of article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty."

In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

"M2. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices."

Fourth NPT Review Conference (1990)
“53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III, and IV of the Treaty.”

Annex II

Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 NPT Review and Extension Conference

Safeguards

9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in 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 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.

Communication Received from the Permanent Mission of the United Kingdom Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material

[Reproduced from INFCIRC/209/Rev.2/Mod.1, 10 January 2008]

1. The Director General has received a note verbale from the Permanent Mission of the United Kingdom, dated 10 January 2008, in which it requests that the Agency circulate to all Member States a letter of 12 December 2006 from the Chairman of the Zangger Committee, Mr Pavel Klucký, to the Director General, on behalf of the Governments of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, concerning the export of nuclear material and of certain categories of equipment and other material.

2. In the light of the wish expressed in the above-mentioned note verbale, the text of the note verbale, as well as the letter and attachments thereto, are hereby reproduced for the information of all Member States.

[Eds. Text of:
Note 002/08 from United Kingdom Mission, Vienna dated 10 January 2008
Letter from Pavel Klucký, Chairman of the Zangger Committee to Dr Mohamed ElBaradei, Director General, IAEA, Vienna, dated 12 December 2006
Memorandum B
not included]
Convention on the Physical Protection of Nuclear Material

[Signed at Vienna and New York on 3 March 1980, entered into force on 8 February 1987]

The states parties to this convention,

Recognizing the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

Convinced of the need for facilitating international co-operation in the peaceful application of nuclear energy,

Desiring to avert the potential dangers posed by the unlawful taking and use of nuclear material,

Convinced that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

Aware of the need for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

Convinced that this Convention should facilitate the safe transfer of nuclear material,

Stressing also the importance of the physical protection of nuclear material in domestic use, storage and transport,

Recognizing the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

Have agreed as follows:

Article 1

For the purposes of this Convention:

(a) ‘nuclear material’ means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) ‘uranium enriched in the isotope 235 or 233’ means uranium containing the isotope 235 or 233 in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) ‘international nuclear transport’ means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.

2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.

3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from the State, is protected at the levels described in Annex I.

Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.

2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.

3. A State Party shall not allow the transit through its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.

4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.

5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or international waterways, or whose airports or seaports it is expected to enter.

6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.

7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;

(b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:

(i) co-ordinate their efforts through diplomatic and other agreed channels;

(ii) render assistance, if requested;

(iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information preserved for the purposes of this Convention.
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 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 State 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 depository.

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 fulfill 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 by 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 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.

International Convention for the Suppression of Acts of Nuclear Terrorism
[United Nations, 2005]

The States Parties to this Convention,
(Eds. [i. . .] )

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 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;
   (c) 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 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;
   (b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article;
   (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, adopting 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 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 States Parties 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 a 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 States.

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 may request the assistance and health and safety standards published by the International Atomic Energy Agency.

(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 facilties 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 were 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 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 – Measures to Protect Against Nuclear Terrorism; Amendment to the Convention on the Physical Protection of Nuclear Material, Report by the Director General**

[Reproduced from GOV/INF/2005/10-GC(49)/INF/6, 6 September 2005]

---

**Report by the Director General**

**Background**

1. The question relating to a possible amendment to the Convention on the Physical Protection of Nuclear Material (the Convention) was first raised in 1999, when a number of States indicated, that in their view, the Convention “was incomplete” and “should be reviewed”.

2. In November 1999, the Director General, in the light of comments made during the Board of Governors, and taking into account recommendations by the Senior Expert Group for the Review of the IAEA’s Programme of Activities to the effect that “consideration should be given to the possible revision of the Convention on the Physical Protection of Nuclear Material to address the issues of prevention of unauthorized possession of nuclear material and access to nuclear facilities”, convened an Informal Open-ended Expert Meeting to Discuss Whether there is a Need to Revise the Convention (the Expert Meeting).

3. In May 2001, the Expert Meeting adopted its final report in which it concluded that there was “a clear need to strengthen the international physical protection regime” and that a spectrum of
measures should be employed – including the drafting of a well-defined amendment to strengthen the Convention.

4. On 9 September 2001, the Director General – in response to the recommendations by the Expert Meeting – convened an "Open-ended Group of Legal and Technical Experts to prepare a draft amendment to the Convention on the Physical Protection of Nuclear Material" ("the Group").

5. The Group met six times in Vienna at the Agency's Headquarters during the period from December 2001 to March 2003, under the chairmanship of Mr. Denis Flory of France. On 14 March 2003, the Group adopted by consensus its final report and agreed to submit it to the Director General. The report included possible amendments to the Convention but also contained a number of provisions on which the Group was not able to reach a consensus. On 16 June 2003, the Director General circulated the Group's report to all States Parties to the Convention for their consideration.

6. On 5 July 2004, at the request of Austria and 24 co-sponsoring States, the Director General circulated to all States Parties proposed amendments to the Convention. At the same time, in accordance with Article 20 of the Convention, he requested confirmation from States Parties as to whether they should, as depositary, call for a Conference to consider these amendments.

7. By 19 January 2005, the Director General had received requests to convene such a Conference from the majority of the States Parties.

8. Accordingly, on 3 February 2005, the Director General, pursuant to Article 20 of the Convention, invited all States Parties to participate in a Conference to consider proposed amendments to the Convention.

The Amendment Conference

9. The Conference met in Vienna at the Headquarters of the Agency from 4 to 8 July 2005. Mr. D. B. Waller, Acting Director General of the Agency, opened the Conference. The Conference elected Mr. A. J. Baer (Switzerland) as President, and Mr. R. J. K. Stratford (United States of America), Ms. P. Espinosa-Cantellano (Mexico), Mr. P. Nieuwenhuys (Belgium), Mr. A. A. Matveev (Russian Federation), Ms. T. Feroukhî (Algeria), Mr. S. K. Sharma (India), Mr. T. A. Samodra Siwidiâja (Indonesia) and Mr. Wu Hailong (China) as Vice-Presidents. It also elected Mr. S. McIntosh (Australia) as Chairman of the Committee of the Whole, Mr. E. Gil (Spain) as Vice-Chairman of the Committee of the Whole and Mr. K. Amégan (Canada) as Chairman of the Drafting Committee. Mr. N. Singh (India) was elected as Vice-Chairman of the Drafting Committee.

10. Eighty-eight States Parties and the European Atomic Energy Community (EURATOM) participated in the Conference. Eighteen States not party and three intergovernmental organizations, namely the IAEA, the United Nations, and the League of Arab States participated as observers.

11. On the basis of its deliberations, the Conference adopted by consensus, on 8 July 2005, the Amendment to the Convention. Representatives of 81 States Parties signed the Final Act of the Conference. The Final Act including the Amendment to the Convention and the Report by the Committee of the Whole is attached to the present document for the information of Member States. The summary records of the Amendment Committee will be available on the GovAtom website in all the official languages as they become available.

12. On 25 July 2005, the Director General of the Agency, as depositary, circulated a certified copy of the Amendment to the Convention to all States Parties and Euratom. The Amendment requires no signature but is subject only to ratification, acceptance, or approval. It will enter into force in accordance with paragraph 2 of Article 20 of the Convention, which reads:

"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."

13. At the same time, Governments were invited to deposit with the Director General of the Agency, at their earliest convenience, their instruments of ratification, acceptance or approval of the Amendment to the Convention.

FINAL ACT

1. At the request of Austria and 24 co-sponsoring States, the Director General of the International Atomic Energy Agency (IAEA) circulated to all States Parties on 5 July 2004 proposed amendments to the Convention on the Physical Protection of Nuclear Material ("the Convention"). At the same time, the Director General requested confirmation as to whether he should, as depositary, call for a diplomatic conference to consider the proposed amendments. By 19 January 2005 the Director General had received requests to convene a conference to consider the proposed amendments from 55 States Parties, which represented the majority of States Parties to the Convention. Accordingly, pursuant to paragraph 1 of Article 20 of the Convention, on 3 February 2005 the Director General invited all States Parties to attend such a conference.

2. The Conference met in Vienna at the Headquarters of the IAEA from 4 to 8 July 2005.

3. Representatives of the following 88 States Parties and of one organization party to the Convention participated in the Conference: Albania, Algeria, Argentina, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Korea Republic of, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and the European Atomic Energy Community (EURATOM).

4. Representatives of the following States and intergovernmental organizations participated in the Conference as observers: Cambodia, Egypt, Ethiopia, Haiti, Iran, Iraq, Jordan, Kazakhstan, Malaysia, Myanmar, Nigeria, Saudi Arabia, South Africa, Syrian Arab Republic, Venezuela, Yemen, Zambia, Zimbabwe, the United Nations, the IAEA and the League of Arab States.

5. The Conference was formally opened by Mr. David Waller, Acting Director General of the IAEA, who served as the Secretary-General of the Conference. Mr. Waller also addressed the Conference.

6. The Conference elected Mr. A. J. Baer (Switzerland) as President, and Mr. R. J. K. Stratford (United States of America), Ms. P. Espinosa-Cantellano (Mexico), Mr. P. Nieuwenhuys (Belgium), Mr. A. A. Matveev (Russian Federation), Ms. T. Feroukhî (Algeria), Mr. S. K. Sharma (India), Mr. T. A. Samodra Siwidiâja (Indonesia) and Mr. Wu Hailong (China) as Vice-Presidents.

7. The Conference established a Committee of the Whole consisting of all States Parties, and one organization party to the Convention, that participated in the Conference. The Conference elected Mr. S. McIntosh (Australia) as Chairman of the Committee of the Whole, and Mr. E. Gil (Spain) as Vice-Chairman.

8. The Conference established a Drafting Committee composed of representatives of the following States Parties: Algeria, Argentina, Australia, Belarus, Brazil, Canada, China, France, India, Israel, Japan, Mexico, Netherlands, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, and United States of America. The Conference elected Mr. K. Amégan (Canada) as Chairman of the Drafting Committee. Mr. N.
Singh (India) was elected as Vice-Chairman by the Drafting Committee.

9. The Conference had before it as the basis for its discussions the following documents: the Basic Proposal (Document CPPNM/AC/L.1/1) and the proposal contained in Document CPPNM/AC/L.1/2. At its first meeting, the Conference decided to incorporate the latter proposal into the Basic Proposal to form a revised Basic Proposal (CPPNM/AC/L.1/1/Rev.1).

10. On the basis of its deliberations, the Conference adopted on 8 July 2005 the Amendment to the Convention, which is attached to this Final Act. The Amendment was adopted at the Conference by consensus and will be circulated by the depositary to all States Parties and EURATOM. The Amendment is subject to ratification, acceptance, or approval, and will enter into force, in accordance with paragraph 2 of Article 20 of the Convention.

11. The Conference decided to attach the Report of the Committee of the Whole without its attachments to this Final Act.

12. The Conference adopted this Final Act. The original of this Final Act, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, is deposited with the Director General of the IAEA.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE at Vienna this 8 July 2005.

Amendment to the Convention on the Physical Protection of Nuclear Material

1. The Title of the Convention on the Physical Protection of Nuclear Material adopted on 26 October 1979 (hereinafter referred to as "the Convention") is replaced by the following title:

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES

2. The Preamble of the Convention is replaced by the following text:

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good neighbourliness and friendly relations and co-operation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations;"

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRED 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,

DESIRED 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,

DESIRED to strengthen further international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material and nuclear facilities,

CONVINCED that this Convention should complement the safe use, storage and transport of nuclear material and the safe operation of nuclear facilities,

RECOGNIZING that there are internationally formulated physical protection recommendations that are updated from time to time which can provide guidance on contemporary means of achieving effective levels of physical protection,

RECOGNIZING also that effective physical protection of nuclear material and nuclear facilities used for military purposes is a responsibility of the State possessing such nuclear material and nuclear facilities, and understanding that such material and facilities are and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

3. In Article 1 of the Convention, after paragraph (c), two new paragraphs are added as follows:

(d) "nuclear facility" means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

(e) "sabotage" means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances.

4. After Article 1 of the Convention, a new Article 1A is added as follows:

Article 1A

The purposes of this Convention are to achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes; to prevent and combat offences relating to such material and facilities worldwide; as well as to facilitate co-operation among States Parties to those ends.

5. Article 2 of the Convention is replaced by the following text:

1. This Convention shall apply to nuclear material used for peaceful purposes in use, storage and transport and to nuclear facilities used for peaceful purposes; provided, however, that articles 3 and 4 and paragraph 4 of article 5 of this Convention shall only apply to such nuclear material while in international nuclear transport.

2. The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State Party rests entirely with that State.

3. Apart from the commitments expressly undertaken by States Parties under this Convention, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State.

4. (a) Nothing in this Convention shall affect other rights, obligations and responsibilities of States Parties under international law, in particular the purposes and principles of...
the Charter of the United Nations and international humanitarian law.

The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

(c) Nothing in this Convention shall be construed as a lawful authorization to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes.

(d) Nothing in this Convention condones or makes lawful otherwise unlawful acts, nor precludes prosecution under other laws.

5. This Convention shall not apply to nuclear material used or retained for military purposes or to a nuclear facility containing such material.

6. After Article 2 of the Convention, a new Article 2A is added as follows:

Article 2A

1. Each State Party shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction, with the aim of:

(a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport;

(b) ensuring the implementation of rapid and comprehensive measures to locate and, where appropriate, recover missing or stolen nuclear material; when the material is located outside its territory, that State Party shall act in accordance with article 5;

(c) protecting nuclear material and nuclear facilities against sabotage; and

(d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

(a) establish and maintain a legislative and regulatory framework to govern physical protection;

(b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and

(c) take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

FUNDAMENTAL PRINCIPLE A: Responsibility of the State

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

FUNDAMENTAL PRINCIPLE B: Responsibilities During International Transport

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

FUNDAMENTAL PRINCIPLE C: Legislative and Regulatory Framework

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

FUNDAMENTAL PRINCIPLE D: Competent Authority

The State shall establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities. The State should take steps to ensure an effective independence between the functions of the State’s competent authority and those of any other body in charge of the promotion or utilization of nuclear energy.

FUNDAMENTAL PRINCIPLE E: Responsibility of the License Holders

The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).

FUNDAMENTAL PRINCIPLE F: Security Culture

All organizations involved in implementing physical protection should give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization.

FUNDAMENTAL PRINCIPLE G: Threat

The State’s physical protection should be based on the State’s current evaluation of the threat.

FUNDAMENTAL PRINCIPLE H: Graded Approach

Physical protection requirements should be based on a graded approach, taking into account the current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities.

FUNDAMENTAL PRINCIPLE I: Defence in Depth

The State’s requirements for physical protection should reflect a concept of several layers and methods of protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives.

FUNDAMENTAL PRINCIPLE J: Quality Assurance

A quality assurance policy and quality assurance programmes should be established and implemented with a view to providing confidence that specified requirements for all activities important to physical protection are satisfied.

FUNDAMENTAL PRINCIPLE K: Contingency Plans

Contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof, should be prepared and appropriately exercised by all license holders and authorities concerned.

FUNDAMENTAL PRINCIPLE L: Confidentiality

The State should establish requirements for protecting the confidentiality of information, the unauthorized disclosure of which could compromise the physical protection of nuclear material and nuclear facilities.

4. (a) The provisions of this article shall not apply to any nuclear material which the State Party reasonably decides does not need to be subject to the physical protection regime established pursuant to paragraph 1, taking into account the nature of the material, its quantity and relative attractiveness and the potential radiological and other consequences associated with any unauthorized act directed against it and the current evaluation of the threat against it.
7. Article 5 of the Convention is replaced by the following text:

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their point of contact in relation to matters within the scope of this Convention.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof, and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations;

(b) in doing so, as appropriate, the States Parties concerned shall exchange information with each other, the International Atomic Energy Agency and other relevant international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container or recovering unlawfully taken nuclear material and shall:

(i) co-ordinate their efforts through diplomatic and other agreed channels;

(ii) render assistance, if requested;

(iii) ensure the return of recovered nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. In the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, States Parties shall, to the maximum feasible extent, in accordance with their national law and consistent with their relevant obligations under international law, cooperate as follows:

(a) if a State Party has knowledge of a credible threat of sabotage of nuclear material or a nuclear facility in another State, the former shall decide on appropriate steps to be taken in order to inform that State as soon as possible and, where appropriate, the International Atomic Energy Agency and other relevant international organizations of that threat, with a view to preventing the sabotage;

(b) in the case of sabotage of nuclear material or a nuclear facility in a State Party and if in its view other States are likely to be radiologically affected, the former, without prejudice to its other obligations under international law, shall take appropriate steps to inform as soon as possible the State or the States which are likely to be radiologically affected and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations, with a view to minimizing or mitigating the radiological consequences thereof;

(c) if in the context of sub-paragraphs (a) and (b), a State Party requests assistance, each State Party to which a request for assistance is directed shall promptly decide and notify the requesting State Party, directly or through the International Atomic Energy Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that may be rendered;

(d) co-ordination of the co-operation under sub-paragraphs (a) to (c) shall be through diplomatic or other agreed channels. The means of implementation of this cooperation shall be determined bilaterally or multilaterally by the States Parties concerned.

4. States Parties shall co-operate and consult, as appropriate, with each other directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

5. A State Party may consult and co-operate, as appropriate, with other States Parties directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining their guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities.

8. Article 6 of the Convention is replaced by the following text:

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations or to States that are not parties to this Convention in confidence, steps shall be taken to ensure that the confidentiality of such information is protected. A State Party that has received information in confidence from another State Party may provide this information to third parties only with the consent of that other State Party.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material or nuclear facilities.

9. Paragraph 1 of Article 7 of the Convention is replaced by the following text:

1. The intentional commission of:

(a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;

(b) a theft or robbery of nuclear material;

(c) an embezzlement or fraudulent obtaining of nuclear material;

(d) an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority;

(e) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated;

(f) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;

(g) a threat:

(i) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in sub-paragraph (b), or

(ii) to commit an offence described in sub-paragraphs (b) and (e) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;

(h) an attempt to commit any offence described in sub-paragraphs (a) to (e);

(i) an act which constitutes participation in any offence described in sub-paragraphs (a) to (h);
12. Paragraph 3 of Article 14 of the Convention is replaced by the following text:

(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 depository 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 depository, the convening of further conferences with the same objective.

14. Footnote 12 of Annex II of the Convention is replaced by the following text:

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 12 of Annex II of the Convention is replaced by the following text:

Other fuel which by virtue of its original fissile material content is classified as Category 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.

Report by the Committee of the Whole

1. The Committee of the Whole was established pursuant to Rule 16 of the Rules of Procedure of the Conference.

2. The Committee held six sessions between 4 and 8 July under the Chairmanship of Mr. S. McIntosh of Australia; Mr. E. Gil of Spain served as Vice-Chairperson of the Committee.

3. The Committee examined the Basic Proposal contained in Document CPPNM/AC/L.1/1/Rev.1 referred to it by the Plenary under item 8 of the Agenda of the Conference.

4. During the discussion of paragraph 9 of the Basic Proposal, some States indicated that the following part of the proposed subparagraph 1(e) of Article 7 of the Convention “... 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” could be misinterpreted. In this context, States agreed that this phrase should be understood as covering acts of authorized persons (e.g. police, firemen, other authorities and operators) carried out in the fulfillment of their duties, so as to ensure that such acts would not constitute an offence, as described in the same article.

5. The Committee of the Whole discussed a proposal submitted by Paraguay to amend the Convention to apply to all radioactive material and associated facilities. The Committee of the Whole, while noting the value of an international legally binding instrument on the safety and security of such material and facilities, agreed that the Paraguayan proposal went well beyond the scope of the Convention, which is confined to nuclear material and nuclear facilities. Some States noted that the issue of security of radioactive material and associated facilities was being discussed by the IAEA Board of Governors and General Conference. The relevance of the Code of Conduct on the Safety and Security of Radioactive Sources, of the International Conference on the Safety and Security of Radioactive Sources, held last week in Bordeaux, France, of the Action Plan on Non Proliferation of Weapons of Mass Destruction, and of the Action Plan on Security of Radioactive Sources, both adopted by the G-8 at its Evian Summit in June 2003, were also mentioned.

6. During the discussion of paragraph 4 of Article 2 of the Basic Proposal, which deals inter alia with the military forces of a State in the exercise of their official duties, Argentina proposed the introduction into Article 1 (definitions) of a definition of the term “military forces of a State” that would be consistent with the definition of that term in other similar conventions, such as the International Convention for the Suppression of Terrorist Bombings. Paragraph 4 of Article 1 of that Convention defines the “military forces of a State” as “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.” This proposal received broad support during the discussions on paragraph 4 of Article 2 in the Committee of the Whole. Some other States, however, indicated that the proposal was not consistent with their national law regulating the system of physical protection of nuclear material and the status of specialized forces performing tasks in this area. The said proposal, if accepted, could have led to substantial difficulties in the implementation of the Convention by those States, thus impeding their ratification of the amendment to the Convention. The Committee of the Whole concluded that consensus could not be reached on including a definition of “military forces of a State” in the amendment of the Convention, but the Committee decided to include in the record of the Committee of the Whole the proposal...
by Argentina as set forth above, as well as this brief description of the discussion and the conclusion of the Committee.

7. During the discussion of the proposed subparagraph 4(b) of Article 2 Mexico proposed to replace the word “inasmuch” with the word “insofar”. In the broad exchange that took place, it was recognized that there is a substantive difference between both terms. Some delegations made it clear that the phrase “inasmuch” has at least two meanings in English, one of them is “to the extent that” and a second meaning is “because”. The delegation of Mexico accepted the wording of subparagraph 4(b) of Article 2 on the understanding that the text it considers acceptable is the text in Spanish.

8. The delegation of the Republic of Korea expressed a preference for paragraph (1) of Article 7 as contained in the Basic Proposal. In particular, their concern centred on including a reference to subparagraph (h) into subparagraph (j) as it could impact on the punishment of those involved in directing or organizing the acts described in this article.

9. The Committee referred the text of the Basic Proposal, with agreed amendments, to the Drafting Committee for its review pursuant to Rule 17.

10. The Committee examined the draft text of the Amendment to the Convention on Physical Protection of Nuclear Material as proposed by the Drafting Committee. Consensus was achieved on all provisions in the text, with the exception of the sixth preambular paragraph. The delegation of Mexico expressed a reservation on preambular paragraph six which is duly reflected in the summary records of the Conference. That paragraph was accordingly referred to the Plenary for decision. With this exception, the Committee recommends the attached text of the Amendment to the Plenary for adoption.

11. The Committee examined and approved the draft Final Act submitted by the Drafting Committee, and it recommends the attached text of the draft Final Act for adoption by the Plenary.

### Status of the Convention on the Physical Protection of Nuclear Material

[Reproduced from IAEA table dated 20 February 2008, 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: 20 February 2008

Parties: 135 (subject to entry into force date)

Signatories: 45

<table>
<thead>
<tr>
<th>Country/Organisation</th>
<th>Signature</th>
<th>Instrument</th>
<th>Date of deposit</th>
<th>Declaration etc. /Withdrawal</th>
<th>Entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>accession</td>
<td>12 Sep 2003</td>
<td>12 Oct 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albania</td>
<td>accession</td>
<td>05 Mar 2002</td>
<td>04 Apr 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Algeria</td>
<td>accession</td>
<td>30 Apr 2003</td>
<td>30 May 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andorra</td>
<td>accession</td>
<td>27 Jun 2006</td>
<td>27 Jul 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antigua and Barbuda</td>
<td>accession</td>
<td>04 Aug 1993</td>
<td>03 Sep 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Argentina</td>
<td>28 Feb 1986</td>
<td>06 Apr 1989</td>
<td>06 May 1989</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armenia</td>
<td>accession</td>
<td>24 Aug 1993</td>
<td>23 Sep 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td>03 Mar 1980</td>
<td>22 Dec 1988</td>
<td>21 Jan 1989</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>accession</td>
<td>19 Jan 2004</td>
<td>18 Feb 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bangladesh</td>
<td>accession</td>
<td>11 May 2006</td>
<td>10 Jun 2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belarus</td>
<td>accession</td>
<td>09 Sep 1993</td>
<td>14 Jun 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bolivia</td>
<td>accession</td>
<td>24 Jan 2002</td>
<td>23 Feb 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>succession</td>
<td>30 Jun 1998</td>
<td>01 Mar 1992</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botswana</td>
<td>accession</td>
<td>19 Sep 2000</td>
<td>19 Oct 2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>23 Jun 1981</td>
<td>10 Apr 1984</td>
<td>08 Feb 1987</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>accession</td>
<td>13 Jan 2004</td>
<td>12 Feb 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>accession</td>
<td>04 Aug 2006</td>
<td>03 Sep 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cameroon</td>
<td>accession</td>
<td>29 Jun 2004</td>
<td>29 Jul 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>23 Sep 1980</td>
<td>21 Mar 1986</td>
<td>08 Feb 1987</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cape Verde</td>
<td>accession</td>
<td>23 Feb 2007</td>
<td>25 Mar 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td>accession</td>
<td>27 Apr 1994</td>
<td>27 May 1994</td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>accession</td>
<td>10 Jan 1989</td>
<td>09 Feb 1989</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>accession</td>
<td>28 Mar 2003</td>
<td>27 Apr 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costa Rica</td>
<td>accession</td>
<td>02 May 2003</td>
<td>01 Jun 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td>succession</td>
<td>29 Sep 1992</td>
<td>08 Oct 1991</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cuba</td>
<td>accession</td>
<td>26 Sep 1997</td>
<td>26 Oct 1997</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>succession</td>
<td>24 Mar 1993</td>
<td>01 Jan 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Djibouti</td>
<td>accession</td>
<td>22 Jun 2004</td>
<td>22 Jul 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dominica</td>
<td>accession</td>
<td>08 Nov 2004</td>
<td>08 Dec 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>03 Mar 1980</td>
<td>20 Nov 1980</td>
<td>08 Dec 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ecuador</td>
<td>26 Jun 1986</td>
<td>17 Jan 1996</td>
<td>06 Feb 1996</td>
<td></td>
<td></td>
</tr>
<tr>
<td>El Salvador</td>
<td>accession</td>
<td>15 Dec 2006</td>
<td>14 Jan 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>accession</td>
<td>24 Nov 2003</td>
<td>24 Dec 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estonia</td>
<td>accession</td>
<td>09 May 1994</td>
<td>08 Jun 1994</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gabon</td>
<td>Accession</td>
<td>19 Feb 2006</td>
<td>20 mar 2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Event</td>
<td>Date</td>
<td>Ratified</td>
<td>Ratified By</td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------------------</td>
<td>-----------</td>
<td>----------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>Accession</td>
<td>07 Sep 2006</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>Ratification</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ghana</td>
<td>Accession</td>
<td>16 Oct 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>Ratification</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grenada</td>
<td>Accession</td>
<td>09 Jan 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guatemala</td>
<td>Ratification</td>
<td>23 Apr 1985</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guinea</td>
<td>Accession</td>
<td>29 Nov 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guyana</td>
<td>Accession</td>
<td>13 Sep 2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haiti</td>
<td></td>
<td>09 Apr 1980</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honduras</td>
<td>Accession</td>
<td>28 Jan 2004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>Ratification</td>
<td>04 May 1984</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>Accession</td>
<td>18 Jun 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td>Ratification</td>
<td>05 Nov 1986</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>Ratification</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Israel</td>
<td>Ratification</td>
<td>22 Jan 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td></td>
<td>06 Oct 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jamaica</td>
<td>Accession</td>
<td>16 Aug 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>Accession</td>
<td>28 Oct 1988</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Accession</td>
<td>02 Sep 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kenya</td>
<td></td>
<td>11 Feb 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korea, Republic of</td>
<td>Ratification</td>
<td>07 Apr 1982</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuwait</td>
<td></td>
<td>23 Apr 2004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latvia</td>
<td>Accession</td>
<td>06 Nov 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lebanon</td>
<td>Accession</td>
<td>16 Dec 1997</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td>Accession</td>
<td>18 Oct 2000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>Ratification</td>
<td>25 Nov 1986</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td></td>
<td>07 Dec 1993</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Ratification</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madagascar</td>
<td>Accession</td>
<td>28 Oct 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mali</td>
<td>Accession</td>
<td>07 May 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maldives</td>
<td>Accession</td>
<td>16 Oct 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>Accession</td>
<td>07 Feb 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mauritania</td>
<td>Accession</td>
<td>29 Jan 2008</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>Accession</td>
<td>04 Apr 1988</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monaco</td>
<td>Accession</td>
<td>09 Aug 1996</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mongolia</td>
<td>Ratification</td>
<td>28 May 1986</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montenegro</td>
<td>Succession</td>
<td>21 Mar 2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morocco</td>
<td>Ratification</td>
<td>23 Aug 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mozambique</td>
<td>Accession</td>
<td>03 Mar 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Namibia</td>
<td>Accession</td>
<td>02 Oct 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nauru</td>
<td>Accession</td>
<td>12 Aug 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Acceptance</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td>Accession</td>
<td>19 Dec 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicaragua</td>
<td>Accession</td>
<td>10 Dec 2004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Niger</td>
<td>Ratification</td>
<td>19 Aug 2004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>Ratification</td>
<td>15 Aug 1985</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oman</td>
<td>Accession</td>
<td>11 Jul 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td>Accession</td>
<td>12 Sep 2000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palau</td>
<td>Accession</td>
<td>24 Apr 2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panama</td>
<td>Ratification</td>
<td>01 Apr 1999</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paraguay</td>
<td>Ratification</td>
<td>06 Feb 1985</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peru</td>
<td>Accession</td>
<td>11 Jan 1995</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>Ratification</td>
<td>22 Sep 1981</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>Ratification</td>
<td>05 Oct 1983</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>Ratification</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qatar</td>
<td>Accession</td>
<td>09 Mar 2004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>Accession</td>
<td>07 May 1998</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td>Ratification</td>
<td>23 Nov 1993</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Ratification</td>
<td>25 May 1983</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rwanda</td>
<td>Accession</td>
<td>28 Jun 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senegal</td>
<td>Accession</td>
<td>03 Nov 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serbia</td>
<td></td>
<td>06 Oct 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seychelles</td>
<td>Accession</td>
<td>13 Aug 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovakia</td>
<td>Succession</td>
<td>10 Feb 1993</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>Succession</td>
<td>07 Jul 1992</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Africa</td>
<td>Ratification</td>
<td>17 Sep 2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>Ratification</td>
<td>06 Sep 1991</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sudan</td>
<td>Accession</td>
<td>18 May 2000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swaziland</td>
<td>Accession</td>
<td>17 Apr 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>Ratification</td>
<td>01 Aug 1980</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Ratification</td>
<td>06 Jan 1987</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tajikistan</td>
<td>Accession</td>
<td>11 Jul 1996</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Former Yugoslav Republic of</td>
<td>Succession</td>
<td>20 Sep 1996</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Togo</td>
<td>Accession</td>
<td>07 Jun 2006</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country/Organization</td>
<td>Signature</td>
<td>Instrument</td>
<td>Date of deposit</td>
<td>Declaration etc./Withdrawal</td>
<td>Entry into force</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-----------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Algeria</td>
<td></td>
<td>ratification</td>
<td>25 Apr 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td></td>
<td>ratification</td>
<td>18 Sep 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td></td>
<td>ratification</td>
<td>17 Mar 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td></td>
<td>approval</td>
<td>11 Sep 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gabon</td>
<td></td>
<td>acceptance</td>
<td>20 Mar 2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>India</td>
<td></td>
<td>ratification</td>
<td>19 Sep 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kenya</td>
<td></td>
<td>acceptance</td>
<td>01 Aug 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td></td>
<td>ratification</td>
<td>19 Jul 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mauritania</td>
<td></td>
<td>ratification</td>
<td>28 Feb 2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nigeria</td>
<td></td>
<td>ratification</td>
<td>04 May 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td></td>
<td>ratification</td>
<td>01 Jun 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td></td>
<td>ratification</td>
<td>06 Feb 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seychelles</td>
<td></td>
<td>acceptance</td>
<td>09 Jan 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td></td>
<td>acceptance</td>
<td>09 Nov 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkmenistan</td>
<td></td>
<td>acceptance</td>
<td>22 Sep 2005</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* signed/ratified as a EURATOM Member State

* Deposited an objection to the declaration of Pakistan

**Statement on the Nuclear Terrorism Convention by the IAEA Director General Mohamed ElBaradei**

[Excerpt reproduced from the Introductory Statement to the Board of Governors; Vienna, 11 June 2007](eds.)

The International Convention for the Suppression of Acts of Nuclear Terrorism will enter into force on 7 July 2007. The Convention recognizes important functions of the Agency, and is an important step forward in global efforts to protect against nuclear terrorism.

Taken together, the International Convention on the Suppression of Acts of Nuclear Terrorism, and the Amendment to the Convention on the Physical Protection of Nuclear Material, when in force, will serve to further strengthen international efforts to improve physical protection of nuclear facilities and nuclear and other radioactive material.

[...](eds.)

**Status of Amendment to the Convention on the Physical Protection of Nuclear Material**

[As of 3 April 2008]

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: 15
Last change of status: 20 March 2008

<table>
<thead>
<tr>
<th>Country/Organization</th>
<th>Signature</th>
<th>Instrument</th>
<th>Date of deposit</th>
<th>Declaration etc./Withdrawal</th>
<th>Entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td></td>
<td>ratification</td>
<td>25 Apr 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td></td>
<td>ratification</td>
<td>18 Sep 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td></td>
<td>ratification</td>
<td>17 Mar 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td></td>
<td>approval</td>
<td>11 Sep 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gabon</td>
<td></td>
<td>acceptance</td>
<td>20 Mar 2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>India</td>
<td></td>
<td>ratification</td>
<td>19 Sep 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kenya</td>
<td></td>
<td>acceptance</td>
<td>01 Aug 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td></td>
<td>ratification</td>
<td>19 Jul 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mauritania</td>
<td></td>
<td>ratification</td>
<td>28 Feb 2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nigeria</td>
<td></td>
<td>ratification</td>
<td>04 May 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td></td>
<td>ratification</td>
<td>01 Jun 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td></td>
<td>ratification</td>
<td>06 Feb 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seychelles</td>
<td></td>
<td>acceptance</td>
<td>09 Jan 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td></td>
<td>acceptance</td>
<td>09 Nov 2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkmenistan</td>
<td></td>
<td>acceptance</td>
<td>22 Sep 2005</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Synopsis of the Strategic Arms Reduction Treaty (START) 1 Including Termination Clauses.

[Moscow, July 31, 1991]

Treaty Between the United States Of America and the Union Of Soviet Socialist Republics on the Reduction and Limitation Of Strategic Offensive Arms

Conscious that nuclear war would have devastating consequences for all humanity, that it cannot be won and must never be fought, and

Convinced that the measures for the reduction and limitation of strategic offensive arms and the other obligations set forth in this Treaty will help to reduce the risk of outbreak of nuclear war and strengthen international peace and security,

Recognizing that the interests of the Parties and the interests of international security require the strengthening of strategic stability,

Mindful of their undertakings with regard to strategic offensive arms in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968; Article XI of the Treaty on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972; and the Washington Summit Joint Statement of June 1, 1990, [ABA]

Have agreed as follows:

ARTICLE I

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 Annexes, Protocols, and Memorandum of Understanding.

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 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) 1600, for deployed ICBMs and their associated launchers, deployed SLBMs and their associated launchers, and deployed heavy bombers, including 154 for deployed heavy ICBMs and their associated launchers; [RF MOU, Section II] [US MOU, Section II] [Agreed State 33]

(b) 6000, for warheads attributed to deployed ICBMs, deployed SLBMs, and deployed heavy bombers, [RF MOU, Section II] [US MOU, Section II] including: [Agreed State 33]

(i) 4900, for warheads attributed to deployed ICBMs and deployed SLBMs; [RF MOU, Section II] [US MOU, Section II] [START II, Art. 1.3] [Agreed State 33]

(ii) 1100, for warheads attributed to deployed ICBMs on mobile launchers of ICBMs; [RF MOU, Section II]

(iii) 1540, for warheads attributed to deployed heavy ICBMs. [phased heavy reductions [RF MOU, Section II] ABA

2. Each Party shall implement the reductions pursuant to paragraph 1 of this Article in three phases, so that its strategic offensive arms do not exceed:

(a) by the end of the first phase, that is, no later than 36 months after entry into force of this Treaty, and thereafter, the following aggregate numbers:

(i) 2100, for deployed ICBMs and their associated launchers, deployed SLBMs and their associated launchers, and deployed heavy bombers;

(ii) 9150, for warheads attributed to deployed ICBMs, deployed SLBMs, and deployed heavy bombers;

(iii) 8050, warheads attributed to deployed ICBMs and deployed SLBMs;

(b) by the end of the second phase, that is, no later than 60 months after entry into force of this Treaty, and thereafter, the following aggregate numbers:

(i) 1900, for deployed ICBMs and their associated launchers, deployed SLBMs and their associated launchers, and deployed heavy bombers;

(ii) 7950, for warheads attributed to deployed ICBMs, deployed SLBMs, and deployed heavy bombers;

(iii) 6750, warheads attributed to deployed ICBMs and deployed SLBMs;

(c) by the end of the third phase, that is, no later than 84 months after entry into force of this Treaty; the aggregate numbers provided for in paragraph 1 of this Article. ABA

3. Each Party shall limit the aggregate throw-weight [RF MOU, Section II] [US MOU Section II] of its deployed ICBMs [RF MOU, Section II] [US MOU, Section II] and deployed SLBMs [RF MOU, Section II] [US MOU Section II] so that seven years after entry into force of this Treaty and thereafter such aggregate throw-weight does not exceed 3600 metric tons. ABA

4. For the purposes of counting warheads:

(a) The number of warheads attributed to an ICBM or SLBM of each existing type shall be the number specified in the Memorandum of Understanding [RF MOU, Section I] [US MOU, Section I] on the Establishment of the Data Base Relating to this Treaty, hereinafter referred to as the Memorandum of Understanding.

(b) The number of warheads that will be attributed to an ICBM or SLBM of a new type shall be the maximum number of reentry vehicles with which an ICBM or SLBM of that type has been flight-tested. The number of warheads that will be attributed to an ICBM or SLBM of a new type with a front section of an existing design with multiple reentry vehicles, or to an ICBM or SLBM of a new type with one reentry vehicle, shall be no less than the nearest integer that is smaller than the result of dividing 40 percent of the accountable throw-weight of the ICBM or SLBM by the weight of the lightest reentry vehicle flight-tested on an ICBM of SLBM of a new type.

(c) The number of reentry vehicles with which an ICBM or SLBM has been flight-tested shall be considered to be the sum of the number of reentry vehicles actually released during the flight test, plus the number of procedures for dispensing reentry vehicles performed during that same flight test when no reentry vehicle was released. A procedure for dispensing penetration aids shall not be considered to be a procedure for dispensing reentry vehicles, provided that the procedure for dispensing penetration aids differs from a procedure for dispensing reentry vehicles.

18. Each Party undertakes not to produce, test, or deploy:

(b) launchers of ballistic or cruise missiles for emplacement on or for tethering to the ocean floor, the seabed, or the beds of internal waters and inland waters, or for emplacement in or for tethering to the subsoil thereof, or mobile launchers of such missiles that move only in contact with the ocean floor, the seabed, or the beds of internal waters and inland waters, or missiles for such launchers. This obligation shall apply to all areas of the ocean floor and the seabed, including the seabed zone referred to in Articles I and II of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof of February 11, 1971;

(c) systems, including missiles, for placing nuclear weapons or any other kinds of weapons of mass destruction into Earth orbit or a fraction of an Earth orbit;

19. Each Party undertakes not to:

(a) flight-test with nuclear armaments an aircraft that is not an airplane, but that has a range of 8000 kilometers or more; equip such an aircraft for nuclear armaments; or deploy such an aircraft with nuclear armaments;

(b) flight-test with nuclear armaments an airplane that was not initially constructed as a bomber, but that has a range of 8000 kilometers or more, or an integrated platform area in excess of 510 square meters; equip such an airplane for nuclear armaments; or deploy such an airplane with nuclear armaments;

(c) flight-test with long-range nuclear ALCMs an aircraft that is not an airplane, or an airplane that was not initially constructed as a bomber; equip such an aircraft or such an airplane for long-range nuclear ALCMs; or deploy such an aircraft or such an airplane with long-range nuclear ALCMs.
ARTICLE VII

1. Conversion and elimination of strategic offensive arms, fixed structures for mobile launchers of ICBMs, and facilities shall be carried out pursuant to this Article and in accordance with procedures provided for in the Conversion or Elimination Protocol.

2. ICBMs for mobile launchers of ICBMs, ICBM launchers, SLBM launchers, heavy bombers, former heavy bombers, and support equipment shall be subject to the limitations provided for in this Treaty until they have been eliminated, or otherwise cease to be subject to the limitations provided for in this Treaty, in accordance with procedures provided for in the Conversion or Elimination Protocol.[Agreed State 11][Agreed State 37][Joint State Missile Production Technology]

3. ICBMs for silo launchers of ICBMs and SLBMs shall be subject to the limitations provided for in this Treaty until they have been eliminated, or otherwise cease to be subject to their original purpose, using procedures at the discretion of the Party possessing the ICBMs or SLBMs.

ARTICLE VIII

1. A data base pertaining to the obligations under this Treaty is set forth in the Memorandum of Understanding, in which data with respect to items subject to the limitations provided for in this Treaty are listed according to categories of data. [MOU, Annex J][Joint State Data Updates][Agreed State 37]

2. In order to ensure the fulfillment of its obligations with respect to this Treaty, each Party shall notify the other Party of changes in data, as provided for in subparagraph 3(a) of this Article, and shall also provide other notifications required by paragraph 3 of this Article, in accordance with the procedures provided for in paragraphs 4, 5, and 6 of this Article, the Notification Protocol, and the Inspection Protocol.

3. Each Party shall provide to the other Party, in accordance with the Notification Protocol, and, for subparagraph (i) of this paragraph, in accordance with Section III of the Inspection Protocol[Agreed State 37]

(a) notifications concerning data with respect to items subject to the limitations provided for in this Treaty, according to categories of data contained in the Memorandum of Understanding and other agreed categories of data.[Agreed State 21]
(b) notifications concerning movement of items subject to the limitations provided for in this Treaty;
(c) notifications concerning data on ICBM and SLBM throw-weight in connection with the Protocol on ICBM and SLBM Throw-weight [MOU, Section I] Regarding to this Treaty, hereinafter referred to as the Throw-weight Protocol;
(d) notifications concerning conversion or elimination of items subject to the limitations provided for in this Treaty or elimination of facilities subject to this Treaty;
(e) notifications concerning cooperative measures to enhance the effectiveness of national technical means of verification;
(f) notifications concerning flight tests of ICBMs or SLBMs and notification concerning telemetric information; [Launch Notification Agreement]
(g) notifications concerning strategic offensive arms of new types and new kinds; [Agreed State 2]
(h) notifications concerning changes in the content of information provided pursuant to this paragraph, including the rescheduling of activities;
(i) notifications concerning inspections and continuous monitoring activities; and
(j) notifications concerning operational dispersals.

4. Each Party shall use the Nuclear Risk Reduction Centers, which provide for continuous communication between the Parties, to provide and receive notifications in accordance with the Notification Protocol and the Inspection Protocol, unless otherwise provided for in this Treaty, and to acknowledge receipt of such notifications no later than one hour after receipt.

ARTICLE IX

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph I of this Article.

3. Each Party undertakes not to use concealment measures that impede verification, by national technical means of verification, of compliance with the provisions of this Treaty. In this connection, 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, mobile launchers of ICBMs, 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 and deployment areas, or to the use of environmental shelters for strategic offensive arms.

4. To aid verification, each ICBM for mobile launchers of ICBMs shall have a unique identifier as provided for in the Inspection Protocol.

ARTICLE X

1. During each flight test of an ICBM or SLBM, the Party conducting the flight test shall make on-board technical measurements and shall broadcast all telemetric information obtained from such measurements. The Party conducting the flight test shall determine which technical parameters are to be measured during such flight test, as well as the methods of processing and transmitting telemetric information.

2. During each flight test of an ICBM or SLBM, the Party conducting the flight test undertakes not to engage in any activity that denies full access to telemetric information, including: [Statements on Encryption & Jamming]

(a) the use of encryption;
(b) the use of jamming;
(c) broadcasting telemetric information from an ICBM or SLBM using narrow directional beam; and
(d) encapsulation of telemetric information, including the use of ejectable capsules or recoverable reentry vehicles.

3. During each flight test of an ICBM or SLBM, the Party conducting the flight test undertakes not to broadcast from a reentry vehicles. telemetric information that pertains to the functioning of the stages or the self-contained dispensing mechanism of the ICBM or SLBM.

4. After each flight test of an ICBM or SLBM, the Party conducting the flight test shall provide, in accordance with Section I of the Protocol on Telemetric Information Relating to the Treaty,
hereinafter referred to as the Telemetry Protocol, tapes that contain a recording of all telemetric information that is broadcast during the flight test.

After each flight test of an ICBM or SLBM, the Party conducting the flight test shall provide, in accordance with Section II of the Telemetry Protocol, data associated with the analysis of the telemetric information.[Agreed State 35]

6. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, each Party shall have the right to encapsulate and encrypt on-board technical measurements during no more than a total of twelve flight tests of ICBMs or SLBMs each year. Of these twelve flight tests each year, no more than four shall be flight tests of ICBMs or SLBMs of each type, any missile of which has been flight-tested with a self-contained dispensing mechanism. Such encapsulation shall be carried out in accordance with Section I and paragraph 1 of Section III of the Telemetry Protocol, and such encryption shall be carried out in accordance with paragraph 2 of Section III of the Telemetry Protocol. Encapsulation and encryption that are carried out on the same flight test of an ICBM or SLBM shall count as two flight tests against the quotas specified in this paragraph.[Agreed State 31]

ARTICLE XI

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct inspections and continuous monitoring activities and shall conduct exhibitions pursuant to this Article and the Inspection Protocol. Inspections, continuous monitoring activities, and exhibitions shall be conducted in accordance with the procedures provided for in the Inspection Protocol and the Conversion or Elimination Protocol. [item of inspection] [size criteria][Agreed State 36]

2. Each Party shall have the right to conduct baseline data inspections at facilities to confirm the accuracy of data on the numbers and types of items specified for such facilities in the initial exchange of data provided in accordance with paragraph 1 of Section I of the Notification Protocol. [facility inspections at][Agreed State 10]

3. Each Party shall have the right to conduct data update inspections at facilities to confirm the accuracy of data on the numbers and types of items specified for such facilities in the notifications and regular exchanges of updated data provided in accordance with paragraphs 2 and 3 of Section I of the Notification Protocol.[facility inspections at][Agreed State 10]

4. Each Party shall have the right to conduct new facility inspections to confirm the accuracy of data on the numbers and types of items specified in the notifications of new facilities provided in accordance with paragraph 3 of Section I of the Notification Protocol.[facility inspections at]

5. Each Party shall have the right to conduct suspect-site inspections to confirm that covert assembly of ICBMs for mobile launchers of ICBMs or covert assembly of ICBMs is not occurring. [facility inspections at][RF MOU Annex I] [US MOU Annex I] [Joint State on Site Diagrams]

6. Each Party shall have the right to conduct reentry vehicle inspections of deployed ICBMs and SLBMs to confirm that such ballistic missiles contain no more reentry vehicles than the number of warheads attributed to them.[facility inspections at][RF MOU Section I] [US MOU Section I] [Joint State on Site Diagrams]

7. Each Party shall have the right to conduct post-exercise dispersal inspections of deployed mobile launchers of ICBMs and their associated missiles to confirm that the number of mobile launchers of ICBMs and their associated missiles that are located at the inspected ICBM bases and those that have not returned to it after completion of the dispersal does not exceed the number specified for that ICBM base.

8. Each Party shall conduct or shall have the right to conduct conversion or elimination inspections to confirm the conversion or elimination of strategic offensive arms.

9. Each Party shall have the right to conduct close-out inspections to confirm that the elimination of facilities has been completed.

10. Each Party shall have the right to conduct formerly declared facility inspections to confirm that facilities, notification of the elimination of which has been provided in accordance with paragraph 3 of Section I of the Notification Protocol, are not being used for purposes inconsistent with this Treaty.

11. Each Party shall conduct technical characteristics exhibitions, and shall have the right during such exhibitions by the other Party to conduct inspections of an ICBM and an SLBM of each type, and each variant thereof, and of a mobile launcher of ICBMs and each version of such launcher for each type of ICBM for mobile launchers of ICBMs. The purpose of such exhibitions shall be to permit the inspecting Party to confirm that technical characteristics correspond to the data specified for these items.[RF MOU Annex F] [US MOU Annex F][Agreed State 25] [Early Exhibitions Agreement][Agreed State 28]

12. Each Party shall conduct distinguishability exhibitions for heavy bombers, former heavy bombers, and long-range nuclear ALCMs, and shall have the right during such exhibitions by the other Party to conduct inspections, of:[Agreed State 10]

14. Each Party shall have the right to conduct continuous monitoring activities at production facilities for ICBMs for mobile launchers of ICBMs to confirm the number of ICBMs for mobile launchers of ICBMs produced.[Agreed State 22][facilities] [Site Surveys Letters]

ARTICLE XV

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Joint Compliance and Inspection Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Joint Compliance and Inspection Commission to:[Lisbon Protocol]

(a) resolve questions relating to compliance with the obligations assumed;
(b) agree upon such additional measures as may be necessary to improve the viability and effectiveness of this Treaty; and
(c) resolve questions related to the application of relevant provisions of this Treaty to a new kind of strategic offensive arm, after notification has been provided in accordance with paragraph 16 of Section VII of the Notification Protocol.

ARTICLE XVI

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 hold consultations in accordance with Article XV of this Treaty in order to resolve any ambiguities that may arise in this regard. The Parties [Lisbon Protocol] agree that this provision does 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. [Agreed State 1][Soviet State on Non-Circumvention & Patterns of Coop]

ARTICLE XVII

1. This Treaty, including its Annexes, Protocols, and Memorandum of Understanding, all of which form integral parts 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 15 years unless superseded earlier by a subsequent agreement on the reduction and limitation of strategic offensive arms. No later than one year before the expiration of the 15-year period, the Parties shall meet to consider whether this Treaty will be extended. If the Parties so decide, this Treaty will be extended for a period of five years unless it is superseded before the expiration of that period by a subsequent agreement on the reduction and limitation of strategic offensive arms. This Treaty shall be extended for successive five-year periods, if the Parties so decide, in accordance with the procedures governing the initial extension, and it shall remain in force for each agreed five-year period of extension unless it is superseded 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...
Bilateral Measures

With Russia in developing elements of a new strategic relationship.

At the same time, the United States looks forward to moving ahead imperatively against long-range threats with our friends and allies. Given the imperative of defending against them, the United States is today prohibited from cooperating in developing missile defenses, such as joint exercises and potential joint development programs.

The United States also plans to discuss with Russia ways to establish regular defense planning talks to exchange information on strategic force issues, and to deepen cooperation on efforts to prevent and deal with the effects of the spread of weapons of mass destruction and their means of delivery.

The United States intends to expand cooperation in each of these areas and to work intensively with Russia to further develop and formalize the new strategic relationship between the two countries.

The United States believes that moving beyond the ABM Treaty will contribute to international peace and security. We stand ready to continue our active dialogue with allies, China, and other interested states on all issues associated with strategic stability and how we can best cooperate to meet the threats of the 21st century. We believe such a dialogue is in the interest of all states.

Statement by Russian President Vladimir Putin Regarding the Decision of the Administration of the United States of America to Withdraw from the Anti-Ballistic Missile Treaty of 1972

[13 December 2001]

The US Administration today announced that it will withdraw from the 1972 ABM Treaty in six months’ time. The Treaty does indeed allow each of the parties to withdraw from it under exceptional circumstances. The leadership of the United States has spoken about it repeatedly and this step has not come as a surprise to us. But we believe this decision to be mistaken.

As is known, Russia, like the United States and unlike other nuclear powers, has long possessed an effective system to overcome anti-missile defense. So, I can say with full confidence that the decision made by the President of the United States does not pose a threat to the national security of the Russian Federation.

At the same time our country elected not to accept the insistent proposals on the part of the US to jointly withdraw from the ABM Treaty and did everything it could to preserve the Treaty. I still think that this is a correct and valid position. Russia was guided above all by the aim of preserving and strengthening the international legal foundation in the field of disarmament and non-proliferation of mass destruction weapons.

The ABM Treaty is one of the supporting elements of the legal system in this field. That system was created through joint efforts during the past decades.

It is our conviction that the development of the situation in the present world dictates a certain logic of actions.

Now that the world has been confronted with new threats one cannot allow a legal vacuum to be formed in the sphere of strategic stability. One should not undermine the regimes of non-proliferation of mass destruction weapons.

I believe that the present level of bilateral relations between the Russian Federation and the US should not only be preserved but should be used for working out a new framework of strategic relations as soon as possible.

Along with the problem of anti-missile defense a particularly important task under these conditions is putting a legal seal on the achieved agreements on further radical, irreversible and verifiable cuts of strategic offensive weapons, in our opinion to the level of 1,500-2,200 nuclear warheads for each side.

In conclusion I would like to note that Russia will continue to adhere firmly to its course in world affairs aimed at strengthening strategic stability and international security.
Strategic Offensive Reductions Treaty


The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Embracing the path of new relations for a new century and committed to the goal of strengthening their relationship through cooperation and friendship,

Believing that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the Parties,

Desiring to establish a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability,

Committed to implementing significant reductions in strategic offensive arms,

Proceeding from the Joint Statements by the President of the United States of America and the President of the Russian Federation on Strategic Issues of July 22, 2001 in Genoa and on a New Relationship between the United States and Russia of November 13, 2001 in Washington,

Mindful of their obligations under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and

Convinced that this Treaty will help to establish more favorable conditions for actively promoting security and cooperation, and enhancing international stability,

Have agreed as follows:

Article I

Each Party shall reduce and limit strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13, 2001 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700–2200 for each Party. Each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads.

Article II

The Parties agree that the START Treaty remains in force in accordance with its terms.

Article III

For purposes of implementing this Treaty, the Parties shall hold meetings at least twice a year of a Bilateral Implementation Commission.

Article IV

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall remain in force until December 31, 2012 and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

3. Each Party, in exercising its national sovereignty, may withdraw from this Treaty upon three months written notice to the other Party.

Article V

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 24, 2002, in two copies, each in the English and Russian languages, both texts being equally authentic.

Joint Statement Between President George W. Bush and Prime Minister Manmohan Singh on Nuclear Cooperation

[Reproduced from: White House Press Release, 18 July 2005]

Prime Minister Manmohan Singh and President Bush today declare their resolve to transform the relationship between their countries and establish a global partnership. As leaders of nations committed to the values of human freedom, democracy and rule of law, the new relationship between India and the United States will promote stability, democracy, prosperity and peace throughout the world.

Building on their common values and interests, the two leaders resolve:

- To create an international environment conducive to promotion of democratic values, and to strengthen democratic practices in societies which wish to become more open and pluralistic.

- To combat terrorism relentlessly. They applaud the active and vigorous counterterrorism cooperation between the two countries and support more international efforts in this direction. Terrorism is a global scourge and the one we will fight everywhere. The two leaders strongly affirm their commitment to the conclusion by September of a UN comprehensive convention against international terrorism.

- The Prime Minister’s visit coincides with the completion of the Next Steps in Strategic Partnership (NSSP) initiative, launched in January 2004. The two leaders agree that this provides the basis for expanding bilateral activities and commerce in space, civil nuclear energy and dual-use technology.

- Drawing on their mutual vision for the U.S.-India relationship, and our joint objectives as strong long-standing democracies, the two leaders agree on the following:

FOR THE ECONOMY

- Revitalize the U.S.-India Economic Dialogue and launch a CEO Forum to harness private sector energy and ideas to deepen the bilateral economic relationship.

- Support and accelerate economic growth in both countries through greater trade, investment, and technology collaboration.

- Promote modernization of India’s infrastructure as a prerequisite for the continued growth of the Indian economy. As India enhances its investment climate, opportunities for investment will increase.

- Launch a U.S.-India Knowledge Initiative on Agriculture focused on promoting teaching, research, service and commercial linkages.

FOR ENERGY AND THE ENVIRONMENT

- Strengthen energy security and promote the development of stable and efficient energy markets in India with a view to ensuring adequate, affordable energy supplies and conscious of the need for sustainable development. These issues will be addressed through the U.S.-India Energy Dialogue.

- Agree on the need to promote the imperatives of development and safeguarding the environment, commit to developing and deploying cleaner, more efficient, affordable, and diversified energy technologies.

FOR DEMOCRACY AND DEVELOPMENT

- Develop and support, through the new U.S.-India Global Democracy Initiative in countries that seek such assistance, institutions and resources that strengthen the foundations that make democracies credible and effective. India and the U.S. will work together to strengthen democratic practices and capacities and contribute to the new U.N. Democracy Fund.
• Commit to strengthen cooperation and combat HIV/AIDS at a global level through an initiative that mobilizes private sector and government resources, knowledge, and expertise.

FOR NON-PROLIFERATION AND SECURITY
• Express satisfaction at the New Framework for the U.S.-India Defense Relationship as a basis for future cooperation, including in the field of defense technology.
• Commit to play a leading role in international efforts to prevent the proliferation of Weapons of Mass Destruction. The U.S. welcomed the adoption by India of legislation on WMD (Prevention of Unlawful Activities Bill).
• Launch a new U.S.-India Disaster Relief Initiative that builds on the experience of the Tsunami Core Group, to strengthen cooperation to prepare for and conduct disaster relief operations.

FOR HIGH-TECHNOLOGY AND SPACE
• Sign a Science and Technology Framework Agreement, building on the U.S.-India High-Technology Cooperation Group (HTCG), to provide for joint research and training, and the establishment of public-private partnerships.
• Build closer ties in space exploration, satellite navigation and launch, and in the commercial space arena through mechanisms such as the U.S.-India Working Group on Civil Space Cooperation.
• Building on the strengthened nonproliferation commitments undertaken in the NSSP, to remove certain Indian organizations from the Department of Commerce's Entity List.

Recognizing the significance of civilian nuclear energy for meeting growing global energy demands in a cleaner and more efficient manner, the two leaders discussed India's plans to develop its civilian nuclear energy program.

President Bush conveyed his appreciation to the Prime Minister over India's strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states. The President told the Prime Minister that he will work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security. The President would also seek agreement from Congress to adjust U.S. laws and policies, and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expedited consideration of fuel supplies for safeguarded nuclear reactors at Tarapur. In the meantime, the United States will encourage its partners to also consider this request expeditiously. India has expressed its interest in ITER and a willingness to contribute. The United States will consult with its partners considering India's participation. The United States will consult with the other participants in the Generation IV International Forum with a view toward India's inclusion.

The Prime Minister conveyed that for his part, India would reciprocally agree that it would be ready to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States. These responsibilities and practices consist of identifying and separating civilian and military nuclear facilities and programs in a phased manner and filing a declaration regarding its civilians facilities with the International Atomic Energy Agency (IAEA); taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards; signing and adhering to an Additional Protocol with respect to civilian nuclear facilities; continuing India's unilateral moratorium on nuclear testing; working with the United States for the conclusion of a multilateral Fissile Material Cut Off Treaty; refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread; and ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines.

The President welcomed the Prime Minister's assurance. The two leaders agreed to establish a working group to undertake on a phased basis in the months ahead the necessary actions mentioned above to fulfill these commitments. The President and Prime Minister also agreed that they would review this progress when the President visits India in 2006.

The two leaders also reiterated their commitment that their countries would play a leading role in international efforts to prevent the proliferation of weapons of mass destruction, including nuclear, chemical, biological and radiological weapons.

In light of this closer relationship, and the recognition of India's growing role in enhancing regional and global security, the Prime Minister and the President agree that international institutions must fully reflect changes in the global scenario that have taken place since 1945. The President reiterated his view that international institutions are going to have to adapt to reflect India's central and growing role. The two leaders state their expectations that India and the United States will strengthen their cooperation in global forums.

Prime Minister Manmohan Singh thanks President Bush for the warmth of his reception and the generosity of his hospitality. He extends an invitation to President Bush to visit India at his convenience and the President accepts that invitation.

U.S.-India Joint Statement

[Excerpts reproduced from: White House Press Release, 2 March 2006]

President George W. Bush and Prime Minister Manmohan Singh today expressed satisfaction with the great progress the United States and India have made in advancing our strategic partnership to meet the global challenges of the 21st century. Both our countries are linked by a deep commitment to freedom and democracy; a celebration of national diversity, human creativity and innovation; a quest to expand prosperity and economic opportunity worldwide; and a desire to increase mutual security against the common threats posed by intolerance, terrorism, and the spread of weapons of mass destruction. The successful transformation of the U.S.-India relationship will have a decisive and positive influence on the future international system as it evolves in this new century.

Reviewing the progress made in deepening the global partnership between the United States and India since their Joint Statement of July 18, 2005, the President and the Prime Minister reaffirm their commitment to expand even further the growing ties between their two countries. Consistent with this objective, the two leaders wish to highlight efforts the United States and India are making together in the following areas, where they have:

[... (eds.)]

FOR ENERGY SECURITY AND A CLEAN ENVIRONMENT
(1) Welcomed the successful completion of discussions on India's separation plan and looked forward to the full implementation of the commitments in the July 18, 2005 Joint Statement on nuclear cooperation. This historic accomplishment will permit our countries to move forward towards our common objective of full civil nuclear energy cooperation between India and the United States and between India and the international community as a whole.
(2) Welcomed the participation of India in the ITER initiative on fusion energy as an important further step towards the common goal of full nuclear energy cooperation.
(3) Agreed on India's participation in FutureGen, an international public-private partnership to develop new, commercially viable technology for a clean coal near-zero emission power project. India will contribute funding to the project and participate in the Government Steering Committee of this initiative.
(4) Welcomed the creation of the Asia Pacific Partnership on Clean Development and Climate, which will enable India and the U.S. to work together with other countries in the region to pursue sustainable development and meet increased energy needs while addressing concerns of energy security and climate change. The Partnership will collaborate to promote the development, diffusion,
deployment and transfer of cleaner, cost-effective and more efficient technologies and practices.

[... (eds.)]

FOR GLOBAL SAFETY AND SECURITY

(1) Noted the enhanced counter-terrorism cooperation between the two countries and stressed that terrorism is a global scourge that must be fought and rooted out in every part of the world.

(2) Welcomed the increased cooperation between the United States and India in the defense area, since the New Framework for the U.S.-India Defence Relationship was signed on June 28, 2005, as evidenced by successful joint exercises, expanded defence cooperation and information sharing, and greater opportunities to jointly develop technologies and address security and humanitarian issues.

[... (eds.)]

(4) Welcomed India's intention to join the Container Security Initiative aimed at making global maritime trade and infrastructure more secure and reducing the risk of shipping containers being used to conceal weapons of mass destruction.

(5) Reiterated their commitment to international efforts to prevent the proliferation of weapons of mass destruction.

[... (eds.)]

Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006

[Reproduced from: H.R. 5682, 109th Congress, 3 January 2006]

One Hundred Ninth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the third day of January, two thousand and six

An Act

To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I – UNITED STATES AND INDIA NUCLEAR COOPERATION

SEC. 101. SHORT TITLE.

This title may be cited as the 'Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006'.

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that –

(1) preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;

(2) sustaining the Nuclear Non-Proliferation Treaty (NPT) and strengthening its implementation, particularly its verification and compliance, is the keystone of United States nonproliferation policy;

(3) the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation;

(4) countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global nonproliferation, because those countries have not undertaken the NPT obligation to prohibit the spread of nuclear weapons capabilities;

(5) it is in the interest of the United States to the fullest extent possible to ensure that those countries that are not States Party to the NPT are responsible in the disposition of any nuclear technology they develop;

(6) it is in the interest of the United States to enter into an agreement for nuclear cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) with a country that has never been a State Party to the NPT if –

(A) the country has demonstrated responsible behavior with respect to the nonproliferation of technology related to nuclear weapons and the means to deliver them;

(B) the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States on key foreign policy initiatives related to nonproliferation;

(C) such cooperation induces the country to promulgate and implement substantially improved protections against the proliferation of technology related to nuclear weapons and the means to deliver them, and to refrain from actions that would further the development of its nuclear weapon program; and

(D) such cooperation will induce the country to give greater political and material support to the achievement of United States global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups that are seeking to acquire a nuclear weapons capability or other weapons of mass destruction capability and the means to deliver such weapons;

(7) the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan;

(8) strong bilateral relations with India are in the national interest of the United States;

(9) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(10) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(11) such commerce also represents a significant change in United States policy regarding commerce with countries that are not States Party to the NPT, which remains the foundation of the international nonproliferation regime;

(12) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international nonproliferation regimes, including, in particular, the guidelines of the Nuclear Suppliers Group (NSG); and

(13) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. STATEMENTS OF POLICY.

(a) In General- The following shall be the policies of the United States:

(1) Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT.

(2) Encourage States Party to the NPT to interpret the right to 'develop research, production and use of nuclear energy for peaceful purposes', as set forth in Article IV of the NPT, as being a right that applies only to the extent that it is consistent with the object and purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capabilities, including by refraining from all nuclear cooperation with any State Party that the International Atomic Energy Agency (IAEA) determines is not in full compliance with its NPT obligations, including its safeguards obligations.

(3) Act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the NSG, and decisions...
related to the those guidelines, and the rules and practices regarding NSG decisionmaking.

(4) Strengthen the NSG guidelines and decisions concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG members to all such violations, including termination of nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved.

(5) Given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, work with members of the NSG, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India.

(6) Seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law.

(7) Pending implementation of the multilateral moratorium described in paragraph (1) or the treaty described in paragraph (2), encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.

(8) Ensure that any safeguards agreement or Additional Protocol to which India is a party with the IAEA can reliably safeguard any export or reexport to India of any nuclear materials and equipment.

(9) Ensure that the text and implementation of any agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) meet the requirements set forth in subsections a.(1) and a.(3) through a.(9) of such section.

(10) Any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

**SEC. 104. WAIVER AUTHORITY AND CONGRESSIONAL APPROVAL.**

(a) In General- If the President makes the determination described in subsection (b), the President may—

(1) exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive with respect to India the application of—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) Determination by the President- The determination referred to in subsection (a) is a determination by the President that the following actions have occurred:

(1) India has provided the United States and the IAEA with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities and materials with the IAEA.

(2) India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in the plan described in paragraph (1), including materials used in or produced through the use of India's civil nuclear facilities.

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program.

(4) India is working actively with the United States for the early conclusion of a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices.

(5) India is working with and supporting United States and international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants.

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through—

(A) the enactment and effective enforcement of comprehensive export control legislation and regulations;

(B) harmonization of its export control laws, regulations, policies, and practices with the guidelines and practices of the Missile Technology Control Regime (MTCR) and the NSG; and

(C) adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence.

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.
(c) Submission to Congress:

(1) IN GENERAL- The President shall submit to the appropriate congressional committees the determination made pursuant to subsection (b), together with a report detailing the basis for the determination.

(2) INFORMATION TO BE INCLUDED- To the fullest extent available to the United States, the report referred to in paragraph (1) shall include the following information:

(A) A summary of the plan provided by India to the United States and the IAEA to separate India's civil and military nuclear facilities, materials, and programs, and the declaration made by India to the IAEA identifying India's civil facilities to be placed under IAEA safeguards, including an analysis of the credibility of such plan and declaration, together with copies of the plan and declaration.

(B) A summary of the agreement that has been entered into between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities as declared in the plan described in subparagraph (A), together with a copy of the agreement, and a description of the progress toward its full implementation.

(C) A summary of the progress made toward conclusion and implementation of an Additional Protocol between India and the IAEA, including a description of the scope of such Additional Protocol.

(D) A description of the steps that India is taking with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps that the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty.

(E) A description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire a nuclear weapons capability, as well as the support that India is providing to the United States to further United States objectives to restrict the spread of such technology.

(F) A description of the steps that India is taking to secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization with and adherence to MTCR, NSG, Australia Group, and Wassenaar Arrangement guidelines, compliance with United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative.

(G) A description and assessment of the specific measures that India has taken to fully and actively participate in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel and the means to deliver weapons of mass destruction.

(H) A description of the decision of the NSG relating to nuclear cooperation with India, including whether nuclear cooperation by the United States under an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is consistent with the decision, practices, and policies of the NSG.

(I) A description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the agreement for nuclear cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology.

(J) A description of the steps taken to ensure that proposed United States civil nuclear cooperation with India will not in any way assist India's nuclear weapons program.

(d) Restrictions on Nuclear Transfers:

(1) IN GENERAL- Pursuant to the obligations of the United States under Article I of the NPT, nothing in this title constitutes authority to carry out any civil nuclear cooperation between the United States and a country that is not a nuclear-weapon State Party to the NPT that would in any way assist, encourage, or induce that country to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

(2) NSG TRANSFER GUIDELINES- Notwithstanding the entry into force of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and pursuant to this title, no item subject to such agreement or subject to the transfer guidelines of the NSG, or to NSG decisions related thereto, may be transferred to India if such transfer would be inconsistent with the transfer guidelines of the NSG in effect on the date of the transfer.

(3) TERMINATION OF NUCLEAR TRANSFERS TO INDIA:

(A) IN GENERAL- Notwithstanding the entry into force of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and pursuant to this title, and except as provided under subparagraph (B), exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if there is any materially significant transfer by an Indian person of—

(i) nuclear or nuclear-related material, equipment, or technology that is not consistent with NSG guidelines or decisions, or

(ii) ballistic missiles or missile-related equipment or technology that is not consistent with MTCR guidelines, unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

(B) EXCEPTION - The President may choose not to terminate exports of nuclear and nuclear-related material, equipment, and technology to India under subparagraph (A) if—

(i) the transfer covered under such subparagraph was made without the knowledge of the Government of India;

(ii) at the time of the transfer, either the Government of India did not own, control, or direct the Indian person that made the transfer or the Indian person that made the transfer is a natural person who acted without the knowledge of any entity described in subparagraph (B) or (C) of section 110(5); and

(iii) the President certifies to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the Indian person with respect to such transfer.

(4) EXPORTS, REEXPORTS, TRANSFERS, AND RETRANSFERS TO INDIA RELATED TO ENRICHMENT, REPROCESSING, AND HEAVY WATER PRODUCTION:

(A) IN GENERAL-

(i) NUCLEAR REGULATORY COMMISSION- The Nuclear Regulatory Commission may only issue licenses for the export or reexport to India of any equipment, components, or materials related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water if the requirements of subparagraph (B) are met.

(ii) SECRETARY OF ENERGY- The Secretary of Energy may only issue authorizations for the transfer...
or retransfer to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water (including under the terms of a subsequent arrangement under section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2160)) if the requirements of subparagraph (B) are met.

(B) REQUIREMENTS FOR APPROVALS- Exports, reexports, transfers, and retransfers referred to in subparagraph (A) may only be approved if –

(i) the end user –

(I) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(II) is a facility participating in, and the export, reexport, transfer, or retransfer is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle;

(ii) appropriate measures are in place at any facility referred to in clause (i) to ensure that no sensitive nuclear technology, as defined in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(5)), will be diverted to any person, site, facility, location, or program not under IAEA safeguards; and

(iii) the President determines that the export, reexport, transfer, or retransfer will not assist in the manufacture or acquisition of nuclear explosive devices or the production of fissile material for military purposes.

(5) NUCLEAR EXPORT ACCOUNTABILITY PROGRAM-

(A) IN GENERAL- The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India so as to ensure –

(i) full implementation of the protections required under section 123(a)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)(1)); and

(ii) United States compliance with Article I of the NPT.

(B) MEASURES- The measures taken pursuant to subparagraph (A) shall include the following:

(i) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(ii) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that –

(I) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(II) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(III) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(iii) In the event the IAEA is unable to implement safeguards as required by an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), appropriate assurance that arrangements will be put in place expeditiously that are consistent with the requirements of section 123(a)(1) of such Act (42 U.S.C. 2153(a)(1)) regarding the maintenance of safeguards as set forth in the agreement regardless of whether the agreement is terminated or suspended for any reason.

(C) IMPLEMENTATION- The measures described in subparagraph (B) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

(e) Joint Resolution of Approval Requirement- Section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended in the second proviso by inserting after 'that subsection' the following:

‘, or an agreement exempted pursuant to section 104(a)(1) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.’

(f) Sunset- The authority provided under subsection (a)(1) to exempt an agreement shall terminate upon the enactment of a joint resolution under section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) approving such an agreement.

(g) Reporting to Congress-

(1) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA- The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including –

(A) any material noncompliance on the part of the Government of India with –

(i) the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(ii) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(iii) a safeguards agreement between the Government of India and the IAEA;

(iv) an Additional Protocol between the Government of India and the IAEA;

(v) an agreement for cooperation between the Government of India and the United States Government arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act; and

(vi) United States laws and regulations regarding such licenses;

(B) the construction of a nuclear facility in India after the date of the enactment of this title;

(C) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(D) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(2) IMPLEMENTATION AND COMPLIANCE REPORT- Not later than 180 days after the date on which an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including –

(A) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(B) a comprehensive listing of –

(i) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;
MCIS CNS NPT BRIEFING BOOK 2008 EDITION

(ii) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear nonproliferation reasons on the Nuclear Non-Proliferation Control List maintained under part 744 of title 15, Code of Federal Regulations, or any successor regulation;

(iii) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(iv) with respect to each such license or other form of authorization described in clauses (i), (ii), and (iii) –

(I) the number or other identifying information of each license or authorization;

(II) the name or names of the authorized end user or end users;

(III) the name of the site, facility, or location in India to which the export or reexport was made;

(IV) the terms and conditions included on such licenses and authorizations;

(V) any post-shipment verification procedures that will be applied to such exports or reexports; and

(VI) the term of validity of each such license or authorization;

(C) a description of any significant nuclear commerce between India and other countries, including any such trade that –

(I) is not consistent with applicable guidelines or decisions of the NSG; or

(ii) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(D) either –

(i) an assessment that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in clauses (i) through (vi) of paragraph (1)(A); or

(ii) an identification and analysis of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including –

(I) the measures the United States Government has taken to remedy or otherwise respond to such compliance issues; and

(II) the responses of the Government of India to such measures;

(III) the measures the United States Government plans to take this end in the coming year; and

(IV) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India remains in the national security interest of the United States;

(E) (i) an assessment of whether India is fully and actively participating in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich uranium or reprocess nuclear fuel), and the means to deliver weapons of mass destruction, including a description of the specific measures that India has taken in this regard; and

(ii) if India is not assessed to be fully and actively participating in such efforts, a description of –

(I) the measures the United States Government has taken to secure India's full and active participation in such efforts;

(II) the responses of the Government of India to such measures; and

(III) the measures the United States Government plans to take in the coming year to secure India's full and active participation;

(F) an analysis of whether United States civil nuclear cooperation with India is in any way assisting India's nuclear weapons program, including through –

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons-related complex;

(ii) the replication and subsequent use of any United States technology by India in an unsafeguarded nuclear facility or unsafeguarded nuclear-weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production by India of highly enriched uranium or plutonium in unsafeguarded nuclear facilities;

(G) a detailed description of –

(I) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, limiting, and reducing their fissile material stockpiles, including stockpiles for military purposes, pending creation of a worldwide fissile material cut-off regime, including the institution of a Fissile Material Non-Proliferation Treaty;

(ii) the responses of India and Pakistan to such efforts; and

(iii) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in clause (i), consistent with its obligations under international law and existing agreements;

(H) an estimate of –

(I) the amount of uranium mined and milled in India during the previous year;

(ii) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(iii) the rate of production in India of –

(I) fissile material for nuclear explosive devices; and

(II) nuclear explosive devices;

(i) an estimate of the amount of electricity India's nuclear reactors produced for civil purposes during the previous year and the proportion of such production that can be attributed to India's declared civil reactors;

(J) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices;

(K) a detailed description of efforts and progress made toward the achievement of India's –

(i) full participation in the Proliferation Security Initiative;

(ii) formal commitment to the Statement of Interdiction Principles of such Initiative;

(iii) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(iv) effective implementation of the decision described in clause (iii); and

(L) the disposal during the previous year of spent nuclear fuel from India's civilian nuclear program, and any plans or activities relating to future disposal of such spent nuclear fuel.

(3) SUBMITTAL WITH OTHER ANNUAL REPORTS-

(A) REPORT ON PROLIFERATION PREVENTION- Each annual report submitted under paragraph (2) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(B) REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION- The information required to be submitted under paragraph (2)(F) after the initial report
may be submitted together with the annual report on progress toward regional nonproliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376c(c)).

(4) FORM- Each report submitted under this subsection shall be submitted in unclassified form, but may contain a classified annex.

SEC. 105. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NONPROLIFERATION TREATY OBLIGATIONS.

Nothing in this title constitutes authority for any action in violation of an obligation of the United States under the NPT.

SEC. 106. INOPERABILITY OF DETERMINATION AND WAIVERS.

A determination and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this title.

SEC. 107. MTCR ADHERENT STATUS.

Congress finds that India is not an MTCR adherent for the purposes of section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

SEC. 108. TECHNICAL AMENDMENT.

Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-486)) is amended—

(1) in subparagraph (B), by striking `and' after the semicolon at the end;
(2) by redesignating subparagraph (C) as subparagraph (D); and
(3) by inserting after subparagraph (B) the following new subparagraph:

'(C) so much of the reports required under section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 as relates to verification or compliance matters; and.'

SEC. 109. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE NUCLEAR NONPROLIFERATION PROGRAM.

(a) Establishment- The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, is authorized to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United States and India a program to further common nuclear nonproliferation goals, including scientific research and development efforts, with an emphasis on nuclear safeguards (in this section referred to as the 'program').

(b) Consultation- The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) National Academies Recommendations-

(1) IN GENERAL- The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS- The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY- The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) Consistency With Nuclear Non-Proliferation Treaty- All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

SEC. 110. DEFINITIONS.

In this title:

(1) The term 'Additional Protocol' means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INF/CIRC) 540.

(2) The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term 'dual-use material, equipment, or technology' means material, equipment, or technology that may be used in nuclear or nonnuclear applications.

(4) The term 'IAEA safeguards' has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(5) The term 'Indian person' means—

(A) a natural person that is a citizen of India or is subject to the jurisdiction of the Government of India;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of India or has its principal place of business in India; and

(C) any Indian governmental entity, including any governmental entity operating as a business enterprise.

(6) The terms 'Missile Technology Control Regime', 'MTCR', and 'MTCR adherent' have the meanings given the terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(7) The term 'nuclear materials and equipment' means source material, special nuclear material, production and utilization facilities and any components thereof, and any other items or materials that are determined to have significance for nuclear explosive purposes pursuant to subsection 109 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)).


(9) The terms 'Nuclear Suppliers Group' and 'NSG' refer to a group, which met initially in 1975 and has met at least annually since 1992, of Participating Governments that have promulgated and agreed to adhere to Guidelines for Nuclear Transfers (currently IAEA INFCIRC/254/Rev.8/Part 1) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology (currently IAEA INFCIRC/254/Rev.7/Part 2).

(10) The terms 'nuclear weapon' and 'nuclear explosive device' mean any device designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(11) The term 'process' includes the term 'reprocess'.

(12) The terms 'reprocessing' and 'reprocess' refer to the separation of irradiated nuclear materials and fission products from spent nuclear fuel.

(13) The term 'sensitive nuclear technology' means any information, including information incorporated in a production or utilization facility or important component part thereof, that is not available to the public and which is important to the design,
construction, fabrication, operation, or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water.

(14) The term ‘source material’ has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(15) The term ‘special nuclear material’ has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(16) The term ‘unsafeguarded nuclear fuel-cycle activity’ means research on, or development, design, manufacture, construction, operation, or maintenance of—

A. any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

B. any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

TITLE II – UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the ‘United States Additional Protocol Implementation Act.’

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) The Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear nonproliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.


SEC. 203. DEFINITIONS.

In this title:

(1) ADDITIONAL PROTOCOL- The term ‘Additional Protocol’, when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107-7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES- The term ‘appropriate congressional committees’ means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, the Committee on Science, and the Committee on Appropriations of the House of Representatives.

(3) COMPLEMENTARY ACCESS- The term ‘complementary access’ means the exercise of the IAEA’s access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) EXECUTIVE AGENCY- The term ‘executive agency’ has the meaning given such term in section 105 of title 5, United States Code.

(5) FACILITY- The term ‘facility’ has the meaning set forth in Article 1.b of the Additional Protocol.

(6) IAEA- The term ‘IAEA’ means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES- The term ‘judge of the United States’ means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION- The term ‘location’ means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.


(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY- The terms ‘nuclear-weapon State Party’ and ‘non-nuclear-weapon State Party’ have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON- The term ‘person’, except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality, or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE- The term ‘site’ has the meaning set forth in Article 1.b of the Additional Protocol.

(13) UNITED STATES- The term ‘United States’, when used as a geographic reference, means the several States of the United States.
States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;
(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and
(C) any vessel of the United States, as such term is defined in section 301 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING- The term ‘wide-area environmental sampling’ has the meaning set forth in Article 18g, of the Additional Protocol.

SEC. 204. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle A—General Provisions

SEC. 211. AUTHORITY.

(a) In General- The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) Included Authority- For any executive agency designated under subsection (a) that does not currently possess the authority to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) Exception- The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

Subtitle B—Complementary Access

SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.

(a) Prohibition- No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) Authority-

(1) IN GENERAL- Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES-

(A) RESTRICTIONS- In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER- The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.

(a) In General- Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) Notice-

(1) IN GENERAL- Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION- The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE-

(A) IN GENERAL- The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;
(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;
(iii) the activities that will be carried out during the complementary access;
(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and
(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED- A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) Credentials- The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.

(d) Scope-

(1) IN GENERAL- Except as provided in a warrant issued under section 223, and subject to the rights of the United States Government under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION- Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);
(B) sales and marketing data (other than shipment data);
(C) pricing data;
(D) personnel data;
(E) patent data;
(F) data maintained for compliance with environmental or occupational health and safety regulations; or
(G) research data.

(e) Environment, Health, Safety, and Security- In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.

(a) In General-

(1) PROCEDURE-

(A) CONSENT- Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.
(B) ADMINISTRATIVE SEARCH WARRANT- In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS- For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Addtional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) Administrative Search Warrants for Complementary Access:

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS- For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS- A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;
(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;
(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;
(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;
(E) containing assurances that the scope of the IAEA’s complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;
(F) listing the items, documents, and areas to be searched and seized;
(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and
(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or
(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) CONTENT OF WARRANTS- A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;
(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or
(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 241. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;
(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or
(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 242. PENALTIES.

(a) Civil—

(1) PENALTY AMOUNTS- Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of this section.

(2) NOTICE AND HEARING—

(A) IN GENERAL- Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) CONDUCT OF HEARING— Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) ISSUANCE OF ORDERS— If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state the findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS— In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation and all other matters as justice may require.

(E) CONTENT OF NOTICE— For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and
(ii) specify the administrative and judicial remedies available to the person or persons subject to the
order, including the availability of a hearing and subsequent appeal.

(3) ADMINISTRATIVE APPELLATE REVIEW- The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) JUDICIAL REVIEW- A person adversely adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) ENFORCEMENT OF FINAL ORDERS-

(A) IN GENERAL- If a person fails to comply with a final order issued against such person under this subsection and –

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the plaintiff, the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) NO REVIEW- In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) INTEREST- Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) Criminal- Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or

may, in addition to or in lieu of any civil penalty which may be

(a) Jurisdiction- The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a) –

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) Civil Actions-

(1) IN GENERAL- A civil action described in subsection (a) may be brought –

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS- In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

Subtitle E – Environmental Sampling

SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.

(a) In General- Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) Content- The notification under subsection (a) shall contain –

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that –

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the President has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that –

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States –

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that –

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States –

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.
SEC. 254. RULE OF CONSTRUCTION.
As used in this subtitle, the term ‘necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party’ shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by –
(1) setting a good example of cooperation in the conduct of such sampling; or
(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

Subtitle F – Protection of National Security Information and Activities
SEC. 261. PROTECTION OF CERTAIN INFORMATION.
(a) Locations and Facilities of Direct National Security Significance- No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.
(b) Information of Direct National Security Significance- No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.
(c) Restricted Data- Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular ‘Restricted Data’ as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).
(d) Classified Information- Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

SEC. 262. IAEA INSPECTIONS AND VISITS.
(a) Certain Individuals Prohibited From Obtaining Access- No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be provided under the Additional Protocol.
(b) Presence of United States Government Personnel- IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.
(c) Vulnerability and Related Assessments- The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Subtitle G – Reports
SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.
Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to add to or remove from the declaration, and a report thereon.
SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.
Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the

President intends to add to or remove from the declaration, and a report thereon.
SEC. 273. CONTENT OF REPORTS ON UNITED STATES DECLARATIONS.
The reports required under section 271 and section 272 shall present the reasons for each site, location, facility, and activity being declared or being removed from the declaration list and shall certify that –
(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and
(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.
Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on –
(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and
(2) assistance that has been or should be provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations, with a plan for providing any needed additional funding.

SEC. 275. NOTICE OF IAEA NOTIFICATIONS.
The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H – Authorization of Appropriations
SEC. 281. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out this title.
Speaker of the House of Representatives, Vice President of the United States and President of the Senate.

Joint Statement by the Prime Minister of the Republic of India and the President of the Russian Federation of Cooperation in the Field of Peaceful Uses of Atomic Energy
[New Delhi, 25 January 2007]

India and Russia, reaffirm the importance of their strategic partnership which serves their national interests, strengthens bilateral relations and contributes to international peace and security and highlight the importance of mutually beneficial cooperation and shared objectives in the field of nuclear energy. India and Russia, as states possessing advanced nuclear technologies, recognize that nuclear energy provides a safe, environmental friendly and sustainable source of energy. They underline the need to further develop international cooperation in promoting the use of nuclear energy for peaceful purposes in accordance with their respective international commitments and national legislations. They believe that nuclear energy will provide an indispensable source of energy to future generations.

India and Russia as responsible states share an objective of ensuring non-proliferation of weapons of mass destruction and their means of delivery including possible linkages with terrorism.

India and Russia resolve to further emphasize their willingness to expand and strengthen their scientific and other exchanges and bilateral dialogue on peaceful uses of nuclear energy.
India and Russia note with satisfaction their ongoing cooperation in construction of nuclear power plants at Kudankulam. India and Russia reaffirm their commitment to work together to expand civil nuclear energy cooperation, with a special emphasis on nuclear power generation aimed at enabling India to realize its goals of promoting nuclear power and achieving energy security in a self-sustaining manner.

With the objective to implement these intentions, an agreement between the Government of the Republic of India and the Government of the Russian Federation will be signed on cooperation in the construction of 4 additional power units at Kudankulam. (This understanding was reflected in the Memorandum of Intent dated 25.01.2007.)

India undertakes that the reactor facilities and nuclear fuel supplied by Russia shall remain under the IAEA safeguards during the entire period of their actual use in accordance with the agreement on safeguards, which shall be concluded between the Republic of India and the IAEA. It will also inter alia take into account measures relating to physical protection and other issues as may be mutually agreed.

Russia will continue to work with the Participating Governments of NSG in order to create conditions through amendment to its guidelines to facilitate expansion of civilian nuclear energy cooperation with India.

India and Russia recognize the importance of R&D for development of innovative technologies which reduce the risk of nuclear proliferation to further facilitate the wide scale development of nuclear energy. International project for nuclear reactors and fuel cycles (INPRO) which is being implemented under the aegis of IAEA with the participation of India and Russia is an example of productive international cooperation.

India and Russia express their willingness to further expand and strengthen their bilateral civilian nuclear energy cooperation by broadcasting cooperation covering both power (fission and fusion energy) and non-power applications in areas of mutual interest to be identified by both sides.

The Department of Atomic Energy, India and the Federal Atomic Energy Agency, the Russian Federation will work out in 2007 a comprehensive programme of cooperation in the field of peaceful uses of atomic energy between India and Russia.

Joint Statement by US Secretary of State Condoleezza Rice and Indian Minister of External Affairs Shri Pranab Mukherjee

[27 July 2007]

The United States and India have reached a historic milestone in their strategic partnership by completing negotiations on the bilateral agreement for peaceful nuclear cooperation, also known as the “123 agreement.” This agreement will govern civil nuclear trade between our two countries and open the door for American and Indian firms to participate in each other’s civil nuclear energy sector.

The conclusion of negotiations on this agreement marks a major step forward in fulfilling the promise of full civil nuclear cooperation as envisioned by President Bush and Prime Minister Manmohan Singh.

The successful completion of the text permits us to move forward on the U.S.-India Civil Nuclear Cooperation initiative, first announced by the two leaders on July 18, 2005, and reaffirmed on March 2, 2006. The next steps include India’s negotiation of a safeguards agreement with the IAEA and support for nuclear trade with India in the forty-five member Nuclear Suppliers Group. Once these additional actions have been completed, President Bush will submit the text of the agreement to the U.S. Congress for final approval.

Civil nuclear cooperation between the United States and India will offer enormous strategic and economic benefits to both countries, including enhanced energy security, a more environmentally-friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

This achievement reinforces the growing bilateral relationship between two vibrant democracies. We are committed to the strategic partnership outlined by President Bush and Prime Minister Manmohan Singh, and look forward to working together to implement this historic initiative.

Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy (123 Agreement)

The Government of India and the Government of the United States of America, hereinafter referred to as the Parties,

RECOGNIZING the significance of civilian nuclear energy for meeting growing global energy demands in a cleaner and more efficient manner;

DESIRING to cooperate extensively in the full development and use of nuclear energy for peaceful purposes as a means of achieving energy security, on a stable, reliable and predictable basis;

WISHING to develop such cooperation on the basis of mutual respect for sovereignty, non-interference in each other's internal affairs, equality, mutual benefit, reciprocity and due respect for each other's nuclear programmes;

DESIRING to establish the necessary legal framework and basis for cooperation concerning peaceful uses of nuclear energy;

AFFIRMING that cooperation under this Agreement is between two States possessing advanced nuclear technology, both Parties having the same benefits and advantages, both committed to preventing WMD proliferation;

NOTING the understandings expressed in the India - U.S. Joint Statement of July 18, 2005 to enable full civil nuclear energy cooperation with India covering aspects of the associated nuclear fuel cycle;

AFFIRMING their support for the objectives of the International Atomic Energy Agency (IAEA) and its safeguards system, as applicable to India and the United States of America, and its importance in ensuring that international cooperation in development and use of nuclear energy for peaceful purposes is carried out under arrangements that will not contribute to the proliferation of nuclear weapons or other nuclear explosive devices;

NOTING their respective commitments to safety and security of peaceful uses of nuclear energy, to adequate physical protection of nuclear material and effective national export controls;

MINDFUL that peaceful nuclear activities must be undertaken with a view to protecting the environment;

MINDFUL of their shared commitment to preventing the proliferation of weapons of mass destruction; and

DESIROUS of strengthening the strategic partnership between them;

Have agreed on the following:

ARTICLE 1 - DEFINITIONS

For the purposes of this Agreement:

(A) "By-product material" means any radioactive material (except special fissionable material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special fissionable material. By-product material shall not be subject to safeguards or any other form of verification under this Agreement, unless it has been decided otherwise by prior mutual agreement in writing between the two Parties.

(B) "Component" means a component part of equipment, or other item so designated by agreement of the Parties.

(C) "Conversion" means any of the normal operations in the nuclear fuel cycle, preceding fuel fabrication and excluding enrichment, by which uranium is transformed from one chemical form to another - for example, from uranium hexafluoride (UF6) to uranium dioxide (UO2) or from uranium oxide to metal.
(D) "Decommissioning" means the actions taken at the end of a facility's useful life to retire the facility from service in the manner that provides adequate protection for the health and safety of the decommissioning workers and the general public, and for the environment. These actions can range from closing down the facility and a minimal removal of nuclear material coupled with continuing maintenance and surveillance, to a complete removal of residual radioactivity in excess of levels acceptable for unrestricted use of the facility and its site.

(E) "Dual-Use Item" means a nuclear related item which has a technical use in both nuclear and non-nuclear applications.

(F) "Equipment" means any equipment in nuclear operation including reactor, reactor pressure vessel, reactor fuel charging and discharging equipment, reactor control rods, reactor pressure tubes, reactor primary coolant pumps, zirconium tubing, equipment for fuel fabrication and any other item so designated by the Parties.

(G) "High enriched uranium" means uranium enriched to twenty percent or greater in the isotope 235.

(H) "Information" means any information that is not in the public domain and is transferred in any form pursuant to this Agreement and so designated and documented in hard copy or digital form by mutual agreement by the Parties that it shall be subject to this Agreement, but will cease to be information whenever the Party transferring the information or any third party legitimately releases it into the public domain.

(I) "Low enriched uranium" means uranium enriched to less than twenty percent in the isotope 235.

(J) "Major critical component" means any part or group of parts essential to the operation of a sensitive nuclear facility or heavy water production facility.

(K) "Non-nuclear material" means heavy water, or any other material suitable for use in a reactor to slow down high velocity neutrons and increase the likelihood of further fission, as may be jointly designated by the appropriate authorities of the Parties.

(L) "Nuclear material" means (1) source material and (2) special fissionable material. "Source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors of the IAEA shall from time to time determine; and such other materials as the Board of Governors of the IAEA may determine or as may be agreed by the appropriate authorities of both Parties. "Special fissionable material" means plutonium, uranium-233, uranium enriched in the isotope 233 or 235, any substance containing one or more of the foregoing, and such other substances as the Board of Governors of the IAEA may determine or as may be agreed by the appropriate authorities of both Parties. "Special fissionable material" does not include "source material": Any determination by the Board of Governors of the IAEA under Article XX of that Agency's Statute or otherwise that amends the list of materials considered to be "source material" or "special fissionable material" shall only have effect under this Agreement when both Parties to this Agreement have informed each other in writing that they accept such amendment.

(M) "Peaceful purposes" include the use of information, nuclear material, equipment or components in such fields as research, power generation, medicine, agriculture and industry, but do not include use in, research on, or development of any nuclear explosive device or any other military purpose. Provision of power for a military base drawn from any power network, production of radioisotopes to be used for medical purposes in military environment for diagnostics, therapy and sterility assurance, and other similar purposes as may be mutually agreed by the Parties shall not be regarded as military purpose.

(N) "Person" means any individual or any entity subject to the territorial jurisdiction of either Party but does not include the Parties.

(O) "Reactor" means any apparatus, other than a nuclear weapon or other nuclear explosive device, in which a self-sustaining fission chain reaction is maintained by utilizing uranium, plutonium, or thorium or any combination thereof.

(P) "Sensitive nuclear facility" means any facility designed or used primarily for uranium enrichment, reprocessing of nuclear fuel, or fabrication of nuclear fuel containing plutonium.

(Q) "Sensitive nuclear technology" means any information that is not in the public domain and that is important to the design, construction, fabrication, operation, or maintenance of any sensitive nuclear facility, or other such information that may be so designated by agreement of the Parties.

ARTICLE 2 - SCOPE OF COOPERATION

1. The Parties shall cooperate in the use of nuclear energy for peaceful purposes in accordance with the provisions of this Agreement. Each Party shall implement this Agreement in accordance with its respective applicable treaties, national laws, regulations, and license requirements concerning the use of nuclear energy for peaceful purposes.

2. The purpose of the Agreement being to enable full civil nuclear energy cooperation between the Parties, the Parties may pursue cooperation in all relevant areas to include, but not limited to, the following:

a. Advanced nuclear energy research and development in such areas as may be agreed between the Parties;

b. Nuclear safety matters of mutual interest and competence, as set out in Article 3;

c. Facilitation of exchange of scientists for visits, meetings, symposia and collaborative research;

d. Full civil nuclear cooperation activities covering nuclear reactors and aspects of the associated nuclear fuel cycle including technology transfer on an industrial or commercial scale between the Parties or authorized persons;

e. Development of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors;

f. Advanced research and development in nuclear sciences including but not limited to biological research, medicine, agriculture and industry, environment and climate change;

g. Supply between the Parties, whether for use by or for the benefit of the Parties or third countries, of nuclear material;

h. Alteration in form or content of nuclear material as provided for in Article 6;

i. Supply between the Parties of equipment, whether for use by or for the benefit of the Parties or third countries;

j. Controlled thermonuclear fusion including in multilateral projects;

k. Other areas of mutual interest as may be agreed by the Parties.

3. Transfer of nuclear material, non-nuclear material, equipment, components and information under this Agreement may be undertaken directly between the Parties or through authorized persons. Such transfers shall be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties. Nuclear material, non-nuclear material, equipment, components and information transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, will be regarded as having been transferred pursuant to this Agreement only upon confirmation, by the appropriate authority of the recipient Party to the appropriate authority of the supplier Party that such items both are subject to the Agreement and have been received by the recipient Party.

4. The Parties affirm that the purpose of this Agreement is to provide for peaceful nuclear cooperation and not to affect the unsafeguarded nuclear activities of either Party. Accordingly, nothing in this Agreement shall be interpreted as affecting the rights of the Parties to use for their own purposes nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by them independent of any nuclear material, non-nuclear material, equipment, components, information or technology transferred to them pursuant to this Agreement. The Parties are entitled to make multilateral arrangements with other countries to the extent that they may be mutually agreed by the Parties.

ARTICLE 3 - TRANSFER OF INFORMATION

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred between the Parties. Transfers of information may be accomplished through reports, data banks and computer programs and any other means mutually agreed to by the Parties. Fields that may be covered include, but shall not be limited to, the following:

a. Research, development, design, construction, operation, maintenance and use of reactors, reactor experiments, and decommissioning;
b. The use of nuclear material in physical, chemical, radiological and biological research, medicine, agriculture and industry;

c. Fuel cycle activities to meet future world-wide civil nuclear energy needs, including multilateral approaches to which they are parties for ensuring nuclear fuel supply and appropriate techniques for management of nuclear wastes;

d. Advanced research and development in nuclear science and technology;

e. Health, safety, and environmental considerations related to the foregoing;

f. Assessments of the role nuclear power may play in national energy plans;

g. Codes, regulations and standards for the nuclear industry;

h. Research on controlled thermonuclear fusion including bilateral activities and contributions toward multilateral projects such as the International Thermonuclear Experimental Reactor (ITER); and

i. Any other field mutually agreed to by the Parties.

2. Cooperation pursuant to this Article may include, but is not limited to, training, exchange of personnel, meetings, exchange of samples, materials and instruments for experimental purposes and a balanced participation in joint studies and projects.

3. This Agreement does not require the transfer of any information regarding matters outside the scope of this Agreement, or information that the Parties are not permitted under their respective treaties, national laws, or regulations to transfer.

4. Restricted Data, as defined by each Party, shall not be transferred under this Agreement.

ARTICLE 4 - NUCLEAR TRADE

1. The Parties shall facilitate nuclear trade between themselves in the mutual interests of their respective industry, utilities and consumers and also, where appropriate, trade between third countries and either Party of items obligated to the other Party. The Parties recognize that reliability of supplies is essential to ensure smooth and uninterrupted operation of nuclear facilities and that industry in both the Parties needs continuing reassurance that deliveries can be made on time in order to plan for the efficient operation of nuclear installations.

2. Authorizations, including export and import licenses as well as authorizations or consents to third parties, relating to trade, industrial operations or nuclear material movement should be consistent with the sound and efficient administration of this Agreement and should not be used to restrict trade. It is further agreed that if the relevant authority of the concerned Party considers that an application cannot be processed within a agreed that if the relevant authority of the concerned Party

3. Natural or low enriched uranium may be transferred for use as samples, standards, detectors, and targets, and the accomplishment of other purposes as may be agreed by the Parties.

4. The quantity of nuclear material transferred under this Agreement shall be consistent with any of the following purposes: use in reactor experiments or the loading of reactors, the efficient and continuous conduct of such reactor experiments or operation of reactors for their lifetime, use as samples, standards, detectors, and targets, and the accomplishment of other purposes as may be agreed by the Parties.

5. Small quantities of special fissionable material may be transferred for use as samples, standards, detectors, and targets, and for such other purposes as the Parties may agree.

6. (a) The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations.

(b) To further guard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:

i. The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 of the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.

ii. The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.

iii. The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.

iv. If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

(c) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

ARTICLE 6 - NUCLEAR FUEL CYCLE ACTIVITIES

In keeping with their commitment to full civil nuclear cooperation, both Parties, as they do with other states with advanced nuclear technology, may carry out the following nuclear fuel cycle activities:

i. Within the territorial jurisdiction of either Party, enrichment up to twenty percent in the isotope 235 of uranium transferred pursuant to this Agreement, as well as of uranium used in or produced through the use of equipment so transferred, may be carried out.

ii. Irradiation within the territorial jurisdiction of either Party of plutonium, uranium-233, high enriched uranium and irradiated nuclear material transferred pursuant to this Agreement or used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.

iii. With a view to implementing full civil nuclear cooperation as envisioned in the Joint Statement of the Parties of July 18, 2005, the Parties grant each other consent to reprocess or otherwise alter in form or content nuclear material transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear
material, or equipment so transferred. To bring these rights into effect, India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards and the Parties will agree on arrangements and procedures under which such reprocessing or other alteration in form or content will take place in this new facility. Consultations on arrangements and procedures will begin within six months of a request by either Party and will be concluded within one year. The Parties agree on the application of IAEA safeguards to all facilities concerned with the above activities. These arrangements and procedures shall include provisions with respect to physical protection standards set out in Article 8, storage standards set out in Article 7, and environmental protections set forth in Article 11 of this Agreement, and such other provisions as may be agreed by the Parties. Any special fissionable material that may be separated may only be utilized in national facilities under IAEA safeguards.

iv) Post-irradiation examination involving chemical dissolution or separation of irradiated nuclear material transferred pursuant to this Agreement or irradiated nuclear material used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.

ARTICLE 7 - STORAGE AND RETRANSMIT

1. Plutonium and uranium 233 (except as either may be contained in irradiated fuel elements), and high enriched uranium, transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred, may be stored facilities that are at all times subject, as a minimum, to the levels of physical protection that are set out in IAEA document INFCIRC 225/REV 4 as it may be revised and accepted by the Parties. Each Party shall record such facilities on a list, made available to the other Party. A Party's list shall be held confidential if that Party so requests. Either Party may make changes to its list by notifying the other Party in writing and receiving a written acknowledgement. Such acknowledgement shall be given no later than thirty days after the receipt of the notification and shall be limited to a statement that the notification has been received. If there are grounds to believe that the provisions of this sub-Article are not being fully complied with, immediate consultations may be called for. Following upon such consultations, each Party shall ensure by means of such consultations that necessary remedial measures are taken immediately. Such measures shall be sufficient to restore the levels of physical protection referred to above at the facility in question. However, if the Party on whose territory the nuclear material in question is stored determines that such measures are not feasible, it will shift the nuclear material to another appropriate, listed facility it identifies.

2. Nuclear material, non-nuclear material, equipment, components, and information transferred pursuant to this Agreement and any special fissionable material produced through the use of non-nuclear material, nuclear material so transferred shall not be transferred or re-transferred to unauthorized persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

ARTICLE 8 - PHYSICAL PROTECTION

1. Adequate physical protection shall be maintained with respect to nuclear material and equipment transferred pursuant to this Agreement and nuclear material used in or produced through the use of nuclear material, non-nuclear material or equipment so transferred.

2. To fulfill the requirement in paragraph 1, each Party shall apply measures in accordance with (i) levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC 225/REV 4 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities," and in any subsequent revisions of that document agreed to by the Parties, and (ii) the provisions of the 1980 Convention on the Physical Protection of Nuclear Material and any amendments to the Convention that enter into force for both Parties.

3. The Parties will keep each other informed through diplomatic channels of any actions or arrangements having responsibility for ensuring that levels of physical protection for nuclear material in their territory or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this Article. The Parties will also keep each other informed through diplomatic channels of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.

4. The provisions of this Article shall be implemented in such a manner as to avoid undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

ARTICLE 9 - PEACEFUL USE

Nuclear material, equipment and components transferred pursuant to this Agreement and nuclear material and by-product materialised in or produced through the use of any nuclear material, equipment, and components so transferred shall not be used by the recipient Party for any nuclear explosive device, for research on or development of any nuclear explosive device or for any military purpose.

ARTICLE 10 - IAEA SAFEGUARDS

1. Safeguards will be maintained with respect to all nuclear material and equipment transferred pursuant to this Agreement, and with respect to all special fissionable material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating Party.

2. Taking into account Article 5.6 of this Agreement, India agrees that nuclear material and equipment transferred to India by the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of nuclear material transferred shall be subject to safeguards in perpetuity in accordance with the India-specific Safeguards Agreement between India and the IAEA [identifying data] and an Additional Protocol, when in force.

3. Nuclear material and equipment transferred to the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of any nuclear material, non-nuclear material, equipment, or components so transferred shall be subject to safeguards according to the United States of America and the IAEA for the application of safeguards in the United States of America, done at Vienna November 18, 1977, which entered into force on December 9, 1980, and an Additional Protocol, when in force.

4. If the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should consult and agree on appropriate verification measures.

5. Each Party shall take such measures as are necessary to maintain and facilitate the application of IAEA safeguards in its respective territory provided for under this Article.

6. Each Party shall establish and maintain a system of accounting and control of nuclear material transferred pursuant to this Agreement and nuclear material used in or produced through the use of any material, equipment, or components so transferred. The procedures applicable to India shall be those set forth in the India-specific Safeguards Agreement referred to in Paragraph 2 of this Article.

7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.

8. The provisions of this Article shall be implemented in such a manner as to avoid hampering, delay, or undue interference in the Parties’ peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

ARTICLE 11 - ENVIRONMENTAL PROTECTION

The Parties shall cooperate in following the best practices for minimizing the impact on the environment from any radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.
ARTICLE 12 - IMPLEMENTATION OF THE AGREEMENT

1. This Agreement shall be implemented in a manner designed:
   a) to avoid hampering or delaying the nuclear activities in the territory of either Party;
   b) to avoid interference in such activities;
   c) to be consistent with prudent management practices required for the safe conduct of such activities; and
   d) to take full account of the long term requirements of the nuclear energy programs of the Parties.

2. The provisions of this Agreement shall not be used to:
   a) secure unfair commercial or industrial advantages or to restrict trade to the disadvantage of persons and undertakings of either Party or hamper their commercial or industrial interests, whether international or domestic;
   b) interfere with the nuclear policy or programs for the promotion of the peaceful uses of nuclear energy including research and development; or
   c) impede the free movement of nuclear material, non nuclear material and equipment supplied under this Agreement within the territory of the Parties.

3. When execution of an agreement or contract pursuant to this Agreement between Indian and United States organisations requires exchanges of experts, the Parties shall facilitate entry of the experts to their territories and their stay therein consistent with national laws, regulations and practices. When other cooperation pursuant to this Agreement requires visits of experts, the Parties shall facilitate entry of the experts to their territory and their stay therein consistent with national laws, regulations and practices.

ARTICLE 13 - CONSULTATIONS

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy on a stable, reliable and predictable basis. The Parties recognize that such consultations are between two States with advanced nuclear technology, which have agreed to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology.

2. Each Party shall endeavor to avoid taking any action that adversely affects cooperation envisaged under Article 2 of this Agreement. If either Party at any time following the entry into force of this Agreement does not comply with the provisions of this Agreement, the Parties shall promptly hold consultations with a view to resolving the matter in a way that protects the legitimate interests of both Parties, it being understood that rights of either Party under Article 16.2 remain unaffected.

3. Consultations under this Article may be carried out by a Joint Committee specifically established for this purpose. A Joint Technical Working Group reporting to the Joint Committee will be set up to ensure the fulfillment of the requirements of the Administrative Arrangements referred to in Article 17.

ARTICLE 14 - TERMINATION AND CESSION OF COOPERATION

1. Either Party shall have the right to terminate this Agreement prior to its expiration on one year’s written notice to the other Party. A Party giving notice of termination shall provide the reasons for seeking such termination. The Agreement shall terminate one year from the date of the written notice, unless the notice has been withdrawn by the providing Party in writing prior to the date of termination.

2. Before this Agreement is terminated pursuant to paragraph 1 of this Article, the Parties shall consider the relevant circumstances and promptly hold consultations, as provided in Article 13, to address the reasons cited by the Party seeking termination. The Party seeking termination has the right to cease further cooperation under this Agreement if it determines that a mutually acceptable resolution of outstanding issues has not been possible or cannot be achieved through consultations. The Parties agree to consider carefully the circumstances that may lead to termination or cessation of cooperation. They further agree to take into account whether the circumstances that may lead to termination or cessation resulted from a Party’s serious concern about a changed security environment or as a response to similar actions by other States which could impact national security.

3. If a Party seeking termination cites a violation of this Agreement as the reason for notice for seeking termination, the Parties shall consider whether the action was caused inadvertently or otherwise and whether the violation could be considered as material. No violation may be considered as being material unless corresponding to the definition of material violation or breach in the Vienna Convention on the Law of Treaties. If a Party seeking termination cites a violation of an IAEA safeguards agreement as the reason for notice for seeking termination, a crucial factor will be whether the IAEA Board of Governors has made a finding of non-compliance.

4. Following the cessation of cooperation under this Agreement, either Party shall have the right to require the return by the other Party of any nuclear material, equipment, non-nuclear material or components transferred under this Agreement and any special fissionable material produced through their use. A notice by a Party that is invoking the right of return shall be delivered to the other Party on or before the date of termination of this Agreement. The notice shall contain a statement of the items subject to this Agreement as to which the Party is requesting return. Except as provided in provisions of Article 16.3, all other legal obligations pertaining to this Agreement shall cease to apply with respect to the nuclear items remaining on the territory of the Party concerned upon termination of this Agreement.

5. The two Parties recognize that exercising the right of return would have profound implications for their relations. If either Party seeks to exercise its right pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party of any nuclear items mentioned in paragraph 4, undertake consultations with the other Party. Such consultations shall give special consideration to the importance of uninterrupted operation of nuclear reactors of the Party concerned with respect to the availability of nuclear energy for peaceful purposes as a means of achieving energy security. Both Parties shall take into account the potential negative consequences of such termination on the ongoing contracts and projects initiated under this Agreement of significance for the respective nuclear programmes of either Party.

6. If either Party exercises its right of return pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party, compensate promptly that Party for the fair market value thereof and for the costs incurred as a consequence of such removal. If the return of nuclear items is required, the Parties shall agree on methods and arrangements for the return of the items, the relevant quantity of the items to be returned, and the amount of compensation that would have to be paid by the Party exercising the right to the other Party.

7. Prior to return of nuclear items, the Parties shall satisfy themselves that full safety, radiological and physical protection measures have been ensured in accordance with their existing national regulations and that the transfers pose no unreasonable risk to either Party, countries through which the nuclear items may transit and to the global environment and are in accordance with existing international regulations.

8. The Party seeking the return of nuclear items shall ensure that the timing, methods and arrangements for return of nuclear items are in accordance with paragraphs 5, 6 and 7. Accordingly, the consultations between the Parties shall address mutual commitments as contained in Article 5.6. It is not the purpose of the provisions of this Article regarding cessation of cooperation and right of return to derogate from the rights of the Parties under Article 5.6.

9. The arrangements and procedures concluded pursuant to Article 6(ii) shall be subject to suspension by either Party in exceptional circumstances, as defined by the Parties, after consultations have been held between the Parties aimed at reaching mutually acceptable resolution of outstanding issues, while taking into account the effects of such suspension on other aspects of cooperation under this Agreement.
ARTICLE 15 - SETTLEMENT OF DISPUTES

Any dispute concerning the interpretation or implementation of the provisions of this Agreement shall be promptly resolved by the Parties with a view to resolving that dispute.

ARTICLE 16 - ENTRY INTO FORCE AND DURATION

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that they have completed all applicable requirements for its entry into force.

2. This Agreement shall remain in force for a period of 40 years. It shall continue in force thereafter for additional periods of 10 years each. Each Party may, by giving 6 months written notice to the other Party, terminate this Agreement at the end of the initial 40 year period or at the end of any subsequent 10 year period.

3. Notwithstanding the termination or expiration of this Agreement or withdrawal of a Party from this Agreement, Articles 5.6(c), 6, 7, 8, 9, 10 and 15 shall continue in effect so long as any nuclear material, non-nuclear material, by-product material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards.

4. This Agreement shall be implemented in good faith and in accordance with the principles of international law.

5. The Parties may consult, at the request of either Party, on possible amendments to this Agreement. This Agreement may be amended if the Parties so agree. Any amendment shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal legal procedures necessary for the entry into force have been completed.

ARTICLE 17 - ADMINISTRATIVE ARRANGEMENT

1. The appropriate authorities of the Parties shall establish an Administrative Arrangement in order to provide for the effective implementation of the provisions of this Agreement.

2. The principles of fungibility and equivalence shall apply to nuclear material and non-nuclear material subject to this Agreement. Detailed provisions for applying these principles shall be set forth in the Administrative Arrangement.

3. The Administrative Arrangement established pursuant to this Article may be amended by agreement of the appropriate authorities of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement.

DONE at , this day of , 200 , in duplicate.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

AGREED MINUTE

During the negotiation of the Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy (“the Agreement”) signed today, the following understandings, which shall be an integral part of the Agreement, were reached.

Proportionality

For the purposes of implementing the rights specified in Articles 6 and 7 of the Agreement with respect to special fissionable material and by-product material produced through the use of nuclear material and non-nuclear material, respectively, transferred pursuant to the Agreement and not used in or produced through the use of equipment transferred pursuant to the Agreement, such rights shall in practice be applied to that proportion of special fissionable material and by-product material produced that represents the ratio of transferred nuclear material and non-nuclear material, respectively, used in the production of the special fissionable material and by-product material to the total amount of nuclear material and non-nuclear material so used, and similarly for subsequent generations.

By-product material

The Parties agree that reporting and exchanges of information on by-product material subject to the Agreement will be limited to the following:

(1) Both Parties would comply with the provisions as contained in the IAEA document GOV/1999/19/Rev.2, with regard to by-product material subject to the Agreement.

(2) With regard to tritium subject to the Agreement, the Parties will exchange annually information pertaining to its disposition for peaceful purposes consistent with Article 9 of this Agreement.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

For the purposes of implementing the rights specified in Articles 6 and 7 of the Agreement with respect to special fissionable material and non-nuclear material, respectively, used in the production of the special fissionable material and by-product material subject to the Agreement.

AMERICA:

Released on August 3, 2007

Letter from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations, Addressed to the Secretary-General

[AC.1/62/31 November 2007]


We would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 98.

(Signed) Vitaly I. Churkin
Permanent Representative of the Russian Federation to the United Nations

(Signed) Zalmay Khalilzad
Permanent Representative of the United States of America to the United Nations

Annex to the letter dated 26 October 2007 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General


December 8, 2007 marks the twentieth anniversary of the signing of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, which banned ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres. It is hard to overestimate the historic significance of this act: it marked an important, practical step in destroying these missiles and the infrastructure under strict verification procedures.

We would like to underscore the contribution of this Treaty to decreased international tensions, particularly in Europe. The Russian Federation and the United States take this occasion to reaffirm our joint support for the INF Treaty.

We are concerned with the proliferation of intermediate- and shorter-range missiles. An ever-greater number of countries are acquiring missile production technologies and adding such missiles to their arsenals. At the same time, the Treaty, being of unlimited duration, is limiting the actions only of a few States, primarily Russia and the United States.

The Russian Federation and the United States call on all interested countries to discuss the possibility of imparting a global character to this important regime through the renunciation of ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres, leading to destruction of any such missiles and the cessation of associated programmes. Such a renunciation would serve to strengthen the international nuclear missile non-proliferation effort.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Released on August 3, 2007

Dec 8, 2007 marks the twentieth anniversary of the signing of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, which banned ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres. It is hard to overestimate the historic significance of this act: it marked an important, practical step in destroying these missiles and the infrastructure under strict verification procedures.

We would like to underscore the contribution of this Treaty to decreased international tensions, particularly in Europe. The Russian Federation and the United States take this occasion to reaffirm our joint support for the INF Treaty.

We are concerned with the proliferation of intermediate- and shorter-range missiles. An ever-greater number of countries are acquiring missile production technologies and adding such missiles to their arsenals. At the same time, the Treaty, being of unlimited duration, is limiting the actions only of a few States, primarily Russia and the United States.

The Russian Federation and the United States call on all interested countries to discuss the possibility of imparting a global character to this important regime through the renunciation of ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres, leading to destruction of any such missiles and the cessation of associated programmes. Such a renunciation would serve to strengthen the international nuclear missile non-proliferation effort.
Today the Treaty retains its long-standing importance. We believe that renunciation of ground-launched intermediate- and shorter-range missiles and their complete elimination in the world would increase the role of the Treaty as a model for strengthening international security.

The Russian Federation and the United States will work with all interested countries and continue to make every effort to prevent the proliferation of such missiles and strengthen peace in the world.
Joint Declaration for a Non-Nuclear Korean Peninsula
[Initiated 31 December 1991, signed 20 January 1992]

The circumstances affecting U.S. have changed in order to create conditions and an environment favourable to peace and the peaceful unification of our land and to contribute to the peace and security of Asia and the world at large by eliminating the danger of nuclear war through its denuclearization, the South and the North declare as follows:

1. The South and the North will not test, produce, receive, possess, store, deploy or use nuclear weapons.
2. The South and the North will use nuclear energy solely for peaceful purposes.
3. The South and the North will not possess facilities for nuclear reprocessing and uranium enrichment.
4. In order to verify the denuclearization of the Korean Peninsula, the South and the North will conduct inspection of objects chosen by the other side and agreed to by both parties. Such inspection will be implemented according to the procedures and methods prescribed by a South-North Joint Nuclear Control Committee.
5. In order to ensure the implementation of this Joint Declaration, the South and the North will organize a South-North Joint Nuclear Control Committee within one (1) month of the coming into force of this Declaration.
6. This Joint Declaration will enter into force the day appropriate arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

Agreement on the Formation and Operation of the North-South Joint Nuclear Control Committee
[On denuclearization of the Korean Peninsula, 18 March 1992]

Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea
[21 October 1994]

Delegations of the Governments of the United States of America (US) and the Democratic People’s Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreement between the US and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the US and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The US and the DPRK decided to take the following actions for the resolution of the nuclear issue.

1. Both sides will cooperate to replace the DPRK’s graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.
2. In accordance with the October 20, 1994 letter of assurance from the US President, the US will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.
3. The US will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The US representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.
4. The US, representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.
5. As necessary, the US and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.
6. In accordance with October 20, 1994 letter of assurance from the US President, the US, representing the consortium, will make arrangements to offset the energy foregone due to the
freeze of the DPRK’s graphite-moderated reactors and related facilities, pending completion of the first LWR Unit.

- Alternative energy will be provided in the form of heavy oil for heating and electricity production.
- Deliveries of heavy oil will begin within three months of the date of this Document, and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.
- Upon receipt of US assurances for the provision of LWRs and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

The freeze on the DPRK’s graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

Dismantlement of the DPRK’s graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

The US and the DPRK will cooperate in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the DPRK.

As soon as possible after the date of this Document, US and DPRK experts will hold two sets of experts talks.
- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.
- At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.
2) Each side will open a liaison office in the other’s capital following resolution of consular and other technical issues through expert level discussions.
3) As progress is made on issues of concern to each side, the US and the DPRK will upgrade bilateral relations to the ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

1) The US will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the US.
2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.
3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

1) The DPRK will remain a part to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.
2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK’s initial report on all nuclear material in the DPRK.

Report by The Director General on the Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea

[Resolution adopted by the IAEA Board of Governors, 6 January 2003, GOV/2003/3]

The Board of Governors,

(a) recalling its resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742 and General Conference resolutions GC(XXXVII)RES/25, GC(XXXVII)RES/34, GC(XXXVIII)RES/16, GC(39)RES/3, GC(40)RES/4, GC(41)RES/22, GC(42)RES/2, GC(43)RES/3, GC(44)RES/26, GC(45)RES/16 and GC(46)RES/14,

(b) recalling also its resolution GOV/2002/60 of 29 November 2002, and noting that there has been no positive response by the DPRK to that resolution or to the efforts of the Director General pursuant to it,
(c) noting that the Democratic People’s Republic of Korea (DPRK) is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the NPT remains binding and in force, and that both the IAEA and DPRK have an obligation to cooperate to facilitate the implementation of the safeguards provided for in that agreement;
(d) noting with grave concern the report of the Director General on the Implementation of Safeguards in the DPRK (GOV/2002/62), particularly the statement that the Agency is at present unable to verify that there has been no diversion of nuclear material in the DPRK, and
(e) having considered the report of the Director General at its meeting of 6 January 2003,

1. Takes note of the Director General’s report and expresses support for the efforts of the Director General and the Secretariat to implement safeguards in the DPRK in accordance with the safeguards agreement;
2. Reiterates its previous calls to the DPRK to comply promptly and fully with its safeguards agreement, which remains binding in force;
3. Stresses its desire for a peaceful resolution of this issue, including its support for efforts to promote through diplomatic means the denuclearization of the Korean Peninsula;
4. Deplores in the strongest terms the DPRK’s unilateral acts to remove and impede the functioning of containment and surveillance equipment at its nuclear facilities and the nuclear material contained therein, including the expulsion of IAEA inspectors, which renders the Agency unable to verify, pursuant to its safeguards agreement with the DPRK, that there has been no diversion of nuclear material in the DPRK;
5. Considers that the DPRK’s actions are of great non-proliferation concern and make the Agency unable at present to verify that all nuclear material in the DPRK is declared and submitted to Agency safeguards;
6. Calls upon the DPRK to co-operate urgently and fully with the Agency:
   (i) by allowing the re-establishment of the required containment and surveillance measures at its nuclear facilities and the full implementation of all the required safeguards measures at all times including the return of IAEA inspectors;
   (ii) by complying with the Board’s resolution of 29 November 2002 (GOV/2002/60) and the Secretariat’s letters seeking clarification of its reported uranium enrichment programme, as well as by giving up any nuclear weapons programme expeditiously and in a verifiable manner;
   (iii) by enabling the Agency to verify that all nuclear material in the DPRK is declared and is subject to safeguards; and
   (iv) by meeting immediately, as a first step, with IAEA officials;
7. Affirms that unless the DPRK takes all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK will be in further non-compliance with its safeguards agreement;
8. Requests the Director General to transmit the Board’s resolution to the DPRK, to continue to pursue urgently all efforts with the aim of DPRK coming into full compliance with its safeguards obligations, and to report again to the Board of Governors as a matter of urgency; and
9. Decides to remain seized of the matter.

Statement by the DPRK on Withdrawal from the NPT

[Pyongyang, 10 January 2003, as reported by North Korean news agency KCNA (unofficial translation)]

The government of the Democratic People's Republic of Korea issued a statement today as regards the grave situation where the national sovereignty and the supreme interests of the state are most seriously threatened by the US vicious hostile policy towards the DPRK.

The full text of the statement reads: A dangerous situation where our nation's sovereignty and our state's security are being seriously violated is prevailing on the Korean Peninsula due to the US vicious hostile policy towards the DPRK.

The United States instigated the International Atomic Energy Agency (IAEA) to adopt another “resolution” against the DPRK on 6 January in the wake of a similar “resolution” made on 29 November, 2002.

Under its manipulation, the IAEA in those “resolutions” termed the DPRK “a criminal” and demanded it scrap what the US called a “nuclear programme” at once by a verifiable way in disregard of the nature of the nuclear issue, a product of the US hostile policy towards the DPRK.

Following the adoption of the latest “resolution”, the IAEA director general issued an ultimatum that the agency would bring the matter to the UN Security Council to apply sanctions against the DPRK unless it implements the “resolution” in a few weeks.

This clearly proves that the IAEA still remains a servant and a spokesman for the US and the NPT is being used as a tool for implementing the US hostile policy towards the DPRK aimed to disarm it and destroy its system by force.

A particular mention should be made of the fact that the IAEA in the recent “resolution” kept mum about the US which has grossly violated the NPT and the DPRK-US agreed framework, but urged the DPRK, the victim, to unconditionally accept the US demand for disarmament and forfeit its right to self-defence, and the agency was praised by the US for “saying all what the US wanted to do.” This glaringly reveals the falsehood and hypocrisy of the signboard of impartially the IAEA put up.

The DPRK government vehemently rejects and denounces this “resolution” of the IAEA, considering it as a grave encroachment upon our country's sovereignty and the dignity of the nation.

It is none other than the US which wreaks peace and security on the Korean Peninsula and drives the situation there to an extremely dangerous and dangerous phase.

Following the appearance of the Bush administration, the United States listed the DPRK as part of an “axis of evil”, adopting it as a national policy to oppose its system, and singled it out as a target of pre-emptive nuclear attack, openly declaring a nuclear war.

Systematically violating the DPRK-US Agreed Framework, the US brought up another “nuclear suspicion” and stopped the supply of heavy oil, reducing the AF to a dead document. It also answered the DPRK’s sincere proposal for the conclusion of the DPRK-US non-aggression treaty and its patient efforts for negotiations with such threats as “blockade” and “military punishment” and with such an arrogant attitude as blustering that it may talk but negotiations are impossible.

The US went so far to instigate the IAEA to internationalize its moves to stifle the DPRK, putting its declaration of a war into practice. This has eliminated the last possibility of solving the nuclear issue of the Korean Peninsula in a peaceful and fair way.

It was due to such nuclear war moves of the US against the DPRK and the partiality of the IAEA that the DPRK was compelled to declare its withdrawal from the NPT in March 1993 when a touch-and-go situation was created on the Korean Peninsula.

The DPRK government declares an automatic and immediate effectuation of its withdrawal from the NPT, on which “it unilaterally announced a moratorium as long as it deemed necessary” according to the 11 June, 1993, DPRK-US joint statement, now that the US has unilaterally abandoned its commitments to stop nuclear threat and renounce hostility towards the DPRK in line with the same statement.

Secondly, it declares that the DPRK withdrawing from the NPT is totally free from the binding force of the safeguards accord with the IAEA under its Article 3.

The withdrawal from the NPT is a legitimate self-defensive measure taken against the US moves to stifle the DPRK and the unreasonable behaviour of the IAEA following the US though we pull out of the NPT, we have no intention to produce nuclear weapons and our nuclear activities at this stage will be confined only to peaceful purposes such as the production of electricity.

If the US drops its hostile policy to stifle the DPRK and stops its nuclear threat to the DPRK, the DPRK may prove through a separate verification between the DPRK and the US that it does not make any nuclear weapon.

The United States and the IAEA will never evade their responsibilities for compelling the DPRK to withdraw from the NPT, by ignoring the DPRK’s last efforts to seek a peaceful settlement of the nuclear issue through negotiations.

Report By The Director General on the Implementation of the Resolution Adopted by the Board on 6 January 2003 and of the Agreement Between the IAEA and the Democratic People’s Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

[GOV/2003/4, 22 January 2003]

1. In his report to the Board of Governors on the “Implementation of Safeguards in the Democratic People’s Republic of Korea” (GOV/2002/62), the Director General provided information on the action by the Democratic People’s Republic of Korea (DPRK), which involved expelling Agency inspectors and disabling containment and surveillance measures in facilities subject to the Agreement between the DPRK and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).{1} Following its consideration of that report at its meeting of 6 January 2003, the Board adopted the resolution set out in document GOV/2003/3, which, inter alia, reiterated the Board’s previous calls to the DPRK to comply promptly and fully with its NPT Safeguards Agreement, which remained binding and in force, and called upon the DPRK to co-operate urgently and fully by taking a number of steps, as detailed in operative paragraph 6 of the resolution. The Board affirmed that, unless the DPRK took all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK would be in further non-compliance with its NPT Safeguards Agreement. The Board requested the Director General to transmit the resolution to the DPRK, to continue to pursue urgently all efforts to bring the DPRK into full compliance with its safeguards obligations, and to report again to the Board as a matter of urgency.

2. As requested by the Board of Governors, the Director General transmitted the resolution to the DPRK on 6 January 2003, underscoring the readiness of the Secretariat to undertake a dialogue with the DPRK Government.


Status of the DPRK’s NPT Safeguards Agreement

4. On 12 December 1985, the DPRK acceded to the NPT.
its NPT Safeguards Agreement entered into force on 10 April 1992. As provided for in Article 23 of that Safeguards Agreement, the application of safeguards under the earlier Agreement of 20 July 1977 between the DPRK and the IAEA for the Application of Safeguards in Respect of a Research Reactor Facility 4 was suspended while the NPT Safeguards Agreement is in force. As provided for in Article 26 of document INFCIRC/403, the NPT Safeguards Agreement is to remain in force as long as the DPRK remains a party to the NPT.

5. Article X(1) of the NPT provides that "Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests".

6. In its letter of 10 January 2003, the DPRK asserted that its withdrawal from the NPT would take effect one day later, indicating the DPRK’s view that, having “suspended” its 12 March 1993 notification of withdrawal one day short of the three month period provided for in Article X(1) of the NPT, it needed only one day following its “lifting of that moratorium” for the withdrawal to become effective.

7. The interpretation of the NPT belongs to its States Parties. The Agency is not a party to that treaty. Notwithstanding, as the NPT Safeguards Agreement remains in force while the DPRK is a party to the NPT, the status of the DPRK’s adherence to the NPT is relevant to the Agency. In that context, reference is made to the fact that the NPT contains no provision for the 'suspension' of a notice of withdrawal from the NPT, and that Article 68 of the Vienna Convention on the Law of Treaties provides only for the revocation of an instrument or notification of withdrawal from a treaty. Thus, it may be concluded that the 11 June 1993 “moratorium on the effectuation of its withdrawal from the NPT” by the DPRK should be treated as a revocation of its notice of withdrawal, and that, to effect its withdrawal from the NPT, the DPRK would have to issue a new notice of withdrawal in compliance with the terms of Article X(1) of the NPT, giving three months' advance notice – one day to all other parties to the NPT and to the United Nations Security Council, and include a statement of the current extraordinary events it regards as having jeopardized its supreme interests. Under this item-specific safeguards agreement, reproduced in INFCIRC/252, safeguards had been applied to two nuclear research facilities in Nyongbyon, the IRT research reactor and a critical assembly.

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General [GC(47)/19, 13 August 2003]

1. In resolution GC(46)/RES/14 of 20 September 2002, the General Conference decided to include in the agenda for its forty-seventh regular session an item entitled: “Implementation of the NPT safeguards agreement between the Agency and the Democratic People’s Republic of Korea.” This report provides information to the General Conference for its consideration under this agenda item.

A. Background

2. Since 1993, the Agency has been unable to fully implement the comprehensive safeguards agreement with the Democratic People’s Republic of Korea (DPRK) pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), reproduced in document INFCIRC/403. The Agency has never been allowed by the DPRK – a party to the NPT since 1985 – to verify the correctness and completeness of the DPRK’s initial declaration of nuclear material subject to safeguards under that agreement. From November 1994 to December 2002, however, the Agency monitored the ‘freeze’ of the DPRK’s graphite moderated reactor and related facilities as requested by the United Nations Security Council and foreseen in the 1994 US–DPRK ‘Agreed Framework’.

3. In his report to last year’s General Conference (GC(46)/16), the Director General noted that no tangible progress had been made on important issues that had been outstanding since the Agency began to verify the ‘freeze’ in November 1994. Having taken note of the Director General’s report, the General Conference adopted resolution GC(46)/RES/14 in which it noted with growing concern that the Agency continued to be unable to verify the correctness and completeness of the initial declaration made by the DPRK and was therefore unable to conclude that there had been no diversion of nuclear material. It also urged the DPRK to come into full compliance with its NPT safeguards agreement, including taking all steps that the Agency deemed necessary to preserve all relevant information.

B. Developments since the forty-sixth regular session of the General Conference

4. Following reports of an unsafeguarded uranium enrichment programme in the DPRK, the Secretariat sent letters on 17 and 18 October 2002 to the Government of the DPRK seeking urgent confirmation of the accuracy of these reports. The Secretariat also expressed its readiness to dispatch a senior level team to the DPRK, or to receive a DPRK team in Vienna, to discuss the matter and the general question of the implementation of the NPT safeguards agreement between the DPRK and the
Agency.

5. On 28 November 2002 the Director General reported to the Board of Governors his deep concern regarding the possible existence of such an undetected nuclear programme in the DPRK. He noted that under the DPRK’s NPT safeguards agreement, if such an enrichment programme existed, it would have to be subject to safeguards to ensure its peaceful nature. He also expressed the hope that the DPRK would respond to the Agency’s requests without further delay and urged that the DPRK enter soon into senior level discussions with the Agency on requirements and modalities for compliance with its NPT safeguards agreement. No response was received from the DPRK.

6. On 29 November 2002, the Board of Governors adopted resolution GOV/2002/26 in which it “reiterated its previous calls to the DPRK to comply fully and promptly with its safeguards agreement and to cooperate fully with the Agency to that end”; and “demanded that the DPRK urgently and constructively respond to letters from the IAEA Secretariat requesting clarification of the reported uranium programme”. As requested by the Board, the Director General transmitted the resolution to the DPRK and renewed the Secretariat’s readiness to hold senior level talks with the DPRK (GOV/INF/2002/16). The reply received from the DPRK on 4 December 2002 (GOV/INF/2002/16) did not respond directly to the request in the resolution that the DPRK clarify reports that an undeclared enrichment programme existed; nor did it respond to the Secretariat’s repeated invitations for senior level talks.

7. The Agency was notified by the DPRK on 12 December 2002 of its decision “to take measures to lift the freeze on our [DPRK’s] nuclear facilities and to resume the operation of the facilities necessary for power generation”. The DPRK demanded that the Agency immediately remove all seals and cameras from all facilities in the DPRK. Furthermore, the letter informed the Director General that “if the IAEA fails to expeditiously take measures to meet our [DPRK’s] request, we [DPRK] would like to take necessary measures unilaterally” (GOV/INF/2002/17). The Director General replied on 12 December 2002, urging the DPRK “not to take any steps unilaterally to remove or impede the functioning of … seals or cameras” and noted that such actions “would not be in compliance with the requirement of the safeguards agreement” (GOV/INF/2002/17). In a reply received by the Agency on 14 December 2002, the DPRK stated that the DPRK itself would take the “necessary steps to unfreeze the nuclear facilities” and confirmed the DPRK’s intention to remove the seals and cameras (GOV/INF/2002/18). In his response of 14 December 2002, the Director General [took] note that the DPRK authorities have decided to restart activities at the nuclear facilities previously subject to the ‘freeze’ and stated that the Agency was “preparing for a change from a situation in which the IAEA inspectors monitor the ‘freeze’ pursuant to the Agreed Framework to a different situation in which we, only apply safeguards in accordance with the safeguards agreement between the DPRK and the IAEA pursuant to the NPT”, noting that the Agency would “need time to complete [its] technical preparations … to determine which cameras or seals can be removed [and] which have to stay”. He repeated the offer made in previous correspondence, for senior experts to meet in the DPRK or in Vienna, to discuss and agree on the required practical arrangements.

8. On 21 December 2002, the Director General was informed by Agency inspectors in Nyongbyon that the DPRK had unilaterally cut most of the seals, impeded the functioning of surveillance equipment installed at the 5 MWe reactor and removed containment and surveillance equipment required for safeguarding the 20 damaged irradiated fuel rods containing nuclear material located in the dry storage at the 5 MWe reactor. He immediately sent a letter to the DPRK reiterating the DPRK’s request for implementation of safeguards necessary for the implementation of safeguards. The DPRK had been outlined in the Secretariat’s letter of 26 December 2002.

9. The DPRK sent a letter on 27 December 2002 to the Director General reiterating the DPRK Government’s decision to “immediately resume the operation and construction of the nuclear facilities needed for generating electricity” and stating that “with the release of the freeze” on the DPRK’s nuclear facilities, the mission of the Agency inspectors in Nyongbyon had “automatically come to its end”. It announced its decision “to let the inspectors leave the DPRK since there is no justification for them to remain,” and asked the Director General “to take necessary steps immediately” (GOV/INF/2002/20). In a letter to the same date (GOV/INF/2002/20), the Director General responded that he expected the DPRK to allow the inspectors to remain in Nyongbyon to undertake the necessary safeguards measures that had been outlined in the Secretariat’s letter of 26 December 2002. On 28 December 2002, the DPRK confirmed to the Agency inspectors in the field receipt of the Director General’s letter dated 27 December and said “there would be no response to it”. The DPRK also requested that the Agency inspectors leave the DPRK immediately. In his 30 December 2002 report to the Board of Governors (GOV/2002/62), the Director General provided information on their inability to respond to letters from the IAEA Secretariat requesting clarification of the nuclear material scrap and on equipment at the fuel fabrication plant. Seals placed on large quantities of nuclear material located in the dry storage at the 5 MWe reactor.

10. On 31 December 2002, the DPRK reiterated to the Director General its views on the safeguards agreement (GOV/INF/2003/2). Following consideration of the Director General’s report on 6 January 2003, the Board of Governors adopted the resolution set out in document GOV/2003/3, which reiterated the Board’s previous calls to the DPRK to comply promptly and fully with its NPT safeguards agreement, which remained binding and in force, and called upon the DPRK to cooperate urgently and fully by taking a number of steps, as detailed in operative paragraph 6 of the resolution. The Board affirmed that, unless the DPRK took all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK would be in further non-compliance with its NPT safeguards agreement. Following a Board of Governors, the Director General transmitted the resolution to the DPRK on 6 January 2003, underlining the readiness of the Secretariat to undertake a dialogue with the DPRK Government (GOV/INF/2003/3).

11. The Government of the DPRK, in its response to the Director General dated 10 January 2003 (GOV/INF/2003/3), noted that “pursuant to the DPRK–US Joint Statement, the DPRK Government had unilaterally decided on 12 March 1993 to put a moratorium on the effectuation of its withdrawal from the NPT”, and announced its decision, taken on 10 January 2003, to “lift” that “moratorium”, and to withdraw from the NPT with effect from 11 January 2003. In view of this withdrawal, in accordance with the DPRK’s notification of 15 March 1993 notification of withdrawal, under Article X of the NPT, it needed only one day following its “lifting of that moratorium” for the withdrawal to become effective.

12. Based on a report by the Director General (GOV/2003/4), the Board, in a resolution of 12 February 2003 (GOV/2003/14), confirmed that the Agency’s NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, and called upon the DPRK to remove its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK’s non-compliance and the Agency’s inability to verify non-diminution of nuclear material subject to safeguards to all Members of the Board of Governors and to the UN Security Council and General Assembly. In parallel, the Board, in a resolution of 12 February 2003 (GOV/2003/4), confirmed that the Agency’s NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, and called upon the DPRK to remove its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK’s non-compliance and the Agency’s inability to verify non-diminution of nuclear material subject to safeguards to all Members of the Board of Governors and to the UN Security Council and General Assembly.

13. The Board also discussed the issue in its March and June 2003 meetings. It noted with regret the lack of co-operation by the DPRK and the fact that the DPRK had yet to take any necessary steps, as identified in the NPT, to withdraw from the NPT. On 26 March 2003, the Board expressed its full support to the Director General in his efforts to bring the DPRK into compliance with its safeguards
agreement.

C. Conclusions

14. The Agency remains unable to verify that the DPRK is in compliance with its safeguards agreement pursuant to the NPT. The status of the DPRK under the NPT, however, is in need of clarification. As a result of the unilateral actions of the DPRK to interfere with or remove the Agency's containment and surveillance equipment at its nuclear facilities and to expel Agency inspectors, the Secretariat has remained, since the end of 2002, unable to verify that nuclear material previously placed under safeguards in the DPRK has not been diverted.

Implementation of the Safeguards Agreement Between the Agency and the Democratic People's Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General

[Reproduced from GC(48)/17, 16 August 2004]

1. In resolution GC(47)/RES/12 of 19 September 2003, the General Conference decided to include in the agenda for its forty-eighth regular session an item entitled: “Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea. “This report provides information to the General Conference for its consideration under this agenda item.

A. Background

2. Since 1993, the Agency has been unable to fully implement the comprehensive safeguards agreement concluded with the Democratic People's Republic of Korea (DPRK) in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The Safeguards Agreement, which entered into force on 10 April 1992, is reproduced in document INF/CIRC/403. The Agency has never been allowed by the DPRK – a party to the NPT since 1985 – to verify the correctness and completeness of the DPRK's initial declaration of nuclear material subject to safeguards under that agreement. From November 1994 to December 2002, however, the Agency monitored the 'freeze' of the DPRK's graphite moderated reactor and related facilities as requested by the United Nations Security Council and foreseen in the 1994 US-DPRK 'Agreed Framework'. As reported by the Director General to last year's General Conference (GC(47)/19), on 31 December 2002 Agency inspectors had to leave the DPRK in response to the request of the DPRK following its termination of the ‘freeze’ on its nuclear facilities.

3. The Board, in a resolution of 12 February 2003 (GOV/2003/14), confirmed that the Agency's NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, called upon the DPRK to remedy its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK's non-compliance and the Agency's inability to verify non-diversion of nuclear material subject to safeguards to all Members of the Agency and to the Security Council and General Assembly of the United Nations. In parallel, the Board stressed its continuing desire for a peaceful solution of this issue. On the same day, the Director General transmitted the Board's resolution to the Minister of Foreign Affairs of the DPRK and sent letters to the Presidents of the United Nations Security Council and the General Assembly to inform both organs of the Board's resolution.

4. As the Director General informed the Board in his introductory statement on 17 March 2003, his letter to the DPRK has elicited no formal response, and no positive developments have been reported as a result of the various diplomatic initiatives that have taken place. The Director General noted also that reports had indicated that the DPRK had restarted its 5 MW reactor at Yongbyong. The operation of this facility without the appropriate safeguards would be in violation of the DPRK's safeguards agreement. In his concluding remarks to the Board on 18 July 2003, the Director General noted reports on the DPRK's reprocessing of the fuel rods that were under safeguards and stated that "the situation in the DPRK is currently the most immediate and most serious threat to the nuclear non-proliferation regime".

5. In his report to last year's General Conference (GC(47)/19), the Director General noted that "the Agency remains unable to verify that the DPRK is in compliance with its safeguards agreement pursuant to the NPT. The status of the DPRK under the NPT, however, is in need of clarification. As a result of the unilateral actions of the DPRK to interfere with or remove the Agency's containment and surveillance equipment at its nuclear facilities and to expel Agency inspectors, the Secretariat has remained, since the end of 2002, unable to verify that nuclear material previously placed under safeguards in the DPRK has not been diverted."

6. Having considered the Director General's report, the General Conference adopted resolution GC(47)/RES/12 on 19 September 2003 in which it deplored the steps taken by the DPRK which led to the Board's decision of 12 February 2003 to find the DPRK in non-compliance with its NPT safeguards agreement and further deplored the DPRK's continued unwillingness to enter into the substantive dialogue which was offered by the IAEA or to permit the application of comprehensive safeguards. It called upon the DPRK to promptly accept comprehensive IAEA safeguards and cooperate with the Agency in their full and effective verification and urged the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner, maintaining the essential verification role of the IAEA.

B. Developments since the forty-seventh regular session of the General Conference

7. In his statement to the Board on 8 March 2004, the Director General noted that the nuclear activities of the DPRK and its notice of withdrawal from the NPT had set a dangerous precedent and thus remained a threat to the credibility of the nuclear non-proliferation regime. In his introductory statement to the Board of Governors on 14 June 2004, he noted that, since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, “the Agency has been unable to draw any conclusions regarding the DPRK’s nuclear activities,” and that, unfortunately, he had no new developments to report. To date, no inspection activities are being carried out in the DPRK.

8. The Secretariat remains ready to work with all parties towards a comprehensive solution that strikes a balance between the security needs of the DPRK and the need of the international community to gain assurance, through international verification, that all nuclear activities in the DPRK are exclusively for peaceful purposes. The Director General has noted that the six-party talks involving the People’s Republic of China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States of America are a welcome development. The Agency is not party to these talks, however, and therefore the Director General is not in a position to report on them.

9. The Director General continues to urge that any future settlement of the DPRK nuclear issue ensure the return of the DPRK to the nuclear non-proliferation regime, and provide the Agency with the authority necessary for it to provide credible and comprehensive assurances regarding the peaceful nature of the DPRK’s nuclear programme.

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea

[Reproduced from GC(48)/RES/15, Resolution adopted 24 September 2004]

The General Conference

(a) Recalling the Board of Governors' resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711, GOV/2742, GOV/2002/60, and GOV/2003/3, as well as General Conference resolutions GC(XXXVII)/RES/624, GC(XXXVIII)/RES/16, GC(39)/RES/3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(43)/RES/3, GC(44)/RES/26, GC(45)/RES/16, GC(46)/RES/14, and GC(47)/RES/12.

(b) Noting in particular the resolution of the Board of Governors in document GOV/2003/14 of 12 February 2003, in which the Board
declared that the Democratic People’s Republic of Korea (DPRK) was in further non-compliance with its safeguards agreement, and decided to report the DPRK’s non-compliance to the United Nations Security Council,

(c) Noting statements by a wide range of high-level multilateral bodies regarding the DPRK’s nuclear programmes, which make clear that this is an issue of concern to the international community,

(d) Noting with concern repeated official DPRK statements declaring its intention to build up a nuclear deterrent force, and its announcement in October 2003 that it had completed the reprocessing of over 8000 spent fuel rods, while noting also its statements in support of a nuclear-weapon-free Peninsula;

(e) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security, but noting that any nuclear weapons programme by the DPRK would undermine this objective, and

(f) Having considered the Director General’s report contained in document GC(48)/17, which describes the DPRK’s unilateral actions which render the Agency unable to verify that nuclear material has not been diverted,

1. Strongly endorses the actions taken by the Board of Governors and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

2. Deplores the steps taken by the DPRK which led to the Board decision of 12 February 2003 to find the DPRK in further non-compliance with its NPT safeguards agreement;

3. Further deplores the DPRK’s continued unwillingness to enter into the substantive dialogue which it was offered by the IAEA and to permit the application of comprehensive safeguards;

4. URGES the DPRK to reconsider those actions and announcements which run contrary to voluntarily undertaken international non-proliferation obligations;

5. CALLS UPON the DPRK to promptly accept comprehensive IAEA safeguards and co-operate with the Agency in their full and effective implementation;

6. URGES the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner, maintaining the essential verification role of the IAEA;

7. STRESSES its desire for a peaceful resolution through dialogue to the DPRK nuclear issue, leading to a nuclear-weapon-free Korean Peninsula, with a view to maintaining peace and security in the region;

8. STRONGLY ENCOURAGES diplomatic efforts to facilitate a peaceful resolution of the DPRK nuclear issue, and particularly welcomes the six-party talks which have taken place in Beijing since August 2003, and the consensus emerging from that process, as a clear step in the right direction, emphasizes the importance of maintaining its momentum, and looks forward to the Fourth Round of six-party talks, as the parties agreed to in June;

9. SUPPORTS the international community’s peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK nuclear issue; and

10. DECIDES to remain seized of the matter and to include the item in the agenda for its forty-ninth regular session.

Statement by the DPRK Ministry of Foreign Affairs on Suspension of the Six-Party Talks
[Pyongyang, 10 February 2005, as reported by North Korean news agency KCNA (unofficial translation)]

The second-term Bush administration’s intention to antagonize the DPRK and isolate and stifle it at any cost has become quite clear.

As we have clarified more than once, we justly urged the US to renounce its hostile policy toward the DPRK whose aim was to seek the latter’s “regime change” and switch its policy to that of peaceful co-existence between the two countries. We have closely followed with patience what policy the second-term Bush regime would shape after clarifying the stand that in that case it would be possible to solve the nuclear issue, too.

However, the administration turned down our just request and adopted it as its policy not to co-exist with the DPRK through the president’s inaugural address and the state of the union address and the speech made by the secretary of State at the Congress hearing to get its approval, etc.

The remarks made by senior officials of the administration clarifying the official political stance of the US contained no word showing any willingness to co-exist with the DPRK or make a switchover in its policy toward it.

On the contrary, they have declared it as their final goal to terminate the tyranny, defined the DPRK, too, as an “outpost of tyranny” and blurred that they would not rule out the use of force when necessary.

And they pledged to build a world based on the US view on value through the “spread of American style liberty and democracy.”

The true intention of the second-term Bush administration is not only to further its policy to isolate and stifle the DPRK pursued by the first-term office but to escalate it. As seen above, the US has declared a new ideological stand-off aimed at a “regime change” in the DPRK, while talking much about “peaceful and diplomatic solution” to the nuclear issue and the “resumption of the six-party talks” in a bid to mislead the world public opinion.

This is nothing but a far-fetched logic of gangsters as it is a good example fully revealing the wicked nature and brazen-faced double-dealing tactics of the U.S. as a master hand at plot-breeding and deception.

The DPRK has clarified its stand that it would not pursue anti-Americanism and treat the US as a friendly nation if it neither slanders the political system in the DPRK nor interferes in its internal affairs. It has since made every possible effort to settle the nuclear issue and improve the bilateral relations.

However, the US interpreted this as a sign of weakness, defiled the dignified political system in the DPRK chosen by its people and wantonly interfered in its internal affairs. The US, turning down the DPRK’s request to roll back its anti-DPRK hostile policy, a major stumbling block in the way of settling the nuclear issue, treated it as an enemy and, not content with this, totally rejected it, terming it “tyranny.” This deprived the DPRK of any justification to negotiate with the U.S. and participate in the six-party talks.

Is it not self-contradictory and unreasonable for the US to urge the DPRK to come out to the talks while negating its dialogue partner? This is the height of impudence.

The US now foolishly claims to stand by the people in the DPRK while negating the government chosen by the people themselves. We advise the US to negotiate with dealers in peasant markets it claims they are to its liking or with representatives of “the organization of North Korean defectors” on its payroll if it wishes to hold talks.

Japan is now persistently pursuing its hostile policy toward the DPRK, toeing the US line.

Moreover, it fabricated the issue of false remains over the “abduction issue” that had already been settled in a bid to nullify the DPRK-Japan Pyongyang Declaration and stop any process to normalize diplomatic relations with the DPRK. How can we sit at the negotiating table with such a party?

It is by no means fortuitous that the world people raise their voices cursing and censuring the Bush administration as a group pursuing tyranny prompted by its extreme misanthropy, swimming against such trend of the world.

We have shown utmost magnanimity and patience for the past four years since the first Bush administration swore in. We can not spend another four years as we did in the past four years and there is no need for us to repeat what we did in those years.
The DPRK Foreign Ministry clarifies as following to cope with the grave situation created by the US hostile policy toward the DPRK:

First. We have wanted the six-party talks but we are compelled to suspend our participation in the talks for an indefinite period till we have recognized that there is justification for us to attend the talks and there are ample conditions and atmosphere to expect positive results from the talks.

The present deadlock of the six-party talks is attributable to the US hostile policy toward the DPRK. There is no justification for us to participate in the six-party talks again given that the Bush administration termed the DPRK, a dialogue partner, an “outpost of tyranny”, putting into the shade the hostile policy, and totally negated it.

Second. The US disclosed its attempt to topple the political system in the DPRK at any cost, threatening it with a nuclear stick. This compels us to take a measure to bolster its nuclear weapons arsenal in order to protect the ideology, system, freedom and democracy chosen by its people.

It is the spirit of the Korean people true to the Songun politics to respond to good faith and the use of force in kind.

We had already taken the resolute action of pulling out of the NPT and have manufactured nukes for self-defence to cope with the Bush administration’s evermore undisguised policy to isolate and stifle the DPRK.

Its nuclear weapons will remain nuclear deterrent for self-defence under any circumstances.

The present reality proves that only powerful strength can protect justice and truth.

The US evermore reckless moves and attempt to attack the DPRK only reinforce its pride of having already consolidated the single-minded unity of the army and people and increased the capability for self-defence under the uplifted banner of Songun. The DPRK’s principled stand to solve the issue through dialogue and negotiations and its ultimate goal to denuclearize the Korean Peninsula remain unchanged.

IAEA Board of Governors; Chairman’s Conclusion on Item 5 (b): Nuclear Verification; Report by the Director General on the Implementation of Safeguards in the IAEA

[Vienna, 3 March 2005 (extract)]

The Board noted that the DPRK had yet to take any of the necessary steps called for in Board resolutions GOV/2003/3, adopted on 6 January 2003 and GOV/2003/14, adopted on 12 February 2003. The Board noted with concern that the DPRK has not permitted any Agency verification activities since December 2002, and thus the Agency was still not in a position to provide any assurances about nuclear material and activities in the DPRK.

The Board emphasized the importance of continued dialogue to achieve a peaceful and comprehensive resolution of the DPRK nuclear issue, and attached great importance to the crucial role played by the six party talks in this regard. The Board expressed the hope that such a resolution would ensure the return of the DPRK to the nuclear non-proliferation regime, and provide the Agency with the authority necessary for it to provide credible assurances regarding the nature of the nuclear programme of the DPRK.

The Board expressed its serious concern over the DPRK statement dated 10 February 2005, which announced that it would suspend its participation in the six party talks for an indefinite period, and that it had manufactured nuclear weapons. The Board recognized that the DPRK nuclear issue was a serious challenge to the international nuclear non-proliferation regime as well as to peace and stability in Northeast Asia. At the same time, the Board noted that the above mentioned statement by the DPRK to solve the issue through dialogue and negotiations and its stated goal of denuclearizing the Korean Peninsula remain unchanged.

The Board further noted the comment of 22 February 2005 by the DPRK indicating its possible return to the six party talks again given that the Bush administration termed the DPRK, a dialogue partner, an “outpost of tyranny”, putting into the shade the hostile policy, and totally negated it.

The present deadlock of the six-party talks is attributable to the US hostile policy toward the DPRK. There is no justification for us to participate in the six-party talks again given that the Bush administration termed the DPRK, a dialogue partner, an “outpost of tyranny”, putting into the shade the hostile policy, and totally negated it.

The Board noted that the General Conference, in its resolution GC(48)/RES/15 adopted on 24 September 2004, urged the DPRK to completely dismantle any nuclear weapons programme under credible international verification. The Board also supported the international community’s peaceful efforts to address the serious challenge posed by the DPRK nuclear issue.

The Board requested the Director General to keep it informed of future developments.

Implementation of the Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General

[GC(49)/13, 4 August 2005]

[Editorial note: Footnotes not included]

1. In resolution GC(48)/RES/15 of 24 September 2004, the General Conference decided to include in the agenda for its forty-ninth regular session an item entitled: “Implementation of the NPT safeguards agreement between the Agency and the Democratic People’s Republic of Korea”. This report provides information to the General Conference for its consideration under this agenda item.

A. Background

2. Since 1993, the Agency has been unable to fully implement the comprehensive safeguards agreement concluded in 1992 with the Democratic People’s Republic of Korea (DPRK) in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (INF/CIRC/403). The Agency has never been allowed by the DPRK – a party to the NPT since 1985 – to verify the correctness and completeness of the DPRK’s initial declaration of nuclear material subject to safeguards under that agreement. Following agreement between the DPRK and the United States of America on an “Agreed Framework” in October 1994, and pursuant to the request of the United Nations Security Council, from November 1994 to December 2002, the Agency monitored the freeze of the DPRK’s graphite moderated reactors and related facilities. As reported by the Director General to the 47th regular session of the General Conference (GC(47)/19) in September 2003, on 31 December 2002 the Agency had to cease its inspection activities in the DPRK in response to the request of the DPRK contained in a letter dated 27 December 2002 to the Director General that stated inter alia that, “with the releasing of the freeze on our nuclear facilities, the mission of the IAEA inspectors in Nyongbyon to monitor the freeze of the nuclear facilities under the DPRK-USA Agreed Framework, has now automatically come to its end”. On 10 January 2003, the DPRK Government decided to lift the moratorium on the effectuation of its withdrawal from the NPT and stated that its decision to withdraw from the NPT would be effective from 11 January 2003.

3. The Board of Governors, in a resolution of 12 February 2003 (GOV/2003/14), confirmed that the Agency’s NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, called upon the DPRK to remedy its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK’s non-compliance and the Agency’s inability to verify non-diversion of nuclear material subject to safeguards to all Members of the Agency and to the Security Council and General Assembly of the United Nations. In parallel, the Board stressed its desire for a peaceful resolution of the DPRK nuclear issue and its support for diplomatic means to that end.

4. As the Director General informed the Board in his introductory statement on 17 March 2003, his letter to the DPRK had elicited no formal response. The Director General noted also that reports had indicated that the DPRK had restarted its 5 MW reactor at Nyongbyon. In his report to the General Conference in 2003, (GC(47)/19), the Director General noted that as “a result of the unilateral actions of the DPRK to interfere with or remove the...
Agency’s containment and surveillance equipment at its nuclear facilities and to expel Agency inspectors, the Secretariat has remained, since the end of 2002, unable to verify that nuclear material previously placed under safeguards in the DPRK has not been diverted.

5. In his report to the 48th regular session of the General Conference (GC(48)/17) in September 2004, the Director General noted that “the nuclear activities of the DPRK and its notice of withdrawal from the NPT had set a dangerous precedent and thus remained a threat to the credibility of the nuclear non-proliferation regime”, and that “since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, the Agency has been unable to draw any conclusions regarding the DPRK’s nuclear activities.” He added that, “unfortunately, he had no new developments to report” and that “to date, no inspection activities are being carried out in the DPRK”.

6. Having considered the Director General’s report, the General Conference adopted resolution GC(48)/RES/15 on 24 September 2004 in which it deplored the steps taken by the DPRK which led to the Board’s decision of 12 February 2003 to find the DPRK in further non-compliance with its NPT safeguards agreement and further deplored the DPRK’s continued unwillingness to enter into the substantive dialogue which it was offered by the IAEA and to permit the application of comprehensive safeguards. It called upon the DPRK to promptly accept comprehensive IAEA safeguards and cooperate with the Agency in their full and effective implementation and urged the DPRK to completely dismantle any nuclear weapon programme in a prompt, transparent, verifiable and irreversible manner, maintaining the essential verification role of the IAEA.

B. Developments since the forty-eighth regular session of the General Conference

7. In his statements to the Board on 28 February and 14 June 2005, the Director General noted that the nuclear activities of the DPRK, which continue to be outside international verification, remained a serious challenge to the nuclear non-proliferation regime. He noted that, since 31 December 2002, when at the request of the DPRK, the Agency’s verification activities were terminated, the Agency had been unable to draw any conclusions regarding the DPRK’s nuclear activities. Furthermore, he stated that the recent statement by the DPRK that it possesses nuclear weapons was a matter of the utmost concern and had serious security implications, and that the Agency stood ready to work with the DPRK – and with all others – towards a solution that addressed the needs of the international community to ensure that all nuclear activities in the DPRK are exclusively for peaceful purposes, as well as addressing the security needs of the DPRK. In this context, the Director General has welcomed the six-party talks involving the People’s Republic of China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States of America.

8. The Director General continues to urge that any future settlement of the DPRK nuclear issue ensure the return of the DPRK to the nuclear non-proliferation regime, and provide the Agency with the authority necessary for it to provide credible and comprehensive assurances regarding the nature of the DPRK’s nuclear programme.

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea

[GC(49)/RES/14, Resolution adopted 30 September 2005]

The General Conference,

(a) Recalling the Board of Governors’ resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711, GOV/2742, GOV/2002/60, and GOV/2003/3, as well as General Conference resolutions GC(XXVII)/RES/624, GC(XXXIII)/RES/16, GC(39)/RES3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(42)/RES/3, GC(44)/RES/26, GC(45)/RES/16, GC(46)/RES/14, GC(47)/RES/12, and GC(48)/RES/15;

(b) Noting in particular the resolution of the Board of Governors in document GOV/2003/14 of 12 February 2003, in which the Board declared that the Democratic People’s Republic of Korea (DPRK) was in further non-compliance with its safeguards agreement, and decided to report the DPRK’s non-compliance to the United Nations Security Council;

(c) Welcoming the positive result of the fourth round of the Six-Party Talks, in which the parties agreed to the goal and basic principles, laying a good foundation for future discussions to realise concrete steps;

(d) Noting statements by a wide range of high-level multilateral bodies regarding the DPRK’s nuclear programmes, which make clear that this is an issue of concern to the international community;

(e) Recalling with grave concern the steps taken by the DPRK which led to the Board decision of 12 February 2003 to find the DPRK in further non-compliance with its NPT safeguards agreement,

(f) Noting with serious concern the official DPRK statement dated 10 February 2005 in which it announced that it had manufactured nuclear weapons, as well as its announcement of 2 October 2005 that it had completed the reprocessing of over 8000 spent fuel rods and its statement of 11 May 2005 that it had unloaded further spent fuel rods from the Yongbyon plant, while noting also its statements in support of a nuclear-weapon-free Peninsula,

(g) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security, and that the DPRK’s abandonment of all nuclear weapons and existing nuclear programmes would serve that objective, and

(h) Having considered the Director General’s report contained in document GC(49)/13, which describes the DPRK’s unilateral actions which render the Agency unable to verify that nuclear material has not been diverted,

1. Strongly endorses the actions taken by the Board of Governors and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

2. Strongly welcomes the Joint Statement issued on 19 September 2005 at the conclusion of the fourth round of the Six-Party Talks in Beijing, which accomplished positive progress by taking a first step toward the goal of the verifiable denuclearisation of the Korean Peninsula in a peaceful manner, and looks forward to the results of the fifth round of these talks in early November;

3. Calls upon the DPRK to co-operate with the Agency in the full and effective implementation of comprehensive IAEA safeguards;

4. Stresses its desire for a peaceful resolution through dialogue to the DPRK nuclear issue, leading to a nuclear-weapon-free Korean Peninsula, with a view to maintaining peace and security in the region;

5. Supports the international community’s peaceful efforts in all available and appropriate forums to resolve the DPRK nuclear issue; and

6. Decides to remain seized of the matter and to include the item in the agenda for its fiftieth regular session.

UN Security Council Resolution 1695


The Security Council,


Bearing in mind the importance of maintaining peace and stability on the Korean peninsula and in north-east Asia at large,

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing grave concern at the launch of ballistic missiles by the Democratic People’s Republic of Korea (DPRK), given the potential of such systems to be used as a means to deliver nuclear, chemical or biological payloads,
Expressing further concern that the DPRK endangered civil aviation and shipping through its failure to provide adequate advance notice, Expressing its grave concern about DPRK’s indication of possible additional launches of ballistic missiles in the near future, Expressing also its desire for a peaceful and diplomatic solution to the situation and welcoming efforts by Council members as well as other Member States to facilitate a peaceful and comprehensive solution through dialogue, Recalling that the DPRK launched an object propelled by a missile without prior notification to the countries in the region, which fell into the waters in the vicinity of Japan on 31 August 1998, Deploiring the DPRK’s announcement of withdrawal from the Treaty on Non-Proliferation of Nuclear Weapons (the Treaty) and its stated pursuit of nuclear weapons in spite of its Treaty on Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguards obligations, Stressing the importance of the implementation of the Joint Statement issued on 19 September 2005 by China, DPRK, Japan, Republic of Korea, the Russian Federation and the United States, Affirming that such launches jeopardize peace, stability and security in the region and beyond, particularly in light of the DPRK’s claim that it has developed nuclear weapons, Acting under its special responsibility for the maintenance of international peace and security, 1. Condemns the multiple launches by the DPRK of ballistic missiles on 5 July 2006 local time; 2. Demands that the DPRK suspend all activities related to its ballistic missile programme, and in this context re-establish its pre-existing commitments to a moratorium on missile launching; 3. Requires all Member States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent missile and missile-related items, materials, goods and technology being transferred to DPRK’s missile or WMD programmes; 4. Requires all Member States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent the procurement of missiles or missile related-items, materials, goods and technology from the DPRK, and the transfer of any financial resources in relation to DPRK’s missile or WMD programmes; 5. Underlines, in particular to the DPRK, the need to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts; 6. Strongly urges the DPRK to return immediately to the Six-Party Talks without pre-condition, to work towards the expeditious implementation of 19 September 2005 Joint Statement, in particular to abandon all nuclear weapons and existing nuclear programmes, and to return at an early date to the Treaty on Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguards; 7. Supports the six-party talks, calls for their early resumption, and urges all the participants to intensify their efforts on the full implementation of the 19 September 2005 Joint Statement with a view to achieving the verifiable denuclearization of the Korean Peninsula in a peaceful manner and to maintaining peace and stability on the Korean Peninsula and in north-east Asia; 8. Decides to remain seized of the matter.

A. Background

1. Since 1993, the Agency has been unable to fully implement the comprehensive safeguards agreement concluded in 1992 with the Democratic People’s Republic of Korea (DPRK) in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (INF/CIRC/403). The Agency has never been allowed by the DPRK – a party to the NPT since 1985 – to verify the correctness and completeness of the DPRK’s initial declaration of nuclear material subject to safeguards under that agreement. Following agreement between the DPRK and the United States of America on an “Agreed Framework” in October 1994, and pursuant to the request of the United Nations Security Council, from November 1994 to December 2002, the Agency monitored the “freeze” of the DPRK’s graphite moderated reactors and related facilities. As reported by the Director General to the 47th regular session of the General Conference (GC/47/19) in September 2003, on 31 December 2002 the Agency had to cease its inspection activities in the DPRK in response to the request of the DPRK contained in GC(50)/15/1 a letter dated 27 December 2002 to the Director General that stated inter alia that, “with the releasing of the freeze on our nuclear facilities, the mission of the IAEA is to monitor the freeze of the nuclear facilities under the DPRK-USA Agreed Framework, has now automatically come to its end”. On 10 January 2003, the DPRK Government decided to lift the moratorium on the effectuation of its withdrawal from the NPT and stated that its decision to withdraw from the NPT would be effective from 11 January 2003.

3. The Board of Governors, in a resolution of 12 February 2003 (GOV/2003/14), confirmed that the Agency’s NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, called upon the DPRK to remedy its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK’s non-compliance and the Agency’s inability to verify non-diversion of nuclear material subject to safeguards to all Members of the Agency and to the Security Council and General Assembly of the United Nations. In parallel, the Board stressed its desire for a peaceful resolution of the DPRK nuclear issue and its support for diplomatic means to that end.

4. As the Director General informed the Board in his introductory statement on 17 March 2003, his letter to the DPRK had elicited no formal response. The Director General noted also that reports had indicated that the DPRK had restarted its 5 MW reactor at Nyongbyon. In his report to the General Conference in 2003 (GC(47)/19), the Director General noted that, as “a result of the unilateral actions of the DPRK to interfere with or remove the Agency’s containment and surveillance equipment at its nuclear facilities and to expel Agency inspectors, the Secretariat has remained, since the end of 2002, unable to verify that nuclear material previously placed under safeguards in the DPRK has not been diverted”.

5. In his report to the 49th regular session of the General Conference (GC(49)/13) in August 2005, the Director General recalled that, in his previous report, he had stated that “the nuclear activities of the DPRK and its notice of withdrawal from the NPT had set a dangerous precedent and thus remained a threat to the credibility of the nuclear non-proliferation regime”, and that “since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, the Agency has been
unable to draw any conclusions regarding the DPRK’s nuclear activities”.

6. Having considered the Director General’s report, the General Conference adopted resolution GC(49)/RES/14 on 30 September 2005 in which it noted with serious concern, inter alia, the official DPRK statement dated 10 February 2005 in which it had announced that it had manufactured nuclear weapons, and the DPRK’s statement of 11 May 2005 that it had unloaded further spent fuel rods from the Nyongbyon plant. The General Conference welcomed the Joint Statement issued on 19 September 2005 at the conclusion of the fourth round of the Six-Party Talks in Beijing, and called upon the DPRK to cooperate with the Agency in the full and effective implementation of comprehensive IAEA safeguards.

B. Developments since the forty-ninth regular session of the General Conference

7. In his statements to the Board in November 2005, March 2006 and June 2006, the Director General again noted that the Agency had not performed any verification activities in the DPRK since December 2002, when IAEA verification activities were terminated at the request of the DPRK, and that the Agency had been unable to draw any conclusions regarding the DPRK’s nuclear activities. He noted that the Six-Party Talks aimed to achieve a comprehensive settlement on the Korean Peninsula that could, inter alia, lead to the return of the DPRK to the non-proliferation regime, and expressed the hope that the Agency would be given the authority required to provide credible, comprehensive assurances regarding the nuclear programme in the DPRK. The Agency stands ready to work with the DPRK — and with all others — towards a solution that addresses the needs of the international community to ensure that all nuclear activities in the DPRK are exclusively for peaceful purposes, as well as the security and other needs of the DPRK.

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People’s Republic of Korea

[GC(50)/RES/15, Resolution adopted 22 September 2006]

The General Conference,

(a) Recalling the Board of Governors’ resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711, GOV/2742, GOV/2002/60, and GOV/2003/3, as well as General Conference resolutions GC(XXXVII)/RES/824, GC(XXXVIII)/RES/16, GC(39)/RES/3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(43)/RES/3, GC(44)/RES/26, GC(45)/RES/16, GC(46)/RES/14, GC(47)/RES/12, GC(48)/RES/15, and GC(49)/RES/14,

(b) Recalling with grave concern the steps taken by the Democratic People’s Republic of Korea (DPRK) which led the Board of Governors to find in document GOV/2003/14 of 12 February 2003 that the DPRK was in further non-compliance with its safeguards agreement and to report the DPRK’s non-compliance to the United Nations Security Council,

(c) Recognizing the importance of the Joint Statement concluded at the end of the fourth round of the Six-Party Talks in September 2005, in which the parties agreed to the goal and basic principles for future discussions,

(d) Expressing concern at the stalling of talks and the lack of progress towards the implementation of commitments undertaken as part of the Joint Statement,

(e) Noting United Nations Security Council Resolution 1695, unanimously adopted on 15 July 2006, following the multiple launches of ballistic missiles by the DPRK,

(f) Noting statements by a wide range of high-level multilateral bodies regarding the DPRK’s nuclear programmes, which make clear that this is an issue of concern to the international community,

(g) Noting with serious concern the official DPRK statement dated 10 February 2005 in which it announced that it had manufactured nuclear weapons, while noting also its statements in support of a nuclear-weapon-free Korean Peninsula;

(h) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security, and that the DPRK’s abandonment of all nuclear weapons and existing nuclear programmes would serve that objective, and

(i) Having considered the Director General’s report contained in document GC(50)/15, which describes the DPRK’s unilateral actions which render the Agency unable to verify that nuclear material has not been diverted,

1. Strongly endorses the actions taken by the Board of Governors and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

2. Strongly urges the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued 19 September 2005, and in particular to implement fully its commitment to abandon all nuclear weapons and existing nuclear programmes, as a step towards the goal of the verifiable denuclearization of the Korean Peninsula;

3. Supports the Six-Party Talks and calls for their early resumption, and stresses the importance of the commitments of all participants to the full implementation of the 19 September 2005 Joint Statement with a view to achieving the verifiable denuclearization of the Korean Peninsula in a peaceful manner and to maintaining peace and stability on the Korean Peninsula and in north-east Asia;

4. Calls upon the DPRK to cooperate promptly with the Agency in the full and effective implementation of IAEA safeguards and to resolve any outstanding issues that may have arisen due to the long absence of safeguards;

5. Calls upon the DPRK to comply fully with the Treaty on the Non-Proliferation of Nuclear Weapons;

6. Stresses the essential verification role of the IAEA;

7. Stresses its desire for a peaceful resolution through dialogue to the DPRK nuclear issue, leading to a nuclear-weapon-free Korean Peninsula, with a view to maintaining peace and security in the region;

8. Supports the international community’s peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK nuclear issue; and

9. Decides to remain seized of the matter and to include the item in the agenda for its fifty-first regular session.

Statement by the DPRK on Nuclear Test

[Pyongyang, 9 October 2006, as reported by North Korean news agency KCNA (unofficial translation)]

The following is the full text of the announcement carried on North Korea’s official Korean Central News Agency as reported on the Reuters news agency:

“The field of scientific research in the DPRK (North Korea) successfully conducted an underground nuclear test under secure conditions on October 9, Juche 95 (2006) at a stirring time when all the people of the country are making a great leap forward in the building of a great, prosperous, powerful socialist nation.

"It has been confirmed that there was no such danger as radioactive emission in the course of the nuclear test as it was carried out under a scientific consideration and careful calculation.

"The nuclear test was conducted with indigenous wisdom and technology 100%. It marks a historic event as it greatly encouraged the KPA (Korean People’s Army) and people that have wished to have powerful self-reliant defence capability.

"It will contribute to defending the peace and stability on the Korean peninsula and in the area around it.”
The Security Council,

Recalling its previous relevant resolutions, including resolution 625 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41), Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Expressing its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-Party talks without precondition,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security; and determining therefore that there is a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. Condemns the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;

2. Demands that the DPRK not conduct any further nuclear test or launch of a ballistic missile;

3. Demands that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

4. Demands further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and underlines the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;

5. Decides that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

6. Decides that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the IAEA;

7. Decides also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;

8. Decides that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flagged vessels or aircraft, and whether or not originating in their territories, of

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the S/RES/1718 (2006) Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by its nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK’s nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK’s nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. Decides that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or
exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;

10. Decides that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

11. Calls upon all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;

13. Welcomes and encourages further the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate tension and to facilitate the early resumption of the Six-Party Talks, with a view to the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. Calls upon the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;

15. Affirms that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;

16. Underlines that further decisions will be required, should additional measures be necessary;

17. Decides that further decisions will be required, should additional measures be necessary;

18. Text of the Joint Agreement on North Korea's Nuclear Disarmament (from the Third Session of the Fifth Round of the Six-Party Talks)

[Beijing, 13 February 2007]

The Third Session of the Fifth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 8 to 13 February 2007.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC; Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Chun Yung-woo, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexander Losyukov, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary for East Asian and Pacific Affairs of the Department of State of the United States attended the talks as heads of their respective delegations. Vice Foreign Minister Wu Dawei chaired the talks.

I. The Parties held serious and productive discussions on the actions each party will take in the initial phase for the implementation of the Joint Statement of 19 September 2005. The Parties reaffirmed their common goal and will to achieve early denuclearization of the Korean Peninsula in a peaceful manner and reiterated that they would earnestly fulfill their commitments in the Joint Statement. The Parties agreed to take coordinated steps to implement the Joint Statement in a phased manner in line with the principle of "action for action".

II. The Parties agreed to take the following actions in parallel in the initial phase:

1. The DPRK will shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK.

2. The DPRK will discuss with other parties a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods, that would be abandoned pursuant to the Joint Statement.

3. The DPRK and the US will start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The US will begin the process of removing the designation of the DPRK as a state-sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.

4. The DPRK and Japan will start bilateral talks aimed at taking steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of the unfortunate past and the outstanding issues of concern.

5. Recalling Section 1 and 3 of the Joint Statement of 19 September 2005, the Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK. In this regard, the Parties agreed to the provision of emergency energy assistance to the DPRK in the initial phase. The initial shipment of emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) will commence within next 60 days.
The Parties agreed that the above-mentioned initial actions will be implemented within next 60 days and that they will take coordinated steps toward this goal.

III. The Parties agreed on the establishment of the following Working Groups (WG) in order to carry out the initial actions and for the purpose of full implementation of the Joint Statement:

1. Denuclearization of the Korean Peninsula
2. Normalization of DPRK-US relations
3. Normalization of DPRK-Japan relations
4. Economy and Energy Cooperation
5. Northeast Asia Peace and Security Mechanism

The WGs will discuss and formulate specific plans for the implementation of the Joint Statement in their respective areas. The WGs shall report to the Six-Party Heads of Delegation Meeting on the progress of their work. In principle, progress in one WG shall not affect progress in other WGs. Plans made by the five WGs will be implemented as a whole in a coordinated manner.

The Parties agreed that all WGs will meet within next 30 days.

IV. During the period of the Initial Actions phase and the next phase – which includes provision by the DPRK of a complete declaration of all nuclear programs and disablement of all existing nuclear facilities, including graphite-moderated reactors and reprocessing plant – economic, energy and humanitarian assistance up to the equivalent of 1 million tons of heavy fuel oil (HFO), including the initial shipment equivalent to 50,000 tons of HFO, will be provided to the DPRK.

The detailed modalities of the said assistance will be determined through consultations and appropriate assessments in the Working Group on Economic and Energy Cooperation.

V. Once the initial actions are implemented, the Six Parties will promptly hold a ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia.

VI. The Parties reaffirmed that they will take positive steps to increase mutual trust, and will make joint efforts for lasting peace and stability in Northeast Asia. The directly related parties will implement the Joint Statement in their respective areas.

VII. The Parties agreed to hold the Sixth Round of the Six-Party Talks on 19 March 2007 to hear reports of WGs and discuss on actions for the next phase.

---

**Chinese Statement on the Six Party Talks – Initial Actions for the Implementation of the Joint Statement**

[13 February 2007]

The Third Session of the Fifth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People’s Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 8 to 13 February 2007.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC, Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Chun Yung-woo, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexander Losyukov, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary for East Asian and Pacific Affairs of the Department of State of the United States attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the talks.

I. The Parties held serious and productive discussions on the actions each party will take in the initial phase for the implementation of the Joint Statement of 19 September 2005. The Parties reaffirmed their common goal and will to achieve early denuclearization of the Korean Peninsula in a peaceful manner and reiterated that they would earnestly fulfill their commitments in the Joint Statement. The Parties agreed to take coordinated steps to implement the Joint Statement in a phased manner in line with the principle of “action for action”.

II. The Parties agreed to take the following actions in parallel in the initial phase:

1. The DPRK will shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK.
2. The DPRK will discuss with other parties a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods, that would be abandoned pursuant to the Joint Statement.
3. The DPRK and the US will start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The US will begin the process of removing the designation of the DPRK as a state-sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.
4. The DPRK and Japan will start bilateral talks aimed at taking steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.
5. Recalling Section 1 and 3 of the Joint Statement of 19 September 2005, the Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK. In this regard, the Parties agreed to the provision of emergency energy assistance to the DPRK in the initial phase. The initial shipment of emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) will commence within next 60 days.

The Parties agreed that the above-mentioned initial actions will be implemented within next 60 days and that they will take coordinated steps toward this goal.

III. The Parties agreed on the establishment of the following Working Groups (WG) in order to carry out the initial actions and for the purpose of full implementation of the Joint Statement:

1. Denuclearization of the Korean Peninsula
2. Normalization of DPRK-US relations
3. Normalization of DPRK-Japan relations
4. Economy and Energy Cooperation
5. Northeast Asia Peace and Security Mechanism

The WGs will discuss and formulate specific plans for the implementation of the Joint Statement in their respective areas. The WGs shall report to the Six-Party Heads of Delegation Meeting on the progress of their work. In principle, progress in one WG shall not affect progress in other WGs. Plans made by the five WGs will be implemented as a whole in a coordinated manner.

The Parties agreed that all WGs will meet within next 30 days.

IV. During the period of the Initial Actions phase and the next phase – which includes provision by the DPRK of a complete declaration of all nuclear programs and disablement of all existing nuclear facilities, including graphite-moderated reactors and reprocessing plant – economic, energy and humanitarian assistance up to the equivalent of 1 million tons of heavy fuel oil (HFO), including the initial shipment equivalent to 50,000 tons of HFO, will be provided to the DPRK.

The detailed modalities of the said assistance will be determined through consultations and appropriate assessments in the Working Group on Economic and Energy Cooperation.

V. Once the initial actions are implemented, the Six Parties will promptly hold a ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia.

VI. The Parties reaffirmed that they will take positive steps to advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.
We remain ready to begin work with the DPRK as soon as we are forward looking. They were focused on the potential for reprocessing facility - as well as the return of IAEA personnel to abandon, its Yongbyon nuclear facility, including the DPRK shutting down and sealing, for the purposes of eventual abandonment, its Yongbyon nuclear facility, including the reprocessing facility. It also envisioned the return of IAEA personnel to conduct all necessary monitoring and verification as agreed by the IAEA and the DPRK. I welcome the Beijing agreement, and the invitation to visit the DPRK, as positive steps towards the denuclearization of the Korean Peninsula, and towards the normalization of the DPRK’s relationship with the Agency. I will report to the Board on developments and any required action.

I welcome the return of the DPRK to the verification process. I am particularly pleased with the active cooperation of the DPRK that the IAEA team received during the visit and I look forward to continuing to work with the DPRK as the verification process evolves as envisaged in the Initial Actions. You may recall that the Board concluded in June that, “a successfully negotiated settlement of the Korean nuclear issue, maintaining the essential verification role of the Agency, would be a significant accomplishment for international peace and security.” In this context, I would invite the Board to take the actions recommended in document GOV/2007/36.

The DPRK case clearly illustrates the need for the Agency to have an adequate reserve that can be drawn upon to enable it to respond promptly and effectively to unexpected crises or extraordinary requests, whether in the areas of verification, nuclear and radiological accidents, or other emergencies.

Nuclear Talks to Resume Amid U.S. Hopes to Set Dates for N. Korean Disarmament


Nuclear envoys got together here Wednesday to open a new round of six-party talks on the North’s denuclearization amid North Korea having shut down its nuclear facilities under a February deal. The closure of the North’s 5-megawatt reactor and four other nuclear facilities is in line with the first-stage of the six-nation agreement that calls for the North to receive 50,000 tons of heavy fuel oil in rewards. Mohamed ElBaradei, head of the International Atomic Energy Agency (IAEA), confirmed the shutdown in Kuala Lumpur, Malaysia, Wednesday, saying “We have verified all the five nuclear facilities have been shut down.” A group of IAEA inspectors are currently in the North to verify the denuclearization process.

After two lengthy individual meetings with his North Korean counterpart Kim Kye-gwan a day earlier, the top U.S. envoy, Christopher Hill, said Wednesday that his aim in this round of talks is to know what Pyongyang’s next steps would look like and how they would be sequenced.

Hours before the nuclear disarmament talks were to resume at Beijing’s state guest house Diaoyutai, the chief nuclear envoy of South and North Korea held a one-on-one meeting. "Ambassador Chun Yong-woo and (his North Korean counterpart) Kim Kye-gwan began a bilateral meeting from 11:50 a.m. (Beijing time) at Diaoyutai, an informed source said.

The second stage of the deal calls for North Korea to disable the aging Soviet-era reactor and four other nuclear facilities and provide a full account of its nuclear programs in exchange for an additional 950,000 tons of fuel oil, or equivalent aid. South Korea’s chief nuclear negotiator Chun Yong-woo said Wednesday that he does not know what kind of problems may arise in the disablement phase “because it is a road that no one has ever walked on.”

He sounded upbeat, however, about this round of talks, saying full implementation of the Feb. 13 deal may be possible before the end of the year as long as the North has the political will to do so.

“We are aiming for disablement within the year. It is not an issue of whether it is technically possible, but depends on whether North Korea has the political will and how sincerely the other countries take their countermeasures,” he said.

Hill said the to-be-declared North Korean nuclear programs will also have to be disabled or abandoned during the second phase of the deal, which he said provides two main tasks for the North Korean side.

“One is to come up with a comprehensive declaration and it’s a comprehensive declaration of all nuclear programs,” he said. “The second task is the disablement of these nuclear programs.”
The U.S. envoy did not elaborate further, but said he and his North Korean counterpart discussed the need to get the phase done before year’s end.

“I laid out my view on how this could be done and I think we had a good discussion on that basis,” Hill said late Tuesday after meeting his North Korean counterpart twice earlier in the day.

The Hill-Kim meeting started at the U.S. Embassy here shortly after the two arrived in the Chinese capital for the resumption of the talks that also involve South Korea, Japan, China and Russia.

The meeting continued over lunch at a Chinese restaurant and then at the North Korean Embassy here.

When asked how the actions will be sequenced, Hill said the issue would be discussed this week “because we need to know when this declaration will come.”

“I think we’ve always had the view that you first need to have a declaration to know what it is that you are going to have disabled,” said Hill. “We have a great incentive to move because it gets us to move beyond shutdown to dismantlement.”

Application of Safeguards in the Democratic People’s Republic of Korea (DPRK)

[Report by the Director General, GOV/2007/45-GC(51)/19, 17 August 2007]

[Eds…footnote not included]

A. Introduction

1. In his report to the 50th regular session of the General Conference (GC(50)/15) on 14 August 2006, the Director General stated, inter alia, that “since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, the Agency had been unable to draw any conclusions regarding the DPRK’s nuclear activities”.  

2. Having considered the Director General’s report, the General Conference adopted resolution GC(50)/RES/15, on 22 September 2006, in which it inter alia strongly urged the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued 19 September 2005, and in particular to implement fully its commitment to abandon all nuclear weapons and existing nuclear programmes, as a step towards the goal of the verifiable and irreversible denuclearisation of the Korean Peninsula; called upon the DPRK to cooperate promptly with the Agency in the full and effective implementation of IAEA safeguards and to resolve any outstanding issues that may have arisen due to the long absence of safeguards; called upon the DPRK to comply fully with the Treaty on the Non-Proliferation of Nuclear Weapons; and stressed the essential verification role of the Agency. The General Conference also decided to include in the agenda for its fifty-first regular session an item entitled “Implementation of the NPT safeguards agreement between the Agency and the Democratic People’s Republic of Korea”.

3. The announcement by the DPRK on 9 October 2006 that it had conducted a nuclear test was discussed at the November 2006 meeting of the Board of Governors.

4. On 23 February 2007, the Director General received an invitation from the DPRK to visit the DPRK to “develop the relations between the Agency and the DPRK, as well as to discuss problems of mutual concerns”. The Director General visited the DPRK on 13–14 March 2007 and reported to the Board of Governors in June 2007 that his discussions with DPRK officials were forward looking, and had focused on the potential for re-establishing the relationship between the DPRK and the Agency, and that the Agency remained ready to begin work with the DPRK on monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility, as foreseen in the Initial Actions for the Implementation of the Six Party Joint Statement on the Korean Peninsula Nuclear Issue agreed at the Six-Party Talks in Beijing on 13 February 2007.

5. On 3 July 2007, the Director General submitted to the Board of Governors a report on monitoring and verification in the DPRK (GOV/2007/36), in which he informed the Board of the results of a visit to the DPRK by an Agency team on 26–29 June 2007, and of the ad hoc arrangement for monitoring and verification as agreed between the Agency and the DPRK and foreseen in the Initial Actions agreed at the Six-Party Talks. On 9 July 2007, the Board of Governors authorized the Director General, subject to the availability of funds, to implement the ad hoc arrangement.

6. The current report, which is being submitted to the Board of Governors and the General Conference, covers developments since the fifteenth regular session of the General Conference regarding the application of safeguards in the DPRK and the developments since the Board of Governors authorized the implementation of the ad hoc arrangement.

B. Application of Safeguards in the DPRK

7. The Director General noted, most recently in his June 2007 statement to the Board of Governors, that the Agency had not performed any verification activities in the DPRK since December 2002, and had been unable to draw any conclusions regarding the DPRK’s nuclear activities.

8. On 14 July 2007 an Agency team arrived at Yongbyon to implement the ad hoc monitoring and verification arrangement. On 17 July 2007 the Agency stated, following initial verification, that the DPRK has shut down the following installations at the Yongbyon nuclear facility: the Nuclear Fuel Fabrication Plant; the Radiochemical Laboratory (the reprocessing plant); the 5 MW(e) Experimental Nuclear Power Plant; and the 50 MW(e) Nuclear Power Plant all of which are located in Yongbyon; as well as the 200 MW(e) Nuclear Power Plant in Taechon.

9. Since 17 July 2007, the Agency has continued to monitor and verify the shut down status of the above mentioned installations and has implemented, with the cooperation of the DPRK, appropriate monitoring and verification measures as follows:

(i) Nuclear Fuel Fabrication Plant: The Agency has identified key processes and essential equipment involved in the conversion of yellow cake to uranium metal. It installed containment and surveillance (C/S) measures, and made photographic records of the status of the facility. The DPRK provided access to the nuclear material located at the plant (uranium intermediate products, uranium metal ingots, UC2 powder, fuel rods for the 5 MW(e) Experimental Nuclear Power Plant, and fuel rod cores for the 50 MW(e) Nuclear Power Plant) for monitoring. The DPRK agreed to provide the Agency with access to any location at the plant to perform the necessary periodic monitoring and verification activities.

(ii) Radiochemical Laboratory: The Agency has identified the key processes and essential equipment. The Agency also noted the design changes made since 2002, which included the introduction of mechanical decladding; the installation of pulse columns for co-extraction and the conversion of PuO2 to plutonium metal. The plutonium metal line at the facility now includes fluorination, melting and casting, but no further treatment of metal, which was stated to have taken place elsewhere. The nuclear material inventory of the Radiochemical Laboratory contains uranium solutions, and low-, medium-, and high-level wastes, which are now subject to Agency monitoring. The DPRK has informed the Agency that some of the wastes have been solidified and moved to a building, which the Agency has visited, located next to the Radiochemical Laboratory. The Agency has installed C/S measures and radiation monitoring devices covering key processes and equipment at the Radiochemical Laboratory. Where C/S measures cannot be applied because of practical reasons, the DPRK agreed to provide the Agency with access to any location at the plant to perform the necessary periodic monitoring and verification activities. The Agency also has made photographic records of the status of the facility.

(iii) 5 MW(e) Experimental Nuclear Power Plant: The Agency has identified the technical buildings and essential equipment. The DPRK has stated that except for the nuclear fuel in the core, and a small number of damaged irradiated fuel rods in the transfer hatch and refueling machine, no other nuclear fuel is present at the facility. The Agency installed C/S and radiation monitoring devices covering the core, damaged irradiated fuel rods, and the spent fuel transfer routes and selected essential equipment. The Agency also has made photographic records of the status of the facility. The DPRK agreed to provide the Agency with access to any location at
On February 13, 2007, North Korea reached an agreement with
and ballistic missile programs.

On October 14, 2006, that requires North Korea to (1) refrain from
nuclear or missile tests, (2) rejoin the Nuclear Non-Proliferation
on the Non-Proliferation of Nuclear Weapons and to IAEA
2005 envisions the DPRK “returning, at an early date, to the Treaty
monitoring arrangement with the cooperation of the

Comments Made on the Six-Party Talks as Part of a Statement by the Director General Mohamed ElBaradei to the IAEA Board of Governors

Implementation of Safeguards in the DPRK

At the request of the Democratic People’s Republic of Korea
(DPRK), the Agency has been verifying and monitoring the shutdown and sealing of the Yongbyon nuclear facilities since 18 July 2007. More recently, work has been proceeding on the disablement of some of the Yongbyon nuclear facilities under Six-Party arrangements without the Agency’s involvement.

I would recall that the Six-Party Joint Statement of 19 September 2005 envisions the DPRK “returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards”. Under the NPT, the IAEA has the responsibility to verify that all nuclear material in a State Party is declared to the

C. Conclusion

10. The Agency has verified the shutdown status of the Yongbyon nuclear facility and is continuing to implement the ad hoc monitoring and verification arrangement with the cooperation of the DPRK.

Implementation of Safeguards in the DPRK

At the request of the Democratic People’s Republic of Korea (DPRK), the Agency has been verifying and monitoring the shutdown and sealing of the Yongbyon nuclear facilities since 18 July 2007. More recently, work has been proceeding on the disablement of some of the Yongbyon nuclear facilities under Six-Party arrangements without the Agency’s involvement.

I would recall that the Six-Party Joint Statement of 19 September 2005 envisions the DPRK “returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards”. Under the NPT, the IAEA has the responsibility to verify that all nuclear material in a State Party is declared to the Agency and is under safeguards. We stand ready to assume this or any other verification role as and when requested.

CRS Report for Congress – North Korea’s Nuclear Weapons: Latest Developments

[Updated 5 December 2007]

Eds – footnotes not included

Summary

This report summarizes what is known from open sources about the North Korean nuclear weapons program — including weapons-usable fissile material and warhead estimates — and assesses current developments in verifying dismantlement of North Korea’s nuclear facilities as agreed in the Six-Party Talks. The Six-Party Talks include the United States, South Korea, Japan, China, Russia, and North Korea, and were begun in August 2003 to attempt to resolve the current crisis over North Korean nuclear weapons.

Beginning in late 2002, North Korea ended an eight-year freeze on its plutonium production program, expelled international inspectors, and restarted facilities. North Korea may have produced enough additional plutonium for five nuclear warheads since 2002. In total, it is estimated that North Korea has up to 50 kilograms of separated plutonium, enough for at least half a dozen nuclear weapons. On October 10, 2005, North Korea announced that it had manufactured nuclear weapons for self-defense and that it would bolster its nuclear weapons arsenal. On October 9, 2006, North Korea conducted a nuclear test, with a yield of under 1 kiloton. The United States and other countries condemned the test, and the United Nations Security Council passed Resolution 1718 on October 14, 2006, that requires North Korea to (1) refrain from nuclear or missile tests, (2) rejoin the Nuclear Nonproliferation Treaty (NPT), and (3) abandon its weapons of mass destruction and ballistic missile programs.

On February 13, 2007, North Korea reached an agreement with other members of the Six-Party Talks to begin the initial phase (60 days) of implementing the Joint Statement from September 2005 on denuclearization. Key components of the agreement include halting production at the Yongbyon nuclear complex and delivery of heavy fuel oil to North Korea. In July 2007, International Atomic Energy Agency (IAEA) inspectors verified the shutdown of the Yongbyon facilities. On October 3, 2007, the Six Parties adopted a Joint Statement in which North Korea agreed to disable the Yongbyon facilities and provide a declaration of all its nuclear programs by December 31, 2007. The October 2007 statement said the United States would lead disablement activities and provide the initial funding for those activities.

Much still remains to be confirmed regarding North Korea’s nuclear weapons production capabilities and delivery systems, particularly regarding uranium enrichment …

Verification and “Disablement”

In September 2005, North Korea agreed to abandon “all nuclear weapons and existing nuclear programs,” but implementation of this goal was stalled. The October 9, 2006, nuclear test created a catalyst in uniting the other members of the Six Party Talks to toughen their stance towards North Korea, and as a turning point in Pyongyang’s attitude. UN Security Council Resolution 1718 calls on North Korea to abandon its nuclear weapons in a “complete, verifiable, and irreversible manner.” In February 2007, as part of implementation of the September 2005 Joint Statement, North Korea committed to disable all nuclear facilities and provide a “complete and correct” declaration of all its nuclear programs by December 31, 2007. The Bush administration expects the declaration to include a full declaration of the separated weapons-grade plutonium that has already been produced, as well as full disclosure of uranium enrichment activities.

The October 2007 joint statement said the United States would lead disablement activities and provide the initial funding for those activities. Disablement indicates a physical measure to make it difficult to restart operation of a facility while terms are being worked out for its eventual dismantlement. U.S. officials have said that they would prefer a disablement process that would require a 12-month time period to start up the facility again. A team of U.S. technical experts in mid-October 2007 continued negotiations with the North Koreans on a plan that reportedly includes 10 discrete steps to disable the three main Yongbyon facilities related to North Korea’s plutonium program (nuclear fuel fabrication plant, plutonium reprocessing plant, and 5-megawatt experimental nuclear power reactor). The first step will be to remove the irradiated fuel from the reactor and store it in an adjacent cooling pond. The specifics of the other nine steps (other than that there will be three for each facility) have not yet been agreed upon.

Disablement steps will need to be carefully chosen in order to preserve information to completely verify the scope of the nuclear program. The disablement process began in early November 2007. Japan is also interested in contributing expertise, but it is not clear if this will be agreed to by North Korea.

IAEA inspectors returned to North Korea in July 2007 to monitor and verify the shut-down, install seals, and monitor facilities at the Yongbyon nuclear complex, and have had a continuous presence there since then. In his September 10, 2007, statement to the IAEA Board of Governors, Director General Mohamed ElBaradei stated that the IAEA was able to verify the shutdown of nuclear facilities, including the nuclear fuel fabrication plant, radio-chemical laboratory (reprocessing plant), and the SMoW experimental nuclear power reactor. Inspectors are also monitoring the halt in construction of the 50-megawatt nuclear power plant at Yongbyon and the 200-megawatt nuclear power plant in Taechon. The United States has contributed $1.8 million as the U.S. voluntary contribution and Japan has contributed $500,000 to the IAEA for their work in North Korea. In the future, the IAEA may be called on to investigate North Korea’s past nuclear program in addition to monitoring activities; however, to date, its role has been limited to monitoring the shut-down of Yongbyon facilities. The IAEA’s role in disablement and future dismantlement efforts has yet to be determined. Some analysts recommend an observer role for the IAEA during disablement steps and continued IAEA monitoring to boost international confidence in the process.

Since IAEA inspectors were expelled from North Korea in 2002, information about North Korea’s nuclear weapons production has
depended on remote monitoring and defector information, with mixed results. Satellite images correctly indicated the start-up of the 5MWe reactor, but gave no details about its operations. Satellites also detected trucks at Yongbyon in late January 2003, but could not confirm the movement of spent fuel to the reprocessing plant; imagery reportedly detected activity at the reprocessing plant in April 2003, but could not confirm large-scale reprocessing; and satellite imagery could not peer into an empty spent fuel pond, which was shown to U.S. visitors in January 2004.

North Korean officials stated in 2004 that the reprocessing campaign was conducted continuously (four six-hour shifts). U.S. efforts to detect Krypton-85 (a by-product of reprocessing) reportedly suggested that some reprocessing had taken place, but were largely inconclusive. Even U.S. scientists visiting Pyongyang in January 2004 could not confirm North Korean claims of having reprocessed the spent fuel or that the material shown was in fact plutonium. Verifying those claims will require greater access to the material and North Korean cooperation, and it is hoped that significant progress will be made on these issues in 2008, after North Korea submits the declaration detailing its nuclear program.

The next stage of verification, after disablement, will be the decommissioning and dismantlement of the weapons production facilities. The terms for this work still need to be negotiated. This stage may include a return of IAEA monitoring of nuclear material stocks (including weapons-grade separated plutonium) and verification of actual weapons dismantlement. The question of dismantling North Korea’s nuclear warheads has not yet been addressed directly, although the September 2005 joint statement commits North Korea to abandon all nuclear weapons. Assistant Secretary Christopher Hill has said that the issue of which states will participate in the verification is under discussion, but may include the nuclear weapon states amongst the six parties: the United States, Russia, and China. Critics have raised concerns about the lack of clear verification provisions for these steps and the omission of specific references to key issues such as fissile materials, warheads, the reported uranium enrichment program, and the nuclear test site in the latest agreements. In remarks to journalists, Assistant Secretary Hill has said that warhead dismantlement will be addressed in the next stage — the “endgame” or the “weapons phase” — which he hoped would start at the beginning of 2008.

[...] (eds.)

---

**President-Elect’s Team to Link Inter-Korean Projects with Progress in N. Korea’s Denuclearization**

_Government Press Release 7 January 2008_

President-elect Lee Myung-bak’s transition team Monday (Jan. 7) asked the Unification Ministry to link inter-Korean economic cooperation projects to nuclear disarmament negotiations.

“Humanitarian projects such as the reunion of family members living separately in the two Koreas can be continuously pushed for, but economic cooperation projects should be carried out in parallel with the pace of North Korea nuclear talks,” a key member of the team quoted his team as saying during the ministry’s policy briefing.

The six-party denuclearization process remain bogged down after North Korea failed to meet the Dec. 31 deadline for disabling its nuclear facilities and giving a full account of its nuclear weapons programs.

President-elect Lee Myung-bak on Friday (Jan. 4) sought close cooperation between Seoul and Washington on the North Korean nuclear issue as multinational efforts to persuade the North to declare its nuclear programs have hit a road bump.

Lee made the point while meeting in Seoul with eight U.S. officials, including former Defense Secretary William Perry and former Deputy Defense Secretary Paul Wolfowitz, to discuss nuclear weapons and human rights issue in North Korea.

The two Koreas and the United States are members of the six-party talks along with Japan, Russia and China. The talks are aimed in part at dismantling nuclear facilities in North Korea.

Under an October agreement, North Korea was supposed to complete the disablement of its main nuclear facilities, and submit a list of its nuclear programs by the end of last year in return for economic and political incentives from members of the six party talks.

The North, however, has stalled on the disablement process, complaining about a delay in delivery of economic incentives.
Statement on the Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran by the IAEA Director General Mohamed ElBaradei

[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 6 March 2006]

Implementation of Safeguards in the Islamic Republic of Iran

The report on the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran is before you. As you are aware, the Agency over the last three years has been conducting intensive investigations of Iran's nuclear programme with a view to providing assurances about the peaceful nature of that programme.

During these investigations, the Agency has not seen indications of diversion of nuclear material to nuclear weapons or other nuclear explosive devices. Regrettably, however, after three years of intensive verification, there remain uncertainties with regard to both the scope and the nature of Iran's nuclear programme. As I mentioned in my report, this is a matter of concern that continues to give rise to questions about the past and current direction of Iran's nuclear programme.

For confidence to be built in the peaceful nature of Iran's programme, Iran should do its utmost to provide maximum transparency and build confidence. Only through clarification of all questions relevant to Iran's past programme and through confidence building measures can confidence about Iran's current nuclear activities be restored. This is clearly in the interest both of transparency and building measures. In this context, the Board deemed it necessary for Iran, and underlines the necessity of the IAEA continuing its work to clarify all outstanding issues relating to Iran's nuclear programme.

The report on the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran by the IAEA Director General Mohamed ElBaradei

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

[Reproduced from Report by the Director General GOV/2006/27, 28 April 2006]

[Editorial note: Footnotes not included]

1. On 4 February 2006, the Board of Governors adopted a resolution (GOV/2006/14) in paragraph 1 of which it, inter alia, underlined that outstanding questions concerning the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (Iran) could best be resolved and confidence built in the exclusively peaceful nature of Iran's nuclear programme by Iran responding positively to the Board's calls for confidence building measures. In this context, the Board deemed it necessary for Iran to:

- re-establish full and sustained suspension of all enrichment related activities, including research and development, to be verified by the Agency;
- reconsider the construction of a research reactor moderated by heavy water;
- ratify promptly and implement in full the Additional Protocol;
- pending ratification, continue to act in accordance with the provisions of the Additional Protocol which Iran signed on 18 December 2003;
- implement transparency measures, as requested by the Director General, including in GOV/2005/67, which extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol, and include such access to individuals, documentation relating to procurement, dual use equipment, certain military-owned workshops and research and development as the Agency may request in support of its ongoing investigations.

2. In paragraph 2 of that resolution, the Board requested the Director General to report to the United Nations Security Council that the steps set out in paragraph 1 of the resolution were required of Iran by the Board and to report to the Security Council all IAEA reports and resolutions, as adopted, relating to this issue. In paragraph 8 of GOV/2006/14, the Board also requested the Director General to report on the implementation of that resolution, and previous resolutions, to the next regular session of the Board,
for its consideration, and immediately thereafter to convey, together with any resolution from the March Board, that report to the Security Council.

3. Following receipt by the Security Council of the Director General’s report (GOV/2006/15), the President of the Security Council made a statement on behalf of the Council (reproduced in GOV/INF/2006/7) in which the Council, inter alia, called upon Iran to take the steps required by the Board of Governors, notably in the first operative paragraph of its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions, and, underlined, in this regard, the particular importance of re-establishing full and sustained suspension of all enrichment related and reprocessing activities, including research and development, to be verified by the Agency. The Security Council requested in 30 days a report from the Director General on the process of Iranian compliance with the steps required by the Board of Governors, to the Board and in parallel to the Security Council for its consideration.

4. This report is being submitted to the Board and in parallel to the Security Council. It provides an update on the developments that have taken place since March 2006 in the implementation of Iran’s Safeguards Agreement, on the Agency’s verification of Iran’s implementation of the confidence building measures requested by the Board of Governors, and on the Agency’s overall assessment in connection with the implementation of Iran’s Safeguards Agreement.

A. Developments since March 2006

5. On 13 April 2006, at the invitation of Iran, the Director General and an Agency team met in Tehran with the President of the Atomic Energy Organization of Iran (AEOI), the Secretary of the Supreme National Security Council of Iran and other Iranian officials to discuss issues relevant to the verification of the correctness and completeness of Iran’s declarations. The Director General urged Iran to accelerate substantially its cooperation with the Agency on the outstanding verification issues, and underlined the importance of Iran’s implementation of the confidence building measures requested by the Board of Governors.

6. On 27 April 2006, the Director General received from Iran a letter of the same date in which it stated, inter alia, the following:

"1 - Islamic Republic of Iran has fully cooperated with the Agency during the past three years in accordance with the NPT Comprehensive Safeguards, the Additional Protocol and even beyond the Additional Protocol which was voluntarily implemented as if it was ratified.

2 - Islamic Republic of Iran has granted the full and unrestricted access to nuclear facilities during the past three years in accordance with the NPT Comprehensive Safeguards, the Additional Protocol and even beyond the Additional Protocol which was voluntarily implemented as if it was ratified.

3 - All nuclear facilities and activities have been under the Agency’s Safeguards.

4 - Nuclear materials have been declared to the Agency and have been accounted for.

5 - Islamic Republic of Iran is fully committed to its obligations under the NPT and the comprehensive Safeguards Agreement.

6 - Islamic Republic of Iran is fully prepared to continue granting the Agency’s inspection in accordance with the Comprehensive Safeguards provided that the Iran’s nuclear dossier will remain, in full, in the framework of the IAEA and under its safeguards, the Islamic Republic of Iran is prepared to resolve the remaining outstanding issues reflected in the Director General’s report GOV/2006/15 of 27 February 2006, in accordance with the international laws and norms. In this regard, Iran will provide a time table within next three weeks."

A.1. Enrichment Programme

7. As noted in the Director General’s report of 27 February 2006 (GOV/2006/15), the Agency has repeatedly requested Iran to provide additional information on certain issues related to its enrichment programme. Iran declined to discuss these matters at the 12–14 February 2006 meeting in Tehran referred to in paragraph 6 of GOV/2006/15 on the grounds that, in its view, they were not within the scope of the Safeguards Agreement. Iran reasserted this position in a meeting which took place with Agency inspectors in Tehran on 8 April 2006. The Agency reiterated that it was essential to resolve these questions so that the Agency can verify the correctness and completeness of Iran’s declarations, particularly in light of the two decades of concealed activities. The current status of these outstanding issues is as follows.

A.1.1. Contamination

8. Although the results of the Agency’s analyses to date tend, on balance, to support Iran’s statement regarding the foreign origin of most of the high enriched uranium (HEU) contamination which was found at locations where Iran has declared that centrifuge components had been manufactured, used and/or stored, the Agency is continuing to investigate the source(s) of low enriched uranium particles, and some HEU particles, found at those locations.

9. Since it will be difficult to establish a definitive conclusion with respect to the origin of all of the contamination, it is essential for the Agency to make progress in ascertaining the scope and chronology of Iran’s centrifuge enrichment programme. The implementation of the Additional Protocol and Iran’s full cooperation in this regard are essential for the Agency be able to provide the required assurance concerning the absence of undeclared nuclear material and activities in Iran.

A.1.2. Acquisition of P-1 centrifuge technology

10. As noted in previous reports, the Agency was shown by Iran in January 2005 a copy of a handwritten one-page document reflecting an offer said to have been made to Iran in 1987 by a foreign intermediary. In order to be able to ascertain its nature and origin, a copy of the document is needed by the Agency. However, Iran continues to decline the Agency’s request for a copy of the document.

11. As previously reported, according to Iran, there were no contacts by Iran with the network between 1987 and mid-1993, when discussions leading to the later offer in the mid-1990s are said to have been initiated. Statements made by Iran and key members of the network about the events leading to the mid-1990s offer are still at variance with each other. Iran has yet to provide further clarification in this regard. Iran has also said that it is unable to provide any documentation or other information about the meetings that led to its acquisition of 500 sets of P-1 centrifuge components in the mid-1990s. The Agency is still awaiting clarification of the dates and contents of the shipments containing these components.

A.1.3. Acquisition of P-2 centrifuge technology

12. As reflected in the Director General’s previous report, Iran still maintains that, after having received the drawings for P-2 components in 1995, it carried out no work on P-2 centrifuges until 2002, and that at no time during the intervening period did it ever discuss with the intermediaries the P-2 centrifuge design or the possible supply of P-2 centrifuge components. Iran also continues to maintain that there were no deliveries of any centrifuge components after 1995.

13. In connection with the research and development (R&D) work on a modified P-2 design, said by Iran to have been carried out by a contracting company between early 2002 and July 2003, Iran has confirmed that the contractor had made enquiries about, and purchased, magnets suitable for the P-2 centrifuge design. In February 2006, Iran provided some additional clarification about the types of P-2 magnets that it had received, but maintained that only a limited number of magnets had been delivered. The Agency is still investigating this matter.

14. In mid-April 2006, there were several reports in the press about statements by high level Iranian officials concerning R&D and testing of P-2 centrifuges by Iran. The Agency has asked Iran to clarify these statements.

A.2. Uranium Metal

15. The references to uranium re-conversion and casting capabilities in the one-page document mentioned in paragraph 10 above have taken on greater significance in light of the existence of the 15-page document shown to the Agency by Iran describing the
procedures for the reduction of UF₆ to uranium metal in small quantities, and for the casting of enriched and depleted uranium metal into hemispheres.

16. As previously reported, although there is no indication about the actual use of the latter document or when it was received, its existence in Iran is a matter of concern. The Agency is aware that the intermediaries had this document, as well as other similar documents, which it has seen in other Member States. Therefore, it is essential that the Agency be able to understand the full scope of the offer made by the network in 1987 and to confirm what was obtained by Iran in connection with that offer, and when. To do so, it is necessary for the Agency to have a copy of the 15-page document, so that it can follow up further on these issues. However, Iran has continued to decline the Agency’s request for a copy.

A.3. Plutonium Experiments

17. As indicated earlier, the Agency has been following up with Iran information provided by Iran concerning experiments involving the separation of small (milligram) quantities of plutonium. After having received Iran’s further clarifications on 15 February 2006, and the results of additional sample analyses which confirmed the Agency’s earlier findings, the Agency provided Iran on 30 March 2006 with an updated summary of its overall analysis of this issue. On 10 April 2006, the Agency met with Iranian officials to seek further explanations concerning the inconsistencies identified in that analysis. Following that meeting, in a letter dated 17 April 2006, Iran reaffirmed its previous explanations of the inconsistencies. In the light of the Agency’s findings, the Agency cannot exclude the possibility — notwithstanding the explanations provided by Iran — that the plutonium analysed by the Agency was derived from source(s) other than the ones declared by Iran.

A.4. Heavy Water Research Reactor

18. On 22 April 2006, the Agency visited the Iran Nuclear Research Reactor (IR-40) at Arak to carry out design information verification and confirmed that the civil engineering work was still ongoing.

A.5. Other Implementation Issues

19. There are no new developments to report with respect to Iran’s uranium mining activities.

20. There are also no new developments to report with respect to Iran’s experiments involving polonium.

21. On 9–11 April 2006, the Agency discussed with Iran the routine safeguards measures to be implemented at the Uranium Conversion Facility (UCF) at Esfahan and the Pilot Fuel Enrichment Plant (PFEP) at Natanz. When fully implemented, the measures proposed by the Agency should allow it to meet all of the safeguards objectives for these facilities. Although agreement was reached on most of the measures, Iran still has reservations about the remote transmission of encrypted safeguards data to Agency Headquarters in Vienna.

22. On 11 April 2006, the Agency visited the Fuel Enrichment Plant (FEP) at Natanz, and observed that civil construction was ongoing.


23. Since 5 February 2006, Iran has not been implementing the provisions of its Additional Protocol.

A.7. Transparency Visits and Discussions

24. Since 2004, the Agency has repeatedly requested additional information and clarifications related to efforts made by the Physics Research Centre (PHRC), which was established at Lavisan-Shian, to acquire dual use materials and equipment that could also be used in uranium enrichment and conversion activities. The Agency also requested interviews with the individuals involved in the acquisition of those items, including two former Heads of the PHRC.

25. As previously reported, the Agency met in February 2006 with one of the former Heads of the PHRC, who had been a university professor at a technical university while he was Head of the PHRC. The Agency took environmental samples from some of the equipment said to have been procured for use by the university, the results of which are currently being assessed and discussed with Iran. Although Iran agreed to provide further clarifications in relation to efforts to procure balancing machines, mass spectrometers, magnets and fluorine handling equipment, the Agency has yet to receive such clarifications. Further access to the procured equipment is necessary for environmental sampling. Iran has continued to decline requests by the Agency to interview the other former Head of the PHRC.

26. In January 2006, Iran provided some clarification of its efforts in 2000 to procure some other dual use material (high strength aluminium, special steels, titanium and special oils). Iran agreed to provide additional information on these efforts, some of which the Agency has since received from Iran. Iran also presented information on its acquisition of corrosion resistant steel, valves and filters for UCF. In January 2006, environmental samples were taken from these latter items, the results of which are still pending.

27. As previously reported, the Deputy Director General for the Department of Safeguards met with Iranian authorities in February 2006 to discuss alleged studies related to the so-called Green Salt Project, to high explosives testing and to the design of a missile re-entry vehicle, all of which could have a military nuclear dimension and which appear to have administrative interconnections.

28. As indicated in GOV/2006/15, Iran stated that the allegations with regard to the Green Salt Project “are based on false and fabricated documents so they were baseless,” and that neither such a project nor such studies exist or had existed. Iran stated that all national efforts had been devoted to the UCF project, and that it would not make sense to develop indigenous capabilities to produce UF₆ when such technology had already been acquired from abroad. However, according to information provided earlier by Iran, the company alleged to have been associated with the Green Salt Project had been involved in procurement for UCF and in the design and construction of the Gchine uranium ore processing plant.

29. The Agency is assessing the information provided by Iran during these discussions concerning the Green Salt Project, as well as other information available to it. However, Iran has yet to address the other topics of high explosives testing and the design of a missile re-entry vehicle.

A.8. Suspension

30. In a letter dated 3 January 2006, Iran informed the Agency that it had decided to resume, as from 9 January 2006, “those R&D on the peaceful nuclear energy programme which had been suspended as part of its expanded voluntary and non-legally binding suspension”.

31. In February 2006, Iran started enrichment tests at PFEP by feeding UF₆ gas into a single 20-machine and into 10-machine and 20-machine cascades. During March 2006, a 164-machine cascade was completed, and tests of the cascade using UF₆ were begun. On 13 April 2006, Iran declared to the Agency that an enrichment level of 3.6% had been achieved. On 18 April 2006, the Agency took samples at PFEP, the results of which tend to confirm as of that date the enrichment level declared by Iran. On that day, UF₆ gas was again being fed into the 164-machine cascade, and two additional 164-machine cascades were under construction. The enrichment process at PFEP, including the feed and withdrawal stations, is covered by Agency safeguards containment and surveillance measures.

32. The current uranium conversion campaign at UCF, which was initiated in November 2005, is still ongoing and is expected to be finished in April 2006. Since September 2005, approximately 110 tonnes of UF₆ has been produced at UCF, all of which remains under Agency containment and surveillance.

B. Current overall assessment

33. All the nuclear material declared by Iran to the Agency is accounted for. Apart from the small quantities previously reported to the Board, the Agency has found no other undeclared nuclear material in Iran. However, gaps remain in the Agency’s knowledge with respect to the scope and content of Iran’s centrifuge programme. Because of this, and other gaps in the Agency’s knowledge, including the role of the military in Iran’s nuclear programme, the Agency is unable to make progress in its efforts to
provide assurance about the absence of undeclared nuclear material and activities in Iran.

34. After more than three years of Agency efforts to seek clarity about all aspects of Iran’s nuclear programme, the existing gaps in knowledge continue to be a matter of concern. Any progress in that regard requires full transparency and active cooperation by Iran — transparency that goes beyond the measures prescribed in the Safeguards Agreement and Additional Protocol — if the Agency is to be able to understand fully the twenty years of undeclared nuclear activities by Iran. Iran continues to facilitate the implementation of the Safeguards Agreement and had, until February 2006, acted on a voluntary basis as if the Additional Protocol were in force. Until February 2006, Iran had also agreed to some transparency measures requested by the Agency, including access to certain military sites. Additional transparency measures, including access to documentation, dual use equipment and relevant individuals, are, however, still needed for the Agency to be able to verify the scope and nature of Iran’s enrichment and relevant activities, and to confirm the absence of undeclared nuclear material and activities in Iran.

35. Regrettably, these transparency measures are not yet forthcoming. With Iran’s decision to cease implementing the provisions of the Additional Protocol, and to confine Agency verification to the implementation of the Safeguards Agreement, the Agency’s ability to make progress in clarifying these issues, and to confirm the absence of undeclared nuclear material and activities, will be further limited, and Agency access to activities not involving nuclear material (such as research into laser isotope separation and the production of sensitive components of the nuclear fuel cycle) will be restricted.

36. While the results of Agency safeguards activities may influence the nature and scope of the confidence building measures that the Board requests Iran to take, it is important to note that safeguards obligations and confidence building measures are different, distinct and not interchangeable. The implementation of confidence building measures is no substitute for the full implementation at all times of safeguards obligations. In this context, it is also important to note that the Agency’s safeguards judgements and conclusions in the case of Iran, as in all other cases, are based on verifiable information available to the Agency, and are therefore, of necessity, limited to past and present nuclear activities. The Agency cannot make a judgement about, or reach a conclusion on, future compliance or intentions.

37. The Agency will pursue its investigation of all remaining outstanding issues relevant to Iran’s nuclear activities, and the Director General will continue to report as appropriate.

**Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran**

[Reproduced from Report by the Director General GOV/2006/38, 8 June 2006]

1. On 28 April 2006, the Director General reported on the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (Iran) (GOV/2006/27). This report covers developments since April 2006.

2. As a follow-up to the meeting on outstanding verification issues that took place in Tehran on 13 April 2006 (see GOV/2006/27, para. 5), the Director General met in Vienna with the President of the Atomic Energy Organization of Iran on 26 April 2006, and with the Secretary of the Supreme National Security Council of Iran on 18 May 2006, to discuss those issues further. At these meetings, the Director General urged Iran to accelerate its cooperation with the Agency on outstanding verification issues and reiterated the importance of Iran’s implementation of the confidence building measures requested by the Board of Governors.

3. On 28 April 2006, the Agency received from the Permanent Mission of the Additional Protocol 27 April 2006 in which it was stated that “Iran is fully prepared to continue granting the Agency’s inspection in accordance with the Comprehensive Safeguards Agreement provided that the Iran’s nuclear dossier will remain, in full, in the framework of the IAEA and under its safeguards, the Islamic Republic of Iran is prepared to resolve the remaining outstanding issues reflected in [the Director General’s] report GOV/2006/15 of 27 February 2006, in accordance with the international laws and norms. In this regard, Iran will provide a time table within three weeks.” No such timetable has as yet been received.

A. **Enrichment Programme**

A.1. **Contamination**

4. There has been no further progress on the resolution of the contamination issue (GOV/2006/27, paras 8–9). As indicated in the Director General’s previous report, given the difficulty of establishing a definitive conclusion in connection with this long outstanding issue, a full understanding of the scope and chronology of Iran’s centrifuge enrichment programme, as well as full implementation of the Additional Protocol, are necessary for the Agency to be able to provide credible assurances regarding the absence of undeclared nuclear material and activities in Iran.

A.2. **Acquisition of P-1 and P-2 Centrifuge Technology**

5. The Agency has continued its investigation of the outstanding questions related to Iran’s P-1 and P-2 centrifuge programmes (GOV/2006/27, paras 10–14). However, Iran has not made any new information available to the Agency.

6. Following public statements made by high level officials of Iran that Iran was conducting research on new types of centrifuges, the Agency wrote to Iran on 24 April 2006 seeking clarification of the scope and content of such research. Iran has not yet responded to the Agency’s request.

B. **Uranium Metal**

7. With the assistance of some Member States, the Agency is carrying out investigations on information and documentation which may have been provided to Iran by foreign intermediaries (GOV/2006/27, paras 15–16). To understand the full scope of the offers made by the intermediaries to Iran, it is still necessary for the Agency to have a copy of the 15-page document describing the procedures for the reduction of UF₆ to uranium metal and the casting and machining of enriched and depleted uranium metal into hemispheres. Iran has yet to provide the Agency with a copy of that document.

C. **Plutonium Experiments**

8. As indicated in the Director General’s previous report to the Board (GOV/2006/27, para. 17), the Agency has been pursuing with Iran information provided by Iran concerning plutonium separation experiments. In a letter dated 17 April 2006, Iran reaffirmed its previous explanations. On 5 May 2006, the Agency responded to that letter, reiterating in detail the inconsistencies between Iran’s explanations and the Agency’s findings.

9. As agreed during a meeting on 10 April 2006 (GOV/2006/27, para. 17), Iran provided the Agency on 6 June 2006 with further explanations, and a copy of the logbook kept by the researcher responsible for the plutonium experiments. These are currently being assessed.

D. **Heavy Water Research Reactor**

10. The last visit by Agency inspectors to the Arak site was in April 2006 as part of design information verification of the Iran Nuclear Research Reactor (IR-40), at which time it was noted that construction of the facility was continuing, as reported in GOV/2006/27, para. 18.

E. **Other Implementation Issues**

11. Iran has declared the production at the Uranium Conversion Facility (UCF) of approximately 118 tonnes of UF₆, along with some intermediate products, between August 2005 and April 2006. Between 20 and 24 May 2006, the Agency carried out physical inventory verification (PIV) of the nuclear material at UCF. A final assessment of the results will be possible once the analysis of the nuclear material samples taken during the PIV is completed. All UF₆ produced at UCF remains under Agency containment and surveillance measures. On 6 June 2006, a new conversion campaign was begun at UCF.

12. Iran has continued its testing of centrifuges at the Pilot Fuel Enrichment Plant (PFEP). As reported previously by the Director General, a campaign involving the completed 164-machine
The Agency carried out an inspection at PFEP on 2–3 May 2006, in the course of which it took samples to confirm the enrichment levels of the product. Since that time, Iran has fed UF$_6$ into a single machine, and one machine of the 10-machine cascade, and, on 6 June 2006, started feeding UF$_6$ into the 164-machine cascade. Iran is continuing its installation work on other 164-machine cascades. The Agency carried out another inspection at PFEP on 6 and 7 June 2006. The enrichment process and product at PFEP, including the feed and withdrawal stations, are covered by Agency containment and surveillance measures. However, Iran has thus far declined to discuss implementation at PFEP of remote monitoring, which is an important verification measure in certain enrichment facilities.

13. On 7 June 2006, the Agency also carried out design information verification at the Fuel Enrichment Plant at Natanz, where it was noted that construction was ongoing.

14. There are no new developments to report with respect to the other implementation issues referred to in the previous report (GOV/2006/27, paras 19 and 20).

F. Voluntary Implementation of the Additional Protocol

15. Since Iran’s suspension of the voluntary implementation of its Additional Protocol on 5 February 2006, Iran has not been implementing the provisions of that Protocol.

G. Transparency Visits and Discussions

16. With reference to the environmental samples taken from some equipment at a technical university in January 2006 mentioned in paragraph 25 of GOV/2006/27, analysis of those samples showed a small number of particles of natural and high enriched uranium. On 16 May 2006, Iran responded to the Agency’s requests for clarification stating, inter alia, that, as mentioned during the visit of inspectors to Tehran on 27 January 2006, the equipment had not been acquired for or used in the field of nuclear activities. Iran indicated that it was, however, investigating how such particles might have been found in the equipment.

17. Iran has not yet responded to the Agency’s requests for clarifications concerning, and access to carry out environmental sampling of, other equipment and materials related to the Physics Research Centre (PHRC) (see GOV/2006/27, paras 24–25). Iran has also not provided the Agency access to interview the former Head of the PHRC. The clarification and access sought by the Agency have taken on added importance in light of the results of the environmental sampling referred to in paragraph 16 above.

18. In paragraph 26 of GOV/2006/27, the Director General reported that, in January 2006, the Agency took environmental samples from some corrosion resistant steel, valves and filters, the results of which were still pending. The results have now beenanalysed, and show no indication of the presence of particles of nuclear material.

19. The Agency has continued to follow up on information concerning studies related to the Green Salt Project, to high explosives testing and to the design of a missile re-entry vehicle (GOV/2006/27, paras 27–29). Since the last report of the Director General, Iran has not expressed readiness to discuss these topics further.

UN Security Council Resolution 1696

[S/RES/1696 (2006), adopted 31 July 2006]

The Security Council,

Recalling the Statement of its President, S/PRES/2006/15, of 29 March 2006,

Reaffirming its commitment to the Treaty on the Non-proliferation of Nuclear Weapons, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

Noting with serious concern the many reports of the IAEA Director General and resolutions of the IAEA Board of Governors related to Iran’s nuclear programme, reported to it by the IAEA Director General, including IAEA Board resolution GOV/2006/14,

Noting with serious concern that the IAEA Director General’s report of 27 February 2006 (GOV/2006/15) lists a number of outstanding issues and concerns on Iran’s nuclear programme, including topics which could have a military nuclear dimension, and that the IAEA is unable to conclude that there are no undeclared nuclear materials or activities in Iran, Noting with serious concern the IAEA Director General’s report of 28 April 2006 (GOV/2006/27) and its findings, including that, after more than three years of Agency efforts to seek clarifications concerning, and access to carry out environmental samples from some corrosion resistant steel, valves and filters, the existing gaps in knowledge continue to be a matter of concern, and that the IAEA is unable to make progress in its efforts to provide assurances about the absence of undeclared nuclear material and activities in Iran,

Noting with serious concern that, as confirmed by the IAEA Director General’s report of 8 June 2006 (GOV/2006/38) Iran has not taken the steps required of it by the IAEA Board of Governors, reiterated by the Council in its statement of 29 March and which are essential to build confidence, and in particular Iran’s decision to resume enrichment-related activities, including research and development, its recent expansion of and announcements about such activities, and its continued suspension of cooperation with the IAEA under the Additional Protocol, Emphasizing the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran’s nuclear programme is exclusively for peaceful purposes, and noting that such a solution would benefit nuclear non-proliferation elsewhere,

Welcoming the statement by the Foreign Minister of France, Philippe Douste-Blazy, on behalf of the Foreign Ministers of China, France, Germany, the Russian Federation, the United Kingdom, the United States and the High Representative of the European Union, in Paris on 12 July 2006 (S/2006/573), Concerned by the proliferation risks presented by the Iranian nuclear programme, mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and being determined to prevent an aggravation of the situation,

Acting under Article 40 of Chapter VII of the Charter of the United Nations in order to make mandatory the suspension required by the IAEA,

1. Calls upon Iran without further delay to take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions;

2. Demands, in this context, that Iran shall suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA;

3. Expresses the conviction that such suspension as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors, would contribute to a diplomatic, negotiated solution that guarantees Iran’s nuclear programme is for exclusively peaceful purposes, underlines the willingness of the international community to work positively for such a solution, encourages Iran, in complying to the above provisions, to reengage with the international community and with the IAEA, and stresses that such engagement will be beneficial to Iran;

4. Endorses, in this regard, the proposals of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union’s High Representative, for a long-term comprehensive arrangement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran’s nuclear programme (S/2006/251);

5. Calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent the transfer of any items, materials, goods and technology that could contribute to Iran’s enrichment-related and reprocessing activities and ballistic missile programmes;

6. Expresses its determination to reinforce the authority of the IAEA process, strongly supports the role of the IAEA Board of
Governments, commends and encourages the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all remaining outstanding issues in Iran within the framework of the Agency, underlines the necessity of the IAEA continuing its work to clarify all outstanding issues relating to Iran’s nuclear programme, and calls upon Iran to act in accordance with the provisions of the Additional Protocol and to implement without delay all transparency measures as the IAEA may request in support of its ongoing investigations;

7. Requests by 31 August a report from the Director General of the IAEA primarily on whether Iran has established full and sustained suspension of all activities mentioned in this resolution, as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the above provisions of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

8. Expresses its intention, in the event that Iran has not by that date complied with this resolution, then to adopt appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

9. Confirms that such additional measures will not be necessary in the event that Iran complies with this resolution;

10. Decides to remain seized of the matter.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

[Reproduced from Report by the Director General GOV/2006/53, 31 August 2006] [Editorial note: Footnotes not included]

1. On 8 June 2006, the Director General reported on the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (Iran) (GOV/2006/38). This report covers developments since that date.

2. On 31 July 2006, the United Nations Security Council adopted resolution 1696 (2006), which, inter alia,

• called upon Iran without further delay to take the steps required by the Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions;

• demanded, in this context, that Iran shall suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the Agency;

• underlined the necessity of the Agency continuing its work to clarify all outstanding issues relating to Iran’s nuclear programme;

• called upon Iran to act in accordance with the provisions of the Additional Protocol and to implement without delay all transparency measures as the Agency may request in support of its ongoing investigations; and

• requested by 31 August a report from the Director General primarily on whether Iran has established full and sustained suspension of all activities mentioned in this resolution, as well as on the process of Iranian compliance with all the steps required by the Board and with the above provisions of this resolution, to the Board of Governors and in parallel to the Security Council for its consideration.

3. This report is being submitted to the Board and in parallel to the Security Council.

A. Suspension of Enrichment Related Activities

4. Iran has continued the testing of P-1 centrifuges in the Pilot Fuel Enrichment Plant (PFEP). Since 6 June 2006, centrifuges in the single machine test stand and in the 10-machine and 20-machine cascades have been run mostly under vacuum, but with the feeding of UF₆ into single machines of the 20-machine cascade for short periods of time. Between 6 and 8 June 2006, the 164-machine cascade was also tested with UF₆. Further testing of the 164-machine cascade with UF₆ was carried out between 23 June and 8 July 2006. During these tests, a total of approximately 6 kg of UF₆ was fed into the machines and enriched to various levels of U-235. The feeding of UF₆ into the 164-machine cascade was resumed on 24 August 2006.

5. In June 2006, Iran stated that it had achieved enrichment levels of 5% U-235 in a test run in the 164-machine cascade. Iran provided measurement results from the on-line mass spectrometer to substantiate this statement. The Agency collected environmental samples, the results of which are still pending. Iran has released the Agency access to operating records concerning product and tail assays which the Agency requires to complete its auditing activities. However, on 30 August 2006, Iran provided the Agency with some information about product assays, which the Agency is currently assessing.

6. The installation of a second 164-machine cascade is proceeding. Iran has informed the Agency that it expects to be able to run the cascade under vacuum in September 2006. In August 2006, the Agency installed additional cameras to monitor this cascade. The Agency has also proposed the implementation of remote monitoring to compensate for the fact that measures normally used for verification at operational enrichment facilities (e.g. limited frequency unannounced access) are not feasible at PFEP. However, Iran continues to decline to discuss the implementation of remote monitoring at PFEP.

7. On 26 July 2006, design information verification (DIV) was carried out at the Fuel Enrichment Plant (FEP) at Natanz, where construction was ongoing. In the course of the inspectors’ visit to Iran between 11 and 16 August 2006, Iran declined to provide the Agency with access to carry out DIV at FEP, stating that the frequency of DIV activities was, in its view, too high and that the Agency had performed 3 DIVs there in 2003, 3 DIVs in 2004, 15 DIVs in 2005 and 12 DIVs as of August 2006. Iran also expressed concern about the frequency of DIV at PFEP, the Uranium Conversion Facility (UCF) and the Iran Nuclear Research Reactor (IR-40). The Agency explained that DIV was an ongoing and continuing process, and that it is carried out during all construction, commissioning, operation and subsequent phases of a facility to establish the safeguards measures to be implemented and to ensure that there are no undeclared design features which would permit the diversion of nuclear material. Between December 2005 and February 2006, the Agency, with the consent of Iran, also took advantage of DIV activities to monitor Iran’s suspension of enrichment activities. The Agency explained that DIV also enables the Director General to fulfil the reporting requirements set by the Board of Governors and the Security Council. Between 26 and 30 August 2006, Iran allowed the Agency access to carry out DIV at FEP and at the other facilities mentioned above.

8. The Agency has been monitoring the use of hot cells at the Tehran Research Reactor and the Molybdenum, Iodine and Xenon Radiosotope Production Facility, and the construction of hot cells at the IR-40, through inspections, DIV and satellite imagery. There are no indications of ongoing reprocessing activities in Iran.

B. Suspension of Reprocessing Activities

9. On 12 July and 30 August 2006, the Agency carried out DIV at the IR-40 reactor at Arak. Construction of the facility is continuing.

C. Heavy Water Research Reactor

9. On 12 July and 30 August 2006, the Agency carried out DIV at the IR-40 reactor at Arak. Construction of the facility is continuing.

D. Outstanding Issues

10. As indicated in the Director General’s report of April 2006 (GOV/2006/27, para. 6), on 27 April 2006, the Agency received from Iran a letter in which it was stated that “Iran is fully prepared to continue granting the Agency’s inspection in accordance with the Comprehensive Safeguards provided that the Iran’s nuclear dossier will remain, in full, in the framework of the Agency and under its safeguards, the Islamic Republic of Iran is prepared to resolve the remaining outstanding issues reflected in [the Director General’s] report GOV/2006/15 of 27 February 2006, in accordance with the international laws and norms. In this regard, Iran will provide a time table within next three weeks.” No such timetable has as yet been received.
D.1. Enrichment Programme

D.1.1. Contamination

11. There has been no further progress on the resolution of the contamination issue (GOV/2006/27, paras 8–9). As mentioned in the Director General’s last report (GOV/2006/38, para. 4), given the difficulty of establishing a definitive conclusion in connection with this long outstanding issue, a full understanding of the scope and chronology of Iran’s centrifuge enrichment programme, as well as full implementation of the Additional Protocol, are necessary for the Agency to be able to provide credible assurances regarding the absence of undeclared nuclear material and activities in Iran. These are also essential for clarification of the source of the uranium particle contamination found at the technical university, as discussed in paragraph 24 below.

D.1.2. Acquisition of P-1 and P-2 Centrifuge Technology

12. The Agency has continued its investigation of the outstanding questions related to Iran’s P-1 and P-2 centrifuge programmes (GOV/2006/27, paras 10–14). However, Iran has not made any new information available to the Agency.

13. As indicated in the Director General’s last report, following public statements made by high level Iranian officials that Iran was conducting research on new types of centrifuges, the Agency wrote to Iran on 24 April 2006 seeking clarification of the scope and content of such research (GOV/2006/38, para. 6). On 16 June 2006, the Agency received from Iran a letter stating, inter alia, that Iran was studying different types of centrifuge machines, and that this was “an ongoing and progressing R&D activity without using nuclear materials.”

D.2. Uranium Metal

14. The Agency is carrying out investigations on information and documentation which may have been provided to Iran by foreign intermediaries (GOV/2006/27, paras 15–16; GOV/2006/38, para. 7). To understand the full scope of the offers made by the intermediaries to Iran, it is still necessary for the Agency to have a copy of the 15-page document describing the procedures for the reduction of UF, to uranium metal and the casting and machining of enriched and depleted uranium metal into hemispheres (first mentioned in GOV/2005/87, para. 6). Iran continued to decline the Agency’s request to have a copy of the document, but had agreed to allow the Agency to review the document, to take notes from it and to keep it under seal in Iran. In the course of a visit to Iran in mid-August 2006, Agency inspectors continued their examination of the document. However, Iran informed the inspectors that the taking of notes would not be permitted, and the notes which had been taken thus far by the inspectors during that visit had to be destroyed. The document remains under seal in Iran.

D.3. Plutonium Experiments

15. The Agency has continued to seek clarification from Iran about its plutonium separation experiments (GOV/2006/38, paras 8–9). Since the Director General’s last report, the agency has been able to evaluate the explanations provided by Iran in June and examine the copy of the notebook kept by the researcher responsible for the plutonium experiments, and has concluded that they did not provide sufficient clarification of the outstanding issues. In an effort to acquire further information about the irradiation parameters, the Agency also met, on 11 July 2006, with a reactor operator and the researcher, who also did not provide the data necessary to clarify the issues. Iran has stated that no other relevant information is available.

16. In a letter dated 10 August 2006, the Agency informed Iran that, given the information received from Iran to date, the Agency would not be able to resolve the outstanding inconsistencies unless additional information were made available by Iran.

17. The depleted uranium targets which had been irradiated in the course of the plutonium experiments are stored in containers located at the Karaj Waste Storage Facility (GOV/2005/67, para. 24). On 8 August 2005, the Agency took environmental samples from one of those containers. The results from their analysis, recently finalized by the Agency, indicate the presence of high enriched uranium particles. On 15 August 2006, Iran was requested to provide information about the source of the contamination and the past use of the containers.

E. Other Implementation Issues

E.1. Uranium Conversion

18. Since the Director General’s last report to the Board, the Agency has completed its assessment of the results of the physical inventory verification (PIV) of nuclear material at UCF carried out between 20 and 24 May 2006 (GOV/2006/38, para. 11). The Agency concluded that the physical inventory as declared by Iran was consistent with the results of the PIV, within the measurement uncertainties normally associated with similar size conversion plants.

19. In April 2006, the movement of a 48X UF cylinder by the operator into and out of one of the withdrawal stations without prior notification to the Agency resulted in a loss of continuity of knowledge of nuclear material in the process. However, in light of the results of the PIV, the Agency will continue to follow up on this question as a routine part of its verification of the correctness and completeness of Iran’s declarations.

20. On 27 June 2006, Iran provided the Agency with the anticipated operational programme for UCF, including details of the new conversion campaign involving approximately 160 tonnes of uranium ore concentrate which was begun on 6 June 2006 and is expected to be completed by January 2007. As of 25 August 2006, approximately 26 tonnes of uranium in the form of UF had been produced during this campaign. All UF produced at UCF remains under Agency containment and surveillance. In a letter dated 18 July 2006, Iran informed the Agency of its intention to build at UCF a “standby” process line for converting ammonium uranyl carbonate to UO2.

E.2. Other Matters

21. On 8 July 2006, DIV was carried out at the Fuel Manufacturing Plant (FMP) at Esfahan. Iran informed the inspectors that full commissioning of the FMP is scheduled for 2007. The civil engineering construction of the facility is approximately 80% completed and equipment is being installed.

22. There are no new developments to report with respect to the other implementation issues referred to in the previous report (GOV/2006/38, para. 19; GOV/2006/27, paras 19 and 23). As noted in GOV/2006/38, paragraph 17, the clarification and access sought by the Agency have taken on added importance in light of the results of the environmental sampling referred to in the previous paragraph.

23. Between the end of July 2006 and 29 August 2006, Iran declined to provide one-year multiple entry visas to designated Agency inspectors as agreed to by Iran in the Subsidiary Arrangements to its Safeguards Agreement. On 30 August 2006, Iran provided such visas for two inspectors, and on 31 August 2006 informed the Agency that “following the normal administration process the multiple one year visa for remaining designated inspectors will be issued by 10 September 2006”.

F. Transparency Measures

24. Analysis of the environmental samples taken from equipment at a technical university in January 2006, referred to in paragraph 25 of GOV/2006/27, showed several small numbers of particles of natural and high enriched uranium. This equipment had been shown to the Agency in connection with its investigation into efforts made by the Physics Research Centre (PHRC) to acquire dual use material and equipment (GOV/2006/27, paras 24–25).

25. Iran has not yet responded to the Agency’s requests for clarification concerning, and access to carry out environmental sampling of, other equipment and materials related to the PHRC. Nor has Iran provided the Agency with access to interview the other former Head of the PHRC. As noted in GOV/2006/38, paragraph 17, the clarification and access sought by the Agency have taken on added importance in light of the results of the environmental sampling referred to in the previous paragraph.

26. The Agency has continued to follow up on information concerning studies related to the so-called Green Salt Project, to high explosives testing and to the design of a missile re-entry vehicle (GOV/2006/27, paras 27–29). However, Iran has not expressed any readiness to discuss these topics since the issuance of the Director General’s report in February 2006 (GOV/2006/15, paras 38–39).
G. Summary

27. Iran has been providing the Agency with access to nuclear material and facilities, and has provided the required reports. Although Iran has provided the Agency with some information concerning product assays at PFEP, Iran continues to decline Agency access to certain operating records at PFEP.

28. Iran has not addressed the long outstanding verification issues or provided the necessary transparency to remove uncertainties associated with some of its activities. Iran has not suspended its enrichment related activities; nor has Iran acted in accordance with the provisions of the Additional Protocol.

29. The Agency will continue to pursue its investigation of all remaining outstanding issues relevant to Iran’s nuclear activities. However, the Agency remains unable to make further progress in its efforts to verify the correctness and completeness of Iran’s declarations with a view to confirming the GOV/2006/53 peacefull nature of Iran’s nuclear programme. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

[Reproduced from Report by the Director General GOV/2006/64, 14 November 2006]

1. On 31 August 2006, the Director General reported on the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (Iran) (GOV/2006/53). This report covers developments since that date.

A. Suspension of Enrichment Related Activities

2. Since 31 August 2006, centrifuges in the single machine test stand, and the 10-machine, 20-machine and first 164-machine cascades at the Pilot Fuel Enrichment Plant (PFEP) have been run, mostly under vacuum, with UF₆ being fed during intermittent periods. The installation of the second 164-machine cascade was completed, and, on 13 October 2006, testing of the cascade with UF₆ gas was begun. Between 13 August and 2 November 2006, a total of approximately 34 kg of UF₆ was reported by Iran as having been fed into the centrifuges and enriched to levels below 5% U-235.

3. Between 16 and 18 September 2006, the Agency performed a physical inventory verification (PIV) at PFEP, the evaluation of which remains open pending receipt of sample results.

4. The results of the analysis of the environmental samples taken by the Agency to confirm Iran’s statement in June 2006 that it had achieved enrichment levels of 5% U-235 in a test run in the first 164-machine cascade at PFEP are still pending (GOV/2006/53, para. 5). Iran has not provided the Agency full access to operating records concerning product and tail assays which the Agency requires to complete its auditing activities.

5. Iran continues to decline to discuss the implementation of remote monitoring at PFEP, a proposal made by the Agency to compensate for the fact that measures normally used for verification at operational enrichment facilities (e.g., limited frequency unannounced access) are not feasible at PFEP (GOV/2006/53, para. 6).

6. On 5 November 2006, design information verification (DIV) was carried out at the Fuel Enrichment Plant (FEP) at Natanz, where construction was ongoing.

B. Suspension of Reprocessing Activities

7. The Agency has been monitoring the use of hot cells at the Tehran Research Reactor (TRR) and the Molybednum, Iodine and Xenon Radiosotope Production Facility, and the construction of hot cells at the Iran Nuclear Research Reactor (IR-40), through inspections, DIV and satellite imagery. There are no indications of ongoing reprocessing activities at those facilities, or at any other declared facilities in Iran.

C. Heavy Water Research Reactor

8. Since 31 August 2006, the Agency has been monitoring through satellite imagery the construction of the IR-40 reactor, which, along with the construction of associated buildings, has been continuing.

D. Outstanding Issues

9. On 16 October 2006, the Agency wrote to Iran referring to the long outstanding verification issues relevant to Iran’s nuclear activities, and to the fact that Iran had not addressed those issues or provided the necessary transparency to remove uncertainties associated with some of its nuclear activities. In its letter, the Agency urged Iran to provide all the necessary information and required access to facilitate the resolution of all long outstanding verification issues. In its reply of 1 November 2006, Iran stated, inter alia, that it “is prepared to remove ambiguities, if any, and gives access and information in accordance with its Safeguards Agreement”. With regard to the outstanding issues, Iran referred to its letter of 27 April 2006, in which it had “declared[d] its preparedness to resolve the remaining issues providing timetable, within next three weeks, provided that the nuclear dossier is returned back in full in the framework of the Agency”.

D.1. Enrichment Programme

D.1.1. Contamination

10. There has been no further progress on the resolution of the contamination issues referred to in GOV/2006/53, para. 11 (i.e. the sources of low enriched uranium particles, and some high enriched uranium (HEU) particles, found at locations where Iran has declared that centrifuge components had been manufactured, used and/or stored). In addition, clarification is still required of the particles of natural and high enriched uranium which were found in the samples taken from equipment at a technical university in January 2006 (GOV/2006/53, para. 24).

D.1.2. Acquisition of P-1 and P-2 Centrifuge Technology

11. Iran has not made available to the Agency any new information concerning Iran’s P-1 or P-2 centrifuge programme (GOV/2006/53, paras 12–13).

D.2. Uranium Metal

12. Iran has still not provided a copy of the 15-page document describing the procedures for the reduction of UF₆ to uranium metal and the casting and machining of enriched and depleted uranium metal into hemispheres (GOV/2005/87, para. 6). The document was resealed by the Agency in August 2006.

D.3. Plutonium Experiments

13. The Agency has continued to seek clarification from Iran about its plutonium separation experiments (GOV/2006/53, paras 15–17). Iran has not provided sufficient clarification of the outstanding issues concerning these experiments and has stated that no other relevant information is available.

14. As reflected in the Director General’s previous report (GOV/2006/53, para. 17), the results of the analysis of environmental samples taken at the Karaj Waste Storage Facility (where containers which had been used to store depleted uranium targets used in the experiments are located) indicate the presence of HEU particles. In response to the Agency’s request of 15 August 2006 for information about the source of the particles, and about the past use of the containers, Iran informed the Agency in a letter dated 6 September 2006 that the containers had been used for the temporary storage of spent fuel from TRR, which, in its view, could explain the presence of the HEU particles. Additional samples have been taken from other containers, located at the Tehran Nuclear Research Centre, which had also been used to store spent fuel from TRR. The results from these samples are still pending.

15. Under cover of the Agency’s letter of 16 October 2006 (referred to in para. 9 above), Iran was provided with a detailed assessment of the results of further analysis of the samples taken from the containers at Karaj, and was requested to provide further clarification of the presence of the HEU particles and clarification of an additional finding of plutonium in the samples. On 13 November 2006, Iran provided a response to that request, which the Agency is currently assessing.
E. Other Implementation Issues

E.1. Uranium Conversion

16. In June 2006, Iran started at the Uranium Conversion Facility (UCF) a uranium conversion campaign involving approximately 160 tonnes of uranium ore concentrate. As of 7 November 2006, approximately 55 tonnes of uranium in the form of UF₆ had been produced during this campaign. All UF₆ produced at UCF remains under Agency containment and surveillance.

E.2. Other Matters

17. There are no new developments to report with respect to the other implementation issues referred to in previous reports (GOV/2006/28, para. 14; GOV/2006/27, paras 19–20).

F. Transparency Measures

18. Iran has not yet responded to the Agency’s long outstanding requests for clarification concerning, and access to carry out further environmental sampling of, equipment and materials related to the Physics Research Centre (PHRC); nor has Iran provided the Agency with access to interview another former Head of the PHRC.

19. Iran has not expressed any readiness to discuss information concerning alleged studies related to the so-called Green Salt Project, to high explosives testing and to the design of a missile re-entry vehicle (GOV/2006/53, para. 26).

G. Summary

20. Iran has been providing the Agency with access to declared nuclear material and facilities, and has provided the required nuclear material accountancy reports in connection with such material and facilities. However, Iran has not provided the Agency with full access to operating records at PFEP.

21. While the Agency is able to verify the non-diversion of declared nuclear material in Iran, the Agency will remain unable to make further progress in its efforts to verify the absence of undeclared nuclear material and activities in Iran unless Iran addresses the long outstanding verification issues, including through the implementation of the Additional Protocol, and provides the necessary transparency. Progress in this regard is a prerequisite for the Agency to be able to confirm the peaceful nature of Iran’s nuclear programme.

22. The Agency will continue to pursue its investigation of all remaining issues relevant to Iran’s nuclear activities, and the Director General will continue to report as appropriate.

UN Security Council Resolution 1737

[S/RES/1737 (2006), adopted 23 December 2006]

The Security Council,


Reaffirming its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

Reiterating its serious concern over the many reports of the IAEA Director General and resolutions of the IAEA Board of Governors related to Iran’s nuclear programme, reported to it by the IAEA Director General, including IAEA Board resolution GOV/2006/14,

Reiterating its serious concern that the IAEA Director General’s report of 27 February 2006 (GOV/2006/15) lists a number of outstanding issues and concerns on Iran’s nuclear programme, including topics which could have a military nuclear dimension, and that the IAEA is unable to conclude that there are no undeclared nuclear materials or activities in Iran,

Reiterating its serious concern over the IAEA Director General’s report of 28 April 2006 (GOV/2006/27) and its findings, including that, after more than three years of Agency efforts to seek clarity about all aspects of Iran’s nuclear programme, the existing gaps in knowledge continue to be a matter of concern, and that the IAEA is unable to make progress in its efforts to provide assurances about the absence of undeclared nuclear material and activities in Iran,

Noting with serious concern that, as confirmed by the IAEA Director General’s reports of 8 June 2006 (GOV/2006/38), 31 August 2006 (GOV/2006/53) and 14 November 2006 (GOV/2006/84), Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities as set out in resolution 1696 (2006), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required of it by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006) and which are essential to build confidence, and deploiring Iran’s refusal to take these steps,

Emphasizing the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran’s nuclear programme is exclusively for peaceful purposes, and noting that such a solution would benefit nuclear non-proliferation elsewhere, and welcoming the continuing commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union’s High Representative to seek a negotiated solution,

Determined to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006) and with the requirements of the IAEA, and also to constrain Iran’s development of sensitive technologies in support of its nuclear and missile programmes, until such time as the Security Council determines that the objectives of this resolution have been met,

Concerned by the proliferation risks presented by the Iranian nuclear programme and, in this context, by Iran’s continuing failure to meet the requirements of the IAEA Board of Governors and to comply with the provisions of Security Council resolution 1696 (2006), mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Acting under Article 41 of Chapter VII of the Charter of the United Nations,

1. Affirms that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions;

2. Decides, in this context, that Iran shall without further delay suspend the following proliferation sensitive nuclear activities:

(a) all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA; and

(b) work on all heavy water-related projects, including the construction of a research reactor moderated by heavy water, also to be verified by the IAEA;

3. Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology which could contribute to Iran’s enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, namely:

(a) those set out in sections B.2, B.3, B.4, B.5, B.6 and B.7 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814;

(b) those set out in sections A.1 and B.1 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814, except the supply, sale or transfer of:

(i) equipment covered by B.1 when such equipment is for light water reactors;

(ii) low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for such reactors;

(c) those set out in document S/2006/815, except the supply, sale or transfer of items covered by 19.A.3 of Category II;
(d) any additional items, materials, equipment, goods and technology, determined as necessary by the Security Council or the Committee established by paragraph 18 below (herein "the Committee"), which could contribute to enrichment-related, or reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems;

4. Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of the following items, materials, equipment, goods and technology:
   (a) those set out in INFCIRC/254/Rev.7/Part2 of document S/2006/814 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities;
   (b) any other items not listed in documents S/2006/814 or S/2006/815 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems;
   (c) any further items if the State determines that they would contribute to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding;

5. Decides that, for the supply, sale or transfer of all items, materials, equipment, goods and technology covered by documents S/2006/814 and S/2006/815 the export of which to Iran is not prohibited by subparagraphs 3 (b), 3 (c) or 4 (a) above, States shall ensure that:
   (a) the requirements, as appropriate, of the Guidelines as set out in documents S/2006/814 and S/2006/985 have been met; and
   (b) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and
   (c) they notify the Committee within ten days of the supply, sale or transfer; and
   (d) in the case of items, materials, equipment, goods and technology contained in document S/2006/814, they also notify the IAEA within ten days of the supply, sale or transfer;

6. Decides that all States shall also take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 above;

7. Decides that Iran shall not export any of the items in documents S/2006/814 and S/2006/815 and that all Member States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran;

8. Decides that Iran shall provide such access and cooperation as the IAEA requests to be able to verify the suspension outlined in paragraph 2 and to resolve all outstanding issues, as identified in IAEA reports, and calls upon Iran to ratify promptly the Additional Protocol;

9. Decides that the measures imposed by paragraphs 3, 4 and 6 above shall not apply where the Committee determines in advance and on a case-by-case basis that such supply, sale, transfer or provision of such items or assistance would clearly not contribute to the development of Iran's technologies in support of its proliferation sensitive nuclear activities and of development of nuclear weapon delivery systems, including where such items or assistance are for food, agricultural, medical or other humanitarian purposes, provided that:
   (a) contracts for delivery of such items or assistance include appropriate end-user guarantees; and
   (b) Iran has committed not to use such items in proliferation sensitive nuclear activities or for development of nuclear weapon delivery systems;

10. Calls upon all States to exercise vigilance regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee of the entry into or transit through their territories of the persons designated in the Annex to this resolution (herein "the Annex"), as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 above, except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) above;

11. Underlines that nothing in the above paragraph requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of the above paragraph, take into account humanitarian considerations as well as the necessity to meet the objectives of this resolution, including where Article XV of the IAEA Statute is engaged;

12. Decides that all States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the Annex, as well as those of additional persons or entities designated by the Security Council or by the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Security Council or the Committee removes them from the Annex, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities;

13. Decides that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant States:
   (a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;
   (b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee;
   (c) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraphs 10 and 12 above, and has been notified by the relevant States to the Committee;
   (d) to be necessary for activities directly related to the items specified in subparagraphs 3 (b) (i) and (ii) and have been notified by the relevant States to the Committee;
Decides that the Council, together with the United Nations Security Council, should remain seized of the matter.

The Council strongly welcomes the commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, to a negotiated solution to this issue and encourages Iran to engage with their June 2006 proposals, which are endorsed by the Security Council in resolution 1969 (2006), for a long-term comprehensive agreement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme.

Welcomes the commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, to a negotiated solution to this issue and encourages Iran to engage with their June 2006 proposals, which are endorsed by the Security Council in resolution 1969 (2006), for a long-term comprehensive agreement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme.

Annex

A. Entities involved in the nuclear programme

1. Atomic Energy Organisation of Iran
2. Mesbah Energy Company (provider for A40 research reactor — Arak)
4. Pars Trash Company (involved in centrifuge programme, identified in IAEA reports)
5. Farayand Technique (involved in centrifuge programme, identified in IAEA reports)
6. Defence Industries Organisation (overarching MODALF-controlled entity, some of whose subordinates have been involved in the centrifuge programme making components, and in the missile programme)
7. 7th of Tir (subordinate of OIO, widely recognized as being directly involved in the nuclear programme)

B. Entities involved in the ballistic missile programme
1. Shahid Hemmat Industrial Group (SHIG) (subordinate entity of AEOI)
2. Shahid Bagheri Industrial Group (SBIG) (subordinate entity of AEOI)
3. Fair Industrial Group (formerly Instrumentation Factory Plant, subordinate entity of AIO)

C. Persons involved in the nuclear programme
1. Mohammad Qannadi, AEOI Vice President for Research & Development
2. Behman Asgarpour, Operational Manager (Arak)
3. Dawood Agha-Jani, Head of the PFEP (Natanz)
4. Bahmanyar Morteza Bahmanyar, Head of Finance & Budget Dept, AIO
5. Reza-Gholi Esmaeli, Head of Trade & International Affairs Dept, AIO
6. Mohammad Qannadi, AEOI Vice President for Research & Development
7. Lt Gen Mohammad Mehdi Nejad Nouri, Rector of Malek Ashtar University of Defence Technology (chemistry dept, affiliated to MODALF, has conducted experiments on beryllium)

D. Persons involved in the ballistic missile programme
1. Gen Hosein Salimi, Commander of the Air Force, IRGC (Pasdaran)
2. Ahmad Vahid Dastjerdi, Head of the AIO
3. Reza-Gholi Esmaeli, Head of Trade & International Affairs Dept, AIO
4. Bahmanyar Morteza Bahmanyar, Head of Finance & Budget Dept, AIO

E. Persons involved in both the nuclear and ballistic missile programmes
1. Maj Gen Yahya Rahim Safavi, Commander, IRGC (Pasdaran)


[Reproduced from Report by the Director General GOV/2007/7, 9 February 2007]

[Editorial Note: Footnotes not included]

A. Background
1. On 23 December 2006, the Security Council, acting under Article 41 of Chapter VII, “Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression” of the Charter of the United Nations (the Charter), adopted resolution 1737 (2006) (the resolution). Pursuant to Article 48(2) of the Charter the decisions of the Security Council for the maintenance of international peace and security “shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members”. In addition, the Agreement governing the relationship between the United Nations and the Agency provides that “the Agency shall consider any resolution relating to the Agency adopted by the General Assembly or by a Council of the United Nations”. It will therefore be necessary for Member States of the Agency to consider the resolution and the Agency’s ensuing obligations thereunder.

B. Obligations under Security Council resolution 1737 (2006)
2. The resolution, inter alia in operative paragraphs 3 and 4, requires the taking of measures to prevent the supply, sale or transfer to, or for the use in or benefit of, Iran of all items, materials, equipment, goods and technology which could contribute to Iran’s enrichment related, reprocessing or heavy water related activities, or to the development of nuclear weapon delivery systems and the specified items, materials, equipment, goods and technology listed in United Nations Security Council documents S/2006/814 and S/2006/815, as well as of any other additional items that may be determined by the Security Council or the Committee established pursuant to operative paragraph 18 of the resolution. Also, pursuant to operative paragraph 5 of the resolution, the Agency has to be informed within ten days in cases of the supply, sale or transfer to Iran of those items, materials, equipment, goods and technology listed in document S/2006/814 in respect of which the export to Iran is not prohibited. At the same time, the resolution exempts specific equipment and fuel assemblies for light water reactors from the restrictions mentioned above. While operative paragraph 10 requires Member States to exercise vigilance regarding the entry into or transit through their territories of persons specified in that paragraph, operative paragraph 11 requires Member States to grant to such persons entry to or through their territories to attend Agency meetings designed to meet the objectives of the resolution.

3. The resolution further provides, in its operative paragraph 6, that all Member States (and through their actions as set out in paragraph 1 above, the Agency) take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokerage or other services and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in operative paragraphs 3 and 4 of the resolution.

4. In addition to this general prohibition on technical assistance relating to proliferation sensitive nuclear activities, the resolution, in its operative paragraph 16, specifically addresses the Agency and provides that technical cooperation provided to Iran by the IAEA or under its auspices shall only be for food, agricultural, medical, safety or other humanitarian purposes, or where it is necessary for projects directly related to the items specified in subparagraphs 3(b)(i) and (ii) of the resolution (i.e. equipment and fuel assemblies for light water reactors), but that no such technical cooperation shall be provided that relates to the proliferation sensitive nuclear activities set out in operative paragraph 2 of the resolution. The Committee established pursuant to operative paragraph 18 of the resolution is tasked, inter alia, to seek from the Secretariat of the Agency information regarding the actions taken by the Agency to implement effectively the measures provided for in operative paragraph 16 of the resolution and whatever further information it may consider useful in this regard. Taking into account the drafting history of the resolution, given the standard terminology traditionally used in the Agency in the context of defining its technical cooperation programme and the fact that the resolution clearly distinguishes on the one hand between technical assistance in the general sense in operative paragraph 6 and on the other hand technical cooperation in the specific Agency context in operative paragraph 16, it is the Secretariat’s judgement that the activities of the Agency dealt with by operative paragraph 16 pertain only to activities in the context of projects implemented through the Agency’s Technical Cooperation Programme. In light of the above provisions of operative paragraph 6 no technical assistance outside the Technical Cooperation Programme, can be provided to Iran that relates to the proliferation sensitive nuclear activities specified in the resolution. Technical assistance, however, can be provided to Iran when after a case-by-case screening by the Secretariat upon receipt of a request for specific assistance, it is found to be in conformity with the provisions of operative paragraph 6 of the resolution. The Secretariat has evaluated, and established the necessary internal procedures to keep under review, all its technical assistance activities to ensure that none of them contribute to Iran’s proliferation sensitive nuclear activities specified in the resolution.

C. Evaluation of technical cooperation provided to Iran
6. In respect of technical cooperation, the Director General undertook in his letter of 27 December 2006 to the Chairman of the Board of Governors, that the Secretariat will evaluate all IAEA technical cooperation projects for Iran in the light of resolution 1737 (2006) and will prepare a report including a list of the projects which
could, in the Secretariat’s judgement, continue to be implemented. The Director General also stated that, pending completion of the Secretariat’s evaluation, and until the Board takes the required decision, it would be ensured that, “any technical cooperation provided to Iran by the Agency, or under its auspices, will be limited to activities that are, prima facie, in the Secretariat’s judgement authorized by the aforementioned resolution.”

7. The Secretariat has evaluated the technical cooperation provided to Iran by the Agency, in the context of the resolution. The Secretariat has also established the necessary procedures to keep the programme under review. The recommendations resulting from the evaluation are provided in the attached Annex and are based on the following considerations:

(i) No technical cooperation may be provided to Iran that relates to the proliferation of sensitive nuclear activities specified in the resolution.
(ii) Technical cooperation by the Agency may continue to be provided only if it is for food, agricultural, medical, safety or other humanitarian purposes, or where it relates to light water reactors as specified in operative paragraphs 3(b)(i) and (ii) of the resolution.
(iii) The phrase “technical cooperation provided to Iran by the IAEA” in the resolution is understood to include any and all technical cooperation to Iran by the Agency whether through national, regional or interregional projects contained in the Agency’s Technical Cooperation Programme.
(iv) The phrase “under its auspices” is understood to mean any and all technical cooperation provided by the Agency to Iran in the context of agreements, arrangements or events which the Agency supports or co-organizes, to which the Agency is a party, and/or for which the Agency is a sponsor or co-sponsor.
(v) The term “safety” is understood to mean activities that may have a direct impact on the protection of people and the environment against radiation risks. This includes the safety of nuclear installations, radiation safety, the safety of radioactive waste and safety in the transport of radioactive material.
(vi) The phrase “other humanitarian purposes” is understood to mean all activities directly related to basic human needs and human welfare other than those specifically mentioned in operative paragraph 16 of the resolution.
(vii) To the extent that nuclear security may have a direct impact on the safety of people and the environment, relevant nuclear security related technical cooperation projects may continue to be carried out.
(viii) As regards technical cooperation projects with disparate purposes and activities, the Secretariat will implement the activities on a case-by-case basis for those purposes which are in conformity with the provisions of operative paragraph 16 of the resolution.

8. There are, at present, fifteen national technical cooperation projects for Iran as well as thirty-four regional and six interregional technical cooperation projects in which Iran participates or is eligible to participate. The Secretariat reached the following conclusions regarding the technical cooperation provided to Iran by the Agency or under its auspices:

(i) Technical cooperation to Iran may proceed through eleven national projects and twenty regional and two interregional projects.
(ii) Technical cooperation to Iran may not proceed through one national project and ten regional and one interregional projects with disparate activities except for those specific activities that, after a case-by-case screening by the Secretariat upon receipt of a request for specific assistance, are found to be in conformity with the provisions of operative paragraph 16 of the resolution.
(iii) Technical cooperation to Iran may not proceed through three national projects and four regional and three interregional projects.

9. Pending action by the Board, and as indicated by the Director General in his letter to the Chairman of the Board of 27 December 2006, the Secretariat has placed on hold three fellowships, one individual participation in a training course and the procurement of fifteen items and shipments under projects INT0081, RAS0042, RAS4025, RAS2011, IRA8015, as well as all technical cooperation projects referred to in paragraph 8(ii) above.

D. Actions by the Secretariat

10. The Secretariat will continue to keep all its technical assistance activities under review to ensure that none contribute to Iran’s proliferation sensitive nuclear activities as specified in the resolution.

11. Subject to the concurrence by the Board, the Secretariat will implement the technical cooperation to Iran as specified in paragraphs 7 and 8 above.

12. Obligations to third parties arising out of technical assistance activities and technical cooperation projects that are being put on hold are being kept under review by the Secretariat and will be addressed in accordance with the terms of the relevant contracts.

13. In accordance with operative paragraph 18(b) of the resolution, the Secretariat will provide information that may be required by the Committee established pursuant to the resolution.

E. Recommended Action by the Board

14. It is recommended that the Board:

(i) take note of the resolution; and
(ii) concur with the Secretariat’s understanding of the actions required of the Agency by Member States, in respect of the cooperation between Iran and the Agency as contained in paragraphs 10 to 13 above.

Annex

EVALUATION OF TECHNICAL COOPERATION PROVIDED TO IRAN

No technical cooperation relating to proliferation sensitive nuclear activities will be provided under any project.

Eds...


[Reproduced from Report by the Director General GOV/2007/8, 22 February 2007]

1. On 14 November 2006, the Director General reported on the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (Iran) (GOV/2006/64).


- affirmed that Iran shall without further delay take the steps required by the Board of Governors in resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions (Operative para. 1);
- decided that Iran shall without further delay suspend the following proliferation sensitive nuclear activities:
  - all enrichment related and reprocessing activities, including research and development, to be verified by the Agency; and
  - work on all heavy water related projects, including the construction of a research reactor moderated by heavy water, also to be verified by the Agency (Operative para. 2);
- decided that Iran shall provide such access and cooperation as the Agency requests to be able to verify the suspension outlined above and to resolve all outstanding issues, as identified in Agency reports, and called upon Iran to ratify promptly the Additional Protocol (Operative para. 3);
- requested within 60 days a report from the Director General on whether Iran has established full and sustained suspension of all activities mentioned in the resolution, as well as on the GOV/2007/8 process of Iranian compliance with all the steps required by the Board of Governors and with the other
provisions of the resolution, to the Board and in parallel to the Security Council for its consideration (operative para. 23).

3. his report, which is being submitted to the Board, and in parallel to the Security Council, covers developments since the Director General’s report of 14 November 2006.

A. Enrichment Related Activities

4. Since 14 November 2006, Iran has continued to operate single machines, as well as the 10-, 24- and 164-machine cascades, at the Pilot Fuel Enrichment Plant (PFEP), and to feed UF6 intermittently into these machines. Between 2 November 2006 and 17 February 2007, a total of approximately 66 kg of UF6 was declared by Iran as having been fed into the process and enriched to levels below 5% U-235. The environmental sample results thus far indicate a maximum enrichment of 4.2% U-235 in the first 164-machine cascade (GOV/2006/64, para. 4).

5. The Agency has completed its evaluation of the physical inventory verification (PIV) of nuclear material at PFEP carried out between 16 and 18 September 2006 (GOV/2006/64, para. 3), and has concluded that the inventory of nuclear material, as declared by Iran, was consistent with the results of the PIV.

6. In 18 December 2006, Iran provided Agency inspectors access to operating records concerning the product and tails assay at PFEP (GOV/2006/64, para. 4). During meetings held in Iran between 15 and 18 January 2007, the Agency sought additional clarification from Iran on the information provided by it, which clarification is still pending.

7. During the meetings in Iran in January 2007, Iran informed the Agency of its plan to start feeding UF6 into the cascades installed at the Fuel Enrichment Plant (FEP) by the end of February 2007, to continue progressively with the installation of the 18 cascades of the 3000-machine hall and to bring them gradually into operation by May 2007. The Agency recalled the safeguards measures that needed to be implemented at FEP (GOV/2006/53, para. 6), and reiterated that such measures needed to be in place prior to the introduction of nuclear material into the facility. The Agency also again raised with Iran the need for remote monitoring at FEP and PFEP as one of those required measures.

8. In a letter dated 23 January 2007, Iran declined to agree at this stage on the use of remote monitoring, and requested the Agency to provide a detailed legal basis for the implementation of remote monitoring, as well as examples of where such measures were already being implemented in sensitive facilities in other States. The Agency provided clarifications to Iran in a letter dated 9 February 2007 and is awaiting Iran’s response. In the meantime, the Agency agreed to interim verification arrangements at FEP, involving frequent inspector access but not remote monitoring, provided that these arrangements were in place before Iran started feeding UF6 into the cascades. Iran was informed that these arrangements (which are now in place) would be valid only for as long as the number of machines installed at FEP did not exceed 500, and that, once that number was exceeded, all required safeguards measures would need to be implemented.

9. During the design information verification (DIV) carried out at FEP on 17 February 2007, Agency inspectors were informed that two 164-machine cascades had been installed and were operating under vacuum and that another two 164-machine cascades were in the final stages of installation. In light of this, in a letter dated 19 February 2007, the Agency requested that arrangements be made for the relocation of cameras into the cascade hall during the Agency’s next visit to FEP, which is scheduled to take place between 3 and 5 March 2007. The issue of remote monitoring remains to be resolved.

10. During January and February 2007, the Agency collected baseline environmental samples, and began the installation of containment and surveillance measures, at FEP. On 31 January 2007, Iran transferred approximately 8.7 t of natural UF6 in a container from the Uranium Conversion Facility (UCF) to FEP and connected the container to the feed autoclave, which is under Agency seal. As of 17 February 2007, no UF6 had been fed into the process at FEP.

11. The Agency has no information to report regarding the assembly of centrifuges, or the manufacture of centrifuge components or associated equipment in Iran. However, Iran is pre-treating rotors for FEP at PFEP.

B. Reprocessing Activities

12. The Agency has been monitoring the use of hot cells at the Tehran Research Reactor (TRR) and at the Molybdenum, Iodine and Xenon Radiodotope Production Facility, and the construction of hot cells at the Iran Nuclear Research Reactor (IR-40) at Arak, through inspections, DIV and analysis of satellite imagery. There are no indications of ongoing reprocessing activities at those facilities, or at any other declared facilities in Iran.

C. Heavy Water Related Projects

13. On 29 January 2007, the Agency carried out a DIV at the IR-40 Reactor, where, it noted, civil construction is ongoing. Satellite imagery indicates that the operation of the Heavy Water Production Plant is also continuing.

D. Outstanding Issues

14. On 15 February 2007, the Agency wrote to Iran inquiring whether it intended to take any action to resolve the outstanding issues, to suspend the activities identified in Security Council resolution 1737 (2006), and to ratify the Additional Protocol. In its reply dated 19 February 2007, Iran reiterated its “full readiness and willingness to negotiate on the modalities for the resolution of the outstanding issues with the IAEA, subject to the assurances for dealing with the issues in the framework of the Agency, without the interference of the United Nations Security Council”.

D.1. Enrichment Programme

D.1.1. Contamination

15. The issue of the source(s) of low enriched uranium (LEU) and high enriched uranium (HEU) particles found at locations where Iran has declared that centrifuge components had been manufactured, used and/or stored remains unresolved (GOV/2006/53, para. 11). Particle contamination similar to that in Iran was also detected in samples taken from centrifuge equipment and components found in the Libyan Arab Jamahiriya which are said to have originated from the same country. The Agency has received additional information from the country from which the components originated. This information, however, does not fully explain the presence of some of the LEU and HEU particles. While this information has been helpful, existing measurement and evaluation methodologies do not permit a clear determination of the origin of the HEU or LEU contamination on the basis of the information currently available to the Agency from Iran and elsewhere. Therefore, verification of the correctness and completeness of Iran’s declarations in this regard can progress only with a full understanding of the scope and chronology of Iran’s centrifuge enrichment programme, which can only be achieved through the implementation by Iran of the Additional Protocol and required transparency measures.

16. In a letter dated 30 November 2006, Iran agreed to permit the Agency to re-sample equipment at the technical university in Tehran where a small number of natural uranium (NU) and HEU particles were found on samples collected in January 2006 (GOV/2006/53, para. 24). The re-sampling was carried out on 22 December 2006, the results of which showed NU and LEU particle contamination. The Agency is awaiting clarification from Iran on the information provided by it, which clarification is still pending.

D.1.2. Acquisition of P-1 and P-2 Centrifuge Technology

18. Iran has not made available to the Agency any new information concerning its P-1 or P-2 centrifuge programmes (GOV/2006/53, paras 12–13).

D.2. Uranium Metal

19. Iran has still not provided a copy of the 15-page document describing the procedures for the reduction of UF6 to uranium metal and the casting and machining of enriched and depleted
uranium metal into hemispheres (GOV/2006/53, para. 14). The document remains under Agency seal, however, and is accessible to Agency inspectors.

D.3. Plutonium Experiments

20. The Agency has continued to seek clarification from Iran about its plutonium separation experiments (GOV/2006/53, paras 15–17). During a meeting on 17 January 2007, the Agency reminded Iran of the outstanding inconsistencies relating to the plutonium experiments and indicated that, unless additional information was provided by Iran, this issue could not be resolved satisfactorily. Iran stated that no other relevant information was available. Verification of the completeness and correctness of Iran’s declarations in this regard can progress only through the implementation of the Additional Protocol and required transparency measures.

21. During the 17 January 2007 meeting, the Agency also discussed the presence of HEU particles found as a result of the analysis of environmental samples taken from the spent fuel containers at the Karaj Waste Storage Facility (GOV/2006/53, para. 17), as well as the additional analytical results, communicated to Iran in a letter dated 12 January 2007, from environmental samples collected from similar spent fuel containers located at the Tehran Nuclear Research Centre (TNRC). Iran reiterated its position that the HEU contamination found in the containers located at Karaj originated from leaking reactor fuel assemblies taken from TRR. Following receipt from Iran of a letter dated 28 January 2007, in which Iran reconfirmed its position with respect to the source of HEU contamination, the Agency again requested, in a letter dated 9 February 2007, detailed information and supporting documentation with respect to the reactor fuel assemblies.

E. Other Implementation Issues

E.1. Uranium Conversion

22. During the conversion campaign at UCF, which was started in June 2006, a total of 110 t of uranium in the form of uranium ore concentrate was fed into the process. The operator is scheduled to carry out an annual physical inventory in February 2007, which will be verified by the Agency in March 2007. As of the end of January 2007, approximately 175 t of uranium in the form of UF6 had been produced since the commissioning of UCF. All UF6 produced remains under Agency containment and surveillance measures.

E.2. Designation of Inspectors

23. On 17 January 2007, the Agency received from Iran a letter informing the Agency that Iran was not in a position to approve the designation of 10 inspectors proposed as replacements for inspectors who had left the Agency and objecting to the continued designation of an additional 38 inspectors previously designated for Iran. In a Note Verbale dated 23 January 2007, the Agency expressed its regret over Iran’s decision and requested Iran to reconsider it. The Agency informed Iran that its decision would lead to diminished operational flexibility and less efficient use of resources. The Agency has received no reply from Iran in this regard.

E.3. Other Matters

24. There are no new developments to report with respect to Iran’s uranium mining activities or its experiments involving polonium (GOV/2005/67, paras 26–31 and 34).

F. Transparency Measures

25. Iran has not agreed to any of the required transparency measures, which are essential for the clarification of certain aspects of the scope and nature of its nuclear programme. In addition to the measures mentioned above, these include discussions about information provided to the Agency concerning alleged studies related to the so-called Green Salt Project concerning the conversion of uranium dioxide to UF6 (known as “green salt”), to high explosives testing and to the design of a missile re-entry vehicle (GOV/2006/64, para. 19).

G. Summary

26. Pursuant to its NPT Safeguards Agreement, Iran has been providing the Agency with access to declared nuclear material and facilities, and has provided the required nuclear material accountancy reports in connection with such material and facilities.

27. The Agency is able to verify the non-diversion of declared nuclear material in Iran. The Agency remains unable, however, to make further progress in its efforts to verify fully the past development of Iran’s nuclear programme and certain aspects relevant to its scope and nature. Hence, the Agency is unable to verify the absence of undeclared nuclear material and activities in Iran unless Iran addresses the long outstanding verification issues through the implementation of the Additional Protocol (which it signed on 18 December 2003, but which has not yet brought into force) and the required transparency measures.

28. Iran has not suspended its enrichment related activities. Iran has continued with the operation of PFEP. It has also continued with the construction of FEP, including the installation of cascades, and has transferred UF6 to FEP. Iran has also continued with its heavy water related projects. Construction of the IR-40 Reactor, and operation of the Heavy Water Production Plant, are continuing. In contrast, there has been no indication of reprocessing related activities at any declared sites in Iran.

29. As underscored by the Director General at the meeting of the Board of Governors in November 2006 (GOV/OR. 1174, paras 86–94), given the existence in Iran of activities undeclared to the Agency for 20 years, it is necessary for Iran to enable the Agency, through maximum cooperation and transparency, to fully reconstruct the history of Iran’s nuclear programme. Without such cooperation and transparency, the Agency will not be able to provide assurances about the absence of undeclared nuclear material and activities in Iran or about the exclusively peaceful nature of that programme.

30. The Director General will continue to report as appropriate.
Iran’s verification case is sui generis. Unlike other verification cases, the IAEA’s confidence about the nature of Iran’s programme has been shaken because of two decades of undeclared activities. This confidence will only be restored when Iran takes the long overdue decision to explain and answer all the Agency’s questions and concerns about its past nuclear activities in an open and transparent manner. Until that time, the Agency will have no option but to reserve its judgment about Iran’s nuclear programme, and as a result the international community will continue to express concern.

The decision by Iran to link its readiness to resolve the Agency’s concerns to actions by the Security Council is difficult to understand. Only through full cooperation with the Agency, as the independent verification body - and irrespective of any progress or lack thereof in its negotiations with other relevant parties - can Iran dispel the doubts about its nuclear programme. Assurance by the Agency about Iran’s nuclear programme will undoubtedly facilitate a solution to the Iranian issue - which would, on the one hand, take full account of Iran’s right to the peaceful use of nuclear energy and, on the other, provide the necessary level of confidence to the international community about Iran’s nuclear programme and its future direction.

In this context, I earnestly hope that conditions will be created soon for the resumption of negotiations between Iran and all relevant parties. I remain convinced that only through negotiation can a comprehensive and durable solution be attained to the Iranian nuclear question and other issues related to it.


The Security Council,


Reaffirming its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with all their obligations, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

Recalling its serious concern over the reports of the IAEA Director General as set out in its resolutions 1696 (2006) and 1737 (2006),

Recalling the latest report by the IAEA Director General (GOV/2007/8) of 22 February 2007 and deploring that, as indicated therein, Iran has failed to comply with resolution 1696 (2006) and resolution 1737 (2006),

Emphasizing the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran’s nuclear programme is exclusively for peaceful purposes, and noting that such a solution would benefit nuclear non-proliferation elsewhere, and welcoming the continuing commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union’s High Representative to seek a negotiated solution,

Recalling the resolution of the IAEA Board of Governors (GOV/2006/14), which states that to a solution to the Iranian nuclear issue, it would contribute to global non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery,

Determined to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006) and resolution 1737 (2006) and with the requirements of the IAEA, and also to constrain Iran’s development of sensitive technologies in such a way as to contribute to the objectives of this resolution and resolution 1737 (2006), including where Article XV of the IAEA Statute is engaged;

4. Decides that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the persons and entities listed in Annex I to this resolution;

5. Decides that Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States shall prohibit the procurement of such items from Iran by its nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran;

6. Calls upon all States to exercise vigilance and restraint in the supply, sale or transfer directly or indirectly from their territories or by their nationals or using their flag vessels or aircraft of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms to Iran, and in the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of such items in order to prevent a destabilising accumulation of arms;

7. Calls upon all States and international financial institutions not to enter into new commitments for grants, financial assistance, and concessional loans, to the government of the Islamic Republic of Iran, except for humanitarian and developmental purposes;

8. Calls upon all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 2, 4, 5, 6 and 7 above;

9. Expresses the conviction that the suspension set out in paragraph 2 of resolution 1737 (2006) as well as full, verified
Iranian compliance with the requirements set out by the IAEA Board of Governors would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes, underlines the willingness of the international community to work positively for such a solution, encourages Iran, in conformity to the above provisions, to re-engage with the international community and with the IAEA, and stresses that such engagement will be beneficial to Iran;

10. Welcomes the continuous affirmation of the commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, to a negotiated solution to this issue and encourages Iran to engage with their June 2006 proposals (S/2006/621), attached in Annex II to this resolution, which were endorsed by the Security Council in resolution 1696 (2006), and acknowledges with appreciation that this offer to Iran remains on the table, for a long-term comprehensive agreement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme;

11. Reiterates its determination to reinforce the authority of the IAEA, strongly supports the role of the IAEA Board of Governors, commends and encourages the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all outstanding issues in Iran within the framework of the IAEA, underlines the necessity of the IAEA, which is internationally recognized as having authority for verifying compliance with safeguards agreements, including the non-diversion of nuclear material for non-peaceful purposes, in accordance with its Statute, to continue its work to clarify all outstanding issues relating to Iran's nuclear programme;

12. Requests within 60 days a further report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the other provisions of resolution 1737 (2006) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

13. Affirms that it shall review Iran's actions in light of the report referred to in paragraph 12 above, to be submitted within 60 days, and:

(a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome;

(b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006) as well as in paragraphs 2, 4, 5, 6 and 7 above as soon as it determines, following receipt of the report referred to in paragraph 12 above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board;

(c) that it shall, in the event that the report in paragraph 12 above shows that Iran has not complied with resolution 1737 (2006) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

14. Decides to remain seized of the matter.

Annex I

Entities involved in nuclear or ballistic missile activities

1. Ammunition and Metallurgy Industries Group (AMIG) (aka Ammunition Industries Group) (AMIG controls 7th of Tir, which is designated under resolution 1737 (2006) for its role in Iran's centrifuge programme. AMIG is in turn owned and controlled by the Defence Industries Organisation (DIO), which is designated under resolution 1737 (2006))

2. Esfahan Nuclear Fuel Research and Production Centre (ENFRC) and Esfahan Nuclear Technology Centre (ENTC) (Parts of the Atomic Energy Organisation of Iran's (AEOI) Nuclear Fuel Production and Procurement Company, which is involved in enrichment-related activities. AEOI is designated under resolution 1737 (2006))

3. Kavoshyar Company (Subsidiary company of AEOI, which has sought glass fibres, vacuum chamber furnaces and laboratory equipment for Iran's nuclear programme)

4. Parchin Chemical Industries (Branch of DIO, which produces ammunition, explosives, as well as solid propellants for rockets and missiles)

5. Karaj Nuclear Research Centre (Part of AEOI's research division)

6. Novin Energy Company (aka Pars Novin) (Operates within AEOI and has transferred funds on behalf of AEOI to entities associated with Iran's nuclear programme)

7. Cruise Missile Industry Group (aka Naval Defence Missile Industry Group) (Production and development of cruise missiles. Responsible for naval missiles including cruise missiles)

8. Bank Sepah and Bank Sepah International (Bank Sepah provides support for the Aerospace Industries Organisation (AIO) and subordinates, including Shahid Hemmat Industrial Group (SHIG) and Shahid Bagheri Industri (SBIIG), both of which were designated under resolution 1737 (2006))

9. Sanam Industrial Group (subordinate to AIO, which has purchased equipment on AIO's behalf for the missile programme)

10. Ya Mehdie Industries Group (subordinate to AIO, which is involved in international purchases of missile equipment)

Iranian Revolutionary Guard Corps entities

1. Qods Aeronautics Industries (Produces unmanned aerial vehicles (UAVs), parachutes, para-riders, para-motors, etc. Iranian Revolutionary Guard Corps (IRGC) has boasted of using these products as part of its asymmetric warfare doctrine)

2. Pars Aviation Services Company (Maintains various aircraft including Mi-171, used by IRGC Air Force)

3. Sho’at Aviation (Produces micro-lightts which IRGC has claimed it is using as part of its asymmetric warfare doctrine)

Persons involved in nuclear or ballistic missile activities

1. Fereidoun Abbasi-Davani (Senior Ministry of Defence and Armed Forces Logistics (MODAFL) scientist with links to the Institute of Applied Physics, working closely with Mohsen Fakhrizadeh-Mahabadi, designated below)

2. Mohsen Fakhrizadeh-Mahabadi (Senior MODAFL scientist and former head of the Physics Research Centre Centre (PHRC). The IAEA have asked to interview him about the activities of the PHRC over the period he was head but Iran has refused)

3. Seyed Jaber Saldari (Manager of the Natanz Enrichment Facilities)

4. Amir Rahimi (Head of Esfahan Nuclear Fuel Research and Production Center, which is part of the AEOI's Nuclear Fuel Production and Procurement Company, which is involved in enrichment-related activities)

5. Mohsen Hojjati (Head of Fajr Industrial Group, which is designated under resolution 1737 (2006) for its role in the ballistic missile programme)

6. Mehrdada Akhlaghi Ketabchi (Head of SBIG, which is designated under resolution 1737 (2006) for its role in the ballistic missile programme)

7. Nasir Maleki (Head of SHIG, which is designated under resolution 1737 (2006) for its role in Iran's ballistic missile programme. Nasir Maleki is also a MODAFL official overseeing work on the Shahab-3 ballistic missile programme. The Shahab-3 is Iran's long range ballistic missile currently in service)
Iranian Revolutionary Guard Corps key persons

1. Brigadier General Morteza Rezaie (Deputy Commander of IRGC)
2. Vice Admiral Ali Akbar Ahmadian (Chief of IRGC Joint Staff.)
3. Brigadier General Mohammad Reza Zahedi (Commander of IRGC Ground Forces)
4. Rear Admiral Morteza Safari (Commander of IRGC Navy)
5. Brigadier General Mohammad Hejazi (Commander of Bassij resistance force)
6. Brigadier General Qasem Soleimani (Commander of Qods force)
7. General Zolqad (IRGC officer, Deputy Interior Minister for Security Affairs)

Annex II

Elements of a long-term agreement

Our goal is to develop relations and cooperation with Iran, based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of the nuclear programme of the Islamic Republic of Iran. We propose a fresh start in the negotiation of a comprehensive agreement with Iran. Such an agreement would be deposited with the International Atomic Energy Agency (IAEA) and endorsed in a Security Council resolution. To create the right conditions for negotiations, we will:

- Reaffirm Iran's right to develop nuclear energy for peaceful purposes in conformity with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter, NPT), and in this context reaffirm our support for the development by Iran of a civil nuclear energy programme.
- Commit to support actively the building of new light water reactors in Iran through international joint projects, in accordance with the IAEA statute and NPT.
- Agree to suspend discussion of Iran's nuclear programme in the Security Council upon the resumption of negotiations.

Iran will:

- Commit to addressing all of the outstanding concerns of IAEA through full cooperation with IAEA.
- Suspend all enrichment-related and reprocessing activities to be verified by IAEA, as requested by the IAEA Board of Governors and the Security Council, and commit to continue this during these negotiations.
- Resume the implementation of the Additional Protocol.

Areas of future cooperation to be covered in negotiations on a long-term agreement

1. Nuclear

We will take the following steps:

- Reaffirm Iran's inalienable right to nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of NPT, and cooperate with Iran in the development by Iran of a civil nuclear power programme.
- Negotiate and implement a Euratom/Iran nuclear cooperation agreement.

Light water reactors

- Actively support the building of new light water power reactors in Iran through international joint projects, in accordance with the IAEA statute and NPT, using state-of-the-art technology, including by authorizing the transfer of necessary goods and the provision of advanced technology to make its power reactors safe against earthquakes.
- Provide cooperation with the management of spent nuclear fuel and radioactive waste through appropriate arrangements.

Research and development in nuclear energy

- Provide a substantive package of research and development cooperation, including possible provision of light water research reactors, notably in the fields of radioisotope production, basic research and nuclear applications in medicine and agriculture.

Fuel guarantees

- Give legally binding, multilayered fuel assurances to Iran, based on:
  - Participation as a partner in an international facility in Russia to provide enrichment services for a reliable supply of fuel to Iran's nuclear reactors. Subject to negotiations, such a facility could enrich all uranium hexafluoride (UF6) produced in Iran.
  - Establishment on commercial terms of a buffer stock to hold a reserve of up to five years' supply of nuclear fuel dedicated to Iran, with the participation and under supervision of IAEA.
  - Development with IAEA of a standing multilateral mechanism for reliable access to nuclear fuel, based on ideas to be considered at the next meeting of the Board of Governors.

Review of moratorium

The long-term agreement would, with regard to common efforts to build international confidence, contain a clause for review of the agreement in all its aspects, to follow:

- Confirmation by IAEA that all outstanding issues and concerns reported by it, including those activities which could have a military nuclear dimension, have been resolved;
- Confirmation that there are no undeclared nuclear activities or materials in Iran and that international confidence in the exclusively peaceful nature of Iran's civil nuclear programme has been restored.

2. Political and economic

Regional security cooperation

Support for a new conference to promote dialogue and cooperation on regional security issues.

International trade and investment

Improving Iran's access to the international economy, markets and capital, through practical support for full integration into international structures, including the World Trade Organization and to create the framework for increased direct investment in Iran and trade with Iran (including a trade and economic cooperation agreement with the European Union). Steps would be taken to improve access to key goods and technology.

Civil aviation

Civil aviation cooperation, including the possible removal of restrictions on United States and European manufacturers in regard to the export of civil aircraft to Iran, thereby widening the prospect of Iran renewing its fleet of civil airliners.

Energy partnership

Establishment of a long-term energy partnership between Iran and the European Union and other willing partners, with concrete and practical applications.

Telecommunications infrastructure

Support for the modernization of Iran's telecommunication infrastructure and advanced Internet provision, including by possible removal of relevant United States and other export restrictions.
High technology cooperation
Cooperation in fields of high technology and other areas to be agreed upon.

Agriculture
Support for agricultural development in Iran, including possible access to United States and European agricultural products, technology and farm equipment.

Implementation of Safeguards in the Islamic Republic of Iran, by the IAEA Director General Mohamed ElBaradei
(Excerpt reproduced from the Introductory Statement to the Board of Governors, Vienna, 11 June 2007)

The Board has before it a report regarding the implementation of safeguards in the Islamic Republic of Iran. As you can see from this report, Iran continues to provide the Agency access to its nuclear material and facilities, including the enrichment facility at Natanz, in accordance with its safeguards agreement. The Agency has been able to verify that no declared nuclear material in Iran has been diverted.

However, as the report also makes clear, Iran has not taken the steps called for by the Board nor responded to the demands of the Security Council. The facts on the ground indicate that Iran continues steadily to perfect its knowledge relevant to enrichment, and to expand the capacity of its enrichment facility. Iran has also continued with the construction of its heavy water reactor at Arak. On the other hand, this is taking place without the Agency being able to make any progress in its efforts to resolve outstanding issues relevant to the nature and scope of Iran’s nuclear programme, or being able to implement the additional protocol that would enable the verification of the absence of undeclared nuclear activities. This dichotomy continues to be our key proliferation concern. Iran also continues to put additional restrictions and limitations on the Agency’s verification activities - including on our right to re-verify design information at Arak. The lack of progress on our verification mission, coupled with the additional limitations on our verification authority, has resulted in a deterioration of the Agency’s level of knowledge regarding certain aspects of Iran’s nuclear programme. This is disconcerting and regrettable.

Against the background of many years of undeclared activities, and taking into account the sensitivity of nuclear enrichment technologies, it is incumbent on Iran to work urgently with the Agency, under a policy of full transparency and active cooperation, in order for the Agency to be able to provide assurance regarding the exclusively peaceful nature of all of Iran’s nuclear activities. These assurances are the ultimate purpose of the verification process. They would certainly help to dispel the concerns of the international community regarding Iran’s nuclear programme. Transparency and cooperation by Iran would, therefore, be in the interest of not only the international community but also of Iran.

At this stage, I am increasingly disturbed by the current stalemate and the brewing confrontation - a stalemate that urgently needs to be broken, and a confrontation that must be defused. I continue to believe that dialogue and diplomacy are ultimately the only way to achieve the negotiated solution foreseen in the relevant Security Council resolutions. The earlier that conditions are created to move in this direction, the better.

Iran: Nuclear Intentions and Capabilities
(Excerpt reproduced from US National Intelligence Estimate, November 2007)

Eds – footnotes not included
(Eds.) […]

Key Judgments
A. We judge with high confidence that in fall 2003, Tehran halted its nuclear weapons program; we also assess with moderate-to-high confidence that Tehran at a minimum is keeping open the option to develop nuclear weapons. We judge with high confidence that the halt, and Tehran’s announcement of its decision to suspend its declared uranium enrichment program and sign an Additional Protocol to its Nuclear Non-Proliferation Treaty Safeguards Agreement, was directed primarily in response to increasing international scrutiny and pressure resulting from exposure of Iran’s previously undeclared nuclear work.

• We assess with high confidence that until fall 2003, Iranian military entities were working under government direction to develop nuclear weapons.

• We judge with high confidence that the halt lasted at least several years. (Because of intelligence gaps discussed elsewhere in this Estimate, however, DOE and the NIC assess with only moderate confidence that the halt to those activities represents a halt to Iran’s entire nuclear weapons program.)

• We assess with moderate confidence Tehran had not restarted its nuclear weapons program as of mid-2007, but we do not know whether it currently intends to develop nuclear weapons.

• We continue to assess with moderate-to-high confidence that Iran does not currently have a nuclear weapon.

• Tehran’s decision to halt its nuclear weapons program suggests it is less determined to develop nuclear weapons than we have been judging since 2005. Our assessment that the program probably was halted primarily in response to international pressure suggests Iran may be more vulnerable to influence on the issue than we judged previously.

B. We continue to assess with low confidence that Iran probably has imported at least enough fissile material to begin enriching to weapons-usable fissile material, but still judge with moderate-to-high confidence it has not obtained enough for a nuclear weapon. We cannot rule out that Iran has acquired from abroad—or will acquire in the future—a nuclear weapon or enough fissile material for a weapon. Barring such acquisitions, if Iran wants to have nuclear weapons it would need to produce sufficient amounts of fissile material indigenously—which we judge with high confidence it has not yet done.

C. We assess centrifuge enrichment is how Iran probably could first produce enough fissile material for a weapon, if it decides to do so. Iran resumed its declared centrifuge enrichment activities in January 2006, despite the continued halt in the nuclear weapons program. Iran made significant progress in 2007 installing centrifuges at Natanz, but we judge with moderate confidence it still faces significant technical problems operating them.

• We judge with moderate confidence that the earliest possible date Iran would be technically capable of producing enough HEU for a weapon is late 2009, but that this is very unlikely.

• We judge with moderate confidence Iran probably would be technically capable of producing enough HEU for a weapon sometime during the 2010-2015 time frame. (INR judges Iran is unlikely to achieve this capability before 2013 for a lack of productive technical and programmatic problems.) All agencies recognize the possibility that this capability may not be attained until after 2015.

D. Iranian entities are continuing to develop a range of technical capabilities that could be applied to producing nuclear weapons, if a decision is made to do so. For example, Iran’s civilian uranium enrichment program is continuing. We also assess with high confidence that since fall 2003, Iran has been conducting research and development projects with commercial and conventional military applications—some of which would also be of limited use for nuclear weapons.

E. We do not have sufficient intelligence to judge confidently whether Tehran is willing to maintain the halt of its nuclear weapons program indefinitely while it weighs its options, or whether it will or already has set specific deadlines or criteria that will prompt it to restart the program.

• Our assessment that Iran halted the program in 2003 primarily in response to international pressure indicates Tehran’s decisions are guided by a cost-benefit approach rather than a rush to a weapon irrespective of the political, economic, and military costs. This, in turn, suggests that some combination of threats of intensified international scrutiny and pressures, along with opportunities for Iran to achieve its security, prestige, and goals for regional influence in other ways, might—if perceived by Iran’s leaders as credible—prompt Tehran to extend the current halt to its nuclear
weapons program. It is difficult to specify what such a combination might be.

- We assess with moderate confidence that convincing the Iranian leadership to forgo the eventual development of nuclear weapons will be difficult given the linkage many within the leadership probably see between nuclear weapons development and Iran’s key national security and foreign policy objectives, and given Iran’s considerable effort from at least the late 1980s to 2003 to develop such weapons. In our judgment, only an Iranian political decision to abandon a nuclear weapons objective would plausibly keep Iran from eventually producing nuclear weapons—and such a decision is inherently reversible.

- We assess with moderate confidence that Iran probably would use covert facilities—rather than its declared nuclear sites—for the production of highly enriched uranium for a weapon. A growing amount of intelligence indicates Iran was engaged in covert uranium conversion and uranium enrichment activity, but we judge that these efforts probably were halted in response to the fall 2003 halt, and that these efforts probably had not been restarted through at least mid-2007.

- We judge with high confidence that Iran will not be technically capable of producing and reprocessing enough plutonium for a weapon before about 2015.

- We assess with high confidence that Iran has the scientific, technical and industrial capacity eventually to produce nuclear weapons if it decides to do so.


[Report by the Director General, GOV/2007/58, 15 November 2007]

[Eds—footnotes not included]

1. On 30 August 2007, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006) and 1747 (2007) in the Islamic Republic of Iran (Iran) (GOV/2007/48 and Corr.1). This report covers the relevant developments since that date.

A. Implementation of the Work Plan on Outstanding Issues

2. On 21 August 2007, the Secretariat and Iran reached understandings on a work plan for resolving outstanding safeguards implementation issues (GOV/2007/48, Attachment). Since the previous report, the following progress has been made in the implementation of the work plan.

A.1. P-1 and P-2 Centrifuges

3. The chronology of activities since the previous report is as follows:

- On 31 August 2007, the Agency provided to Iran in writing the outstanding questions relating to the P-1 and P-2 uranium enrichment programme;
- On 24 and 25 September 2007, a meeting took place in Tehran between the Agency and Iranian officials to clarify the questions provided to Iran;
- From 9 to 11 October 2007, another meeting took place in Tehran between the Agency and the Iranian authorities, at which Iran provided oral answers to the questions and the Agency requested additional clarifications and amplifications;
- On 15 October 2007, the Agency received preliminary written answers to the questions;
- From 20 to 24 October 2007, an Agency technical team visited Tehran to review in detail the answers and supporting documentation, and to interview officials involved in the P-1 and P-2 uranium enrichment programme;

- From 29 October to 1 November 2007, the Agency continued discussions with the Iranian authorities on the centrifuge enrichment programme. Iran provided additional supporting documentation and written amplifications and the Agency held discussions and interviews with Iranian officials involved in nuclear activities in the 1980s and 1990s;
- On 5 and 12 November 2007, Iran provided in writing its response to the Agency’s questions about the P-1 and P-2 uranium enrichment programme.

A.1.2. Acquisition of P-1 Centrifuge Technology

The 1987 Offer

8. As previously reported to the Board (GOV/2005/67, paras 14–15), the Agency was shown by Iran in January 2005 a copy of a hand-written one-page document reflecting an offer for certain components and equipment said to have been made to Iran in 1987 by a foreign intermediary. Iran stated in 2005 that this was the only remaining documentary evidence relevant to the scope and content of the 1987 offer. On 9 October 2007, the Agency was provided with a copy of the document. Certain aspects of the document indicate that it dates from 1987. However, the originator of the document has still not been identified.

9. On 5 November 2007, Iran provided the Agency with an updated chronology of meetings between Iran and the supply network covering the period 1986 to 1987. Iran maintains that only some components of two disassembled centrifuges, plus supporting drawings and specifications, were delivered in 1987 by the network. Iran reiterated that it did not acquire uranium casting and reconversion technology or equipment from the network, nor did it ask for the 15-page document describing the procedures for the reduction of UF6 to uranium metal, and its casting into hemispheres (GOV/2005/87, para. 6). These points are addressed in A.3 below.

10. According to Iran, the decision to acquire centrifuge technology was taken by the President of the AEOI and endorsed by the Prime Minister of Iran. In response to its enquiries about possible additional documentation relevant to the 1987 offer, the Agency was provided on 8 November 2007 with a copy of a confidential communication from the President of the AEOI to the Prime Minister, dated 28 February 1987, which also carried the Prime Minister’s endorsement, dated 5 March 1987. In his communication, the AEOI President indicated that the activities “should be treated fully confidentially.” In response to the Agency’s enquiry as to whether there was any military involvement in the programme, Iran has stated that no institution other than the AEOI was involved in the decisionmaking process or in the implementation of the centrifuge enrichment programme.

11. Based on interviews with available Iranian officials and members of the supply network, limited documentation provided by Iran and procurement information collected through the Agency’s independent investigations, the Agency has concluded that Iran’s statements are consistent with other information available to the Agency concerning Iran’s acquisition of declared P-1 centrifuge enrichment technology in 1987.

Early Research and Development

12. Iran has stated that, during the first phase of P-1 research and development (R&D) in 1987–1993, it devoted only limited financial and human resources (three researchers) to the project. According to Iran, emphasis was put on understanding the behaviour of centrifuges and their assembly and on domestic production of components. Iran has also stated that during this period, the R&D work was conducted only by the AEOI, without the support of universities or the Physics Research Centre (PHRC). According to Iran, no contacts were made during this period with the supply network to seek support in solving technical problems which Iran had encountered.

13. Iran’s statements about this phase of R&D are not inconsistent with the Agency’s findings, which are based on interviews with available Iranian officials and members of the supply network, supporting documentation provided by Iran and procurement information collected during the Agency’s investigations. However, the role of the technical university at which uranium particle
The 1993 Offer and Subsequent R&D

14. As previously reported to the Board (GOV/2006/15, para. 15), statements made by Iran and key members of the supply network about the events leading up to the mid-1990s offer have been at variance with each other. Over the course of meetings held in October 2007, Iran provided the Agency with an updated chronology of events from 1995 to 1999 which clarified certain details concerning meetings, participants and deliveries of P-1 centrifuge equipment by the network during this period.

15. Iran stated again that in 1993 the supply network, on its own initiative, had approached an Iranian company with an offer to sell enrichment technology. This offer was brought to the attention of the Head of Iran’s Budget and Planning Organization, who was also a member of the country’s Atomic Energy Council. The offer was then further pursued by the AEOI (GOV/2005/67, para. 16).

16. The Agency has so far not been able to confirm Iran’s statement that the supply network initiated the 1993 offer. Information provided by Iran on the deliveries and technical meetings after 1993 is consistent with that given to the Agency in interviews with some of the network members. Based on interviews with Libyan officials and supply network members and information from other sources, the Agency has concluded that most of the items related to the 1993 offer had originally been ordered by the Libyan Arab Jamahiriya but were in fact delivered to Iran in the period 1994–1996.

17. Iran stated that, during the period 1993 to 1999, it was still experiencing difficulty in producing components for P-1 centrifuges and manufacturing reliable P-1 centrifuges. It said that only limited human resources were devoted to the project until 1997 and that, around 1998, additional theoretical and experimental studies were initiated at the Amir Kabir University. Its statements in this regard are supported by the technical questions raised by AEOI staff with the network and procurement information available to the Agency.

18. Iran stated that it successfully tested P-1 centrifuges at the end of the 1990s and that a decision was made to go ahead with larger-scale R&D and eventually with an enrichment plant. To that end, Iran stated that it considered locations at Hashogerd Karaj, Natanz and Esfahan before deciding to build the enrichment plant at Natanz. During this period, procurement activities were intensified and vacuum equipment, as well as special raw materials such as maraging steel and high-strength aluminium, were acquired from abroad. Iran has provided names, locations and activities of the workshops involved in the domestic production of centrifuge components, most of which are owned by military industrial organizations (GOV/2004/11, para. 37).

19. Information provided by Iran on the timing of these purchases and the quantities involved is consistent with the Agency’s findings.

A.1.3 Acquisition of P-2 Centrifuge Technology

19. Iran has stated that, in order to compensate it for the poor quality of the P-1 centrifuge components provided by the supply network, the network provided Iran at a meeting in Dubai in 1996 with a full set of general P-2 centrifuge drawings. This statement was confirmed to the Agency in interviews with key members of the network.

20. Iran has reiterated that, although the drawings were acquired in 1996, no work on P-2 centrifuges was begun until 2002. According to the former and current senior management of the AEOI, Iran did not yet have the technical and scientific capabilities to master centrifuge manufacturing during this period. The Agency does not have credible procurement related information pointing to the actual acquisition by Iran of P-2 centrifuges or components during this period (an earlier indication which appeared to support this GOV/2006/15, para. 18) could not be substantiated.

21. In 2002, the AEOI concluded a contract with a private company to manufacture a modified P-2 centrifuge (GOV/2004/11, para. 45). On 5 November 2007, the Agency received a copy of the contract, the content of which is consistent with earlier interviews with the company owner, who was not available for interview on this occasion. The contract was terminated in March 2003, but the company owner has stated that he continued to work “on his own initiative” until June 2003.

22. The owner of the company stated in earlier interviews that he was able to obtain all raw materials and minor items, with the exception of bearings, oils and magnets, from domestic sources, which is consistent with the procurement information currently available to the Agency. The owner stated that he acquired 150 magnets with P-2 specifications and attempted to buy tens of thousands more, but these orders were cancelled by the suppliers. The AEOI stated that, after termination of his contract with the AEOI, the company owner sought to secure the supply of additional magnets for the AEOI but that his attempts to do so failed, which is consistent with the information available to the Agency through its investigations. Iran acknowledged that composite rotors for P-2 centrifuges had been manufactured in a workshop situated on a Defence Industries Organisation (DIO) site (GOV/2004/34, para. 22).

23. Based on visits made by Agency inspectors to the P-2 workshop in 2004, examination of the company owner’s contract, progress reports and logbooks, and information available on procurement enquiries, the Agency has concluded that Iran’s statements on the content of the declared P-2 R&D activities are consistent with the Agency’s findings. Environmental samples taken at declared R&D locations and from equipment did not indicate that nuclear material was used in these experiments.

A.2 Source of Contamination

24. On 15 September 2007, the Agency provided Iran with questions in writing in connection with the source of uranum particle contamination at the technical university and requested access to relevant documentation and to individuals, as well as to relevant equipment and locations for sample taking. The questions were, inter alia, about the origin of the uranum particle contamination of equipment (GOV/2006/53, para. 24), the nature of the equipment, the envisioned use of the equipment and the names and roles of individuals and entities involved (including PHRC). In accordance with the work plan, Iran should provide answers to the questions and the requested access in the next few weeks.

A.3 Uranium Metal Document

25. On 8 November 2007, the Agency received a copy of the 15-page document describing the procedures for the reduction of UF6 to uranium metal and casting it into hemispheres. Iran has reiterated that this document was received along with the P-1 centrifuge documentation in 1987. The Agency has shared this document with Pakistan, the purported country of origin, and is seeking more information. Iran stated that the reconvension unit with casting equipment mentioned in the one-page 1987 offer was not pursued with the supply network. Apart from the conversion experiments of UF4 to uranium metal at the Tehran Nuclear Research Centre (GOV/2004/80 Annex, para. 2), the Agency has seen no indication of any UF6 reconvension and casting activity in Iran. It should be noted, however, that a small UF6 to uranium metal conversion line in the Uranium Conversion Facility (UCF) was declared by Iran in the design information questionnaire for the UCF (GOV/2003/75, Annex 1, para. 3). This line has not been built, as verified by the Agency’s inspectors.

A.4 Polonium-210

26. On 15 September 2007, the Agency provided questions in writing to Iran concerning Iran’s activities involving polonium and requested access to relevant documentation, individuals and equipment. The questions were, inter alia, about the scope and objectives of the polonium-210 studies (GOV/2004/11, para. 28), whether any bismuth acquisitions from abroad had been made or attempted and whether any related theoretical or R&D studies had been carried out in Iran. In accordance with the work plan, Iran should provide answers to the questions and the requested access in the next few weeks.

A.5 Gchine Mine

27. On 15 September 2007, the Agency provided questions in writing to Iran concerning the Gchine Mine and requested access to relevant documentation, individuals and equipment. The questions were, inter alia, about the ownership of the mining area and mill, why activities took place at this location when suitable infrastructure was available elsewhere and why AEOI activities at the mine ceased around 1993 (GOV/2005/67, para. 26). In
according with the work plan, Iran should provide answers to the questions and the requested access in the next few weeks.

A.6. Alleged Studies

28. The Agency has urged Iran to address at an early date the alleged studies concerning the conversion of uranium dioxide into UF4 (the green salt project), high explosive testing and the design of a missile re-entry vehicle (GOV/2006/15, paras 38–39). In accordance with the work plan, Iran should address this topic in the next few weeks. In the meantime, the Agency is working on arrangements for sharing with Iran documents provided by third parties related to the alleged studies.

A.7. Facility Attachment for the Natanz Fuel Enrichment Plant

29. On 17 and 18 September 2007, an Agency technical team discussed with the Iranian authorities details of a draft Facility Attachment for the Fuel Enrichment Plant (FEP) at Natanz. Further discussions from 20 to 24 September led to the entry into force of the Facility Attachment on 30 September 2007.

B. Current Enrichment Related Activities

30. On 3 November 2007, the Agency verified that Iran had finished installing eighteen 164-machine cascades at FEP and that UF6 had been fed into all 18 cascades. There has been no installation of centrifuges or centrifuge pipework outside the original 18-cascade area. Work to install feed and withdrawal infrastructure and auxiliary systems is continuing.

31. Since February 2007, Iran has fed approximately 1240 kg of UF6 into the cascades at FEP. The feed rate has remained below the expected quantity for a facility of this design. While Iran has stated that it has reached enrichment levels up to 4.8% U-235 at FEP, the highest U-235 enrichment measured so far from the environmental samples taken by the Agency from cascade components and related equipment is 4.0%. Detailed nuclear material accountancy will be carried out during the annual physical inventory taking which is scheduled from 16 to 19 December 2007. Since March 2007, a total of seven unannounced inspections have been carried out at FEP.

32. Since August 2007, Iran has continued to test single centrifuge machines, the 10- and 20-machine cascades and one 164-machine cascade at the Pilot Fuel Enrichment Plant (PFEP). Between 23 July and 22 October 2007, Iran fed 5 kg of UF6 into the single machines; no nuclear material was fed into the cascades. From 15 to 18 September 2007, the Agency performed a physical inventory verification at PFEP. Although some of the sample results are not yet available, the Agency's provisional evaluation tends to confirm the physical inventory as declared by Iran.

33. There have been several press reports about statements by high level Iranian officials concerning R&D and testing of P-2 centrifuges by Iran (GOV/2006/27, para. 14). In a communication to the Agency received on 8 November 2007, Iran wrote: “Iran voluntarily has informed the IAEA on the status of mechanical test (without UF6 feeding) of new generation of centrifuge design.” In the communication, Iran added that “agreed that exchanging of the new centrifuge generation information” would be discussed with the Agency in December 2007.

C. Reprocessing Activities

34. The Agency has continued monitoring the use and construction of hot cells at the Tehran Research Reactor (TRR), the Molybdenum, Iodine and Xenon Radioisotope Production Facility (the MIX Facility) and the Iran Nuclear Research Reactor (IR-40) through inspections and design information verification. In the communication, Iran added that “agreed that exchanging of the new centrifuge generation information” would be discussed with the Agency in December 2007.

35. On 11 November 2007, the Agency conducted design information verification at the IR-40 and noted that construction of the facility was proceeding. Satellite imagery appears to indicate that the Heavy Water Production Plant (HWPP) is operating. The Agency must rely on satellite imagery of this plant as it does not have routine access to it while the Additional Protocol remains unimplemented.

E. Other Implementation Issues

E.1. Uranium Conversion

36. During the current conversion campaign at UCF, which began on 31 March 2007, approximately 78 tonnes of uranium in the form of UF6 had been produced as of 5 November 2007. This brings the total amount of UF6 produced at UCF since March 2004 to approximately 266 tonnes, all of which remains under Agency containment and surveillance.

E.2. Design Information

37. On 30 March 2007, the Agency requested Iran to reconsider its decision to suspend the implementation of the modified text of its Subsidiary Arrangements General Part, Code 3.1. (GOV/2007/22, paras 12–14), but there has been no progress on this issue.

E.3. Other Matters

38. The Agency has made arrangements to verify and seal the fresh fuel foreseen for the Bushehr nuclear power plant on 26 November 2007, before shipment of the fuel from the Russian Federation to Iran.

F. Summary

39. The Agency has been able to verify the non-diversion of declared nuclear material in Iran. Iran has provided the Agency with access to declared nuclear material, and has provided the required nuclear material accountancy reports in connection with declared nuclear material and activities. Iran concluded a Facility Attachment for FEP. However, it should be noted that, since early 2006, the Agency has not received the type of information that Iran had previously been providing, pursuant to the Additional Protocol and as a transparency measure. As a result, the Agency’s knowledge about Iran’s current nuclear programme is diminishing.

40. Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities, having continued the operation of PFEP and FEP. Iran has also continued the construction of the IR-40 and operation of the Heavy Water Production Plant.

41. There are two remaining major issues relevant to the scope and nature of Iran’s nuclear programme: Iran’s past and current centrifuge enrichment programme and the alleged studies. The Agency has been able to conclude that answers provided on the declared past P-1 and P-2 centrifuge programmes are consistent with its findings. The Agency will, however, continue to seek corroboration and is continuing to verify the completeness of Iran’s declarations. The Agency intends in the next few weeks to focus on the contamination issue as well as the alleged studies and other activities that could have military applications.

42. Iran has provided sufficient access to individuals and has responded in a timely manner to questions and provided clarifications and amplifications on issues raised in the context of the work plan. However, its cooperation has been reactive rather than proactive. As previously stated, Iran’s active cooperation and full transparency are indispensable for full and prompt implementation of the work plan.

43. In addition, Iran needs to continue to build confidence about the scope and nature of its present programme. Confidence in the exclusively peaceful nature of Iran’s nuclear programme requires that the Agency be able to provide assurances not only regarding declared nuclear material, but, equally importantly, regarding the absence of undeclared nuclear material and activities in Iran. Although the Agency has no concrete information, other than that addressed through the work plan, about possible current undisclosed nuclear material and activities in Iran, the Agency is not in a position to provide credible assurances about the absence of undisclosed nuclear material and activities in Iran without full implementation of the Additional Protocol. This is especially important in the light of Iran’s undeclared activities for almost two decades and the need to restore confidence in the exclusively peaceful nature of its nuclear programme. Therefore, the Director General again urges Iran to implement the Additional Protocol at the earliest possible date. The Director General also urges Iran to implement all the confidence building measures required by the Security Council, including the suspension of all enrichment related activities.
44. The Director General will continue to report as appropriate.


[Report by the Director General, GOV/2008/4, 22 February 2008]

1. On 15 November 2007, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006) and 1747 (2007) in the Islamic Republic of Iran (GOV/2007/58). This report covers the relevant developments since that date.

2. On 11 and 12 January 2008, the Director General met in Tehran with H.E. Ayatollah A. Khamenei, the Supreme Leader of Iran; H.E. Mr. M. Ahmadinejad, President of Iran; H.E. Mr. G. Aghazadeh, Vice President of Iran and President of the Atomic Energy Organization of Iran (AEOI); H.E. Mr. M. Mottaki, Foreign Minister; and H.E. Mr. S. Jalili, Secretary, Supreme National Security Council of Iran. The purpose of the visit was to discuss ways and means of implementing all relevant resolutions of the Board of Governors and the United Nations Security Council as well as accelerating implementation of the work plan agreed between Iran and the Secretariat on 21 August 2007 aimed at the clarification of outstanding safeguards implementation issues (GOV/2007/48, Attachment).

3. During the discussions, the Iranian leadership stated that the country’s nuclear programme had always been exclusively for peaceful purposes and that there had never been a nuclear weapons development programme. The Iranian authorities agreed to accelerate implementation of the work plan.

A. Implementation of the Work Plan on Outstanding Issues

A.1. Source of Contamination

4. On 15 September 2007, the Agency provided Iran with questions relating to the source of the uranium particle contamination found in some of its uranium enrichment equipment. The nature of the equipment, the envisioned use of the equipment and the names and roles of individuals and entities involved, including the Physics Research Centre (PHRC) (GOV/2007/58, para. 24), was also procured by the former head of PHRC, who had also been a professor at the university. He had also procured, or attempted to procure, other equipment, such as balancing machines, mass spectrometers, magnets and fluorine handling equipment, which could be useful in uranium enrichment activities (GOV/2006/27, para. 25).

5. On 10–12 December 2007 and on 15–16 December 2007, meetings took place in Tehran between the Agency and Iranian officials during which Iran provided answers to the questions and the Agency requested additional clarifications regarding the intended purpose of the equipment, the persons and entities who had requested the items, the recipients, and the use and locations, both past and present, of the equipment. In a follow-up letter dated 18 December 2007, the Agency provided Iran with further details regarding the equipment.

6. In a letter dated 3 January 2008, the Agency reminded Iran that it had provided additional clarifications to allow a full assessment of the issue of the source of contamination and procurement efforts.

7. In a letter dated 8 January 2008, Iran provided answers to the questions raised by the Agency in its letter of 3 January 2008.

A.1.1. Use of Equipment and Source of Contamination

8. According to Iran, vacuum equipment was procured in 1990 on behalf of the technical university by the former Head of PHRC because of his expertise in procurement and PHRC’s business connections. The equipment was intended to be used at the Physics Department of the technical university for the coating of items such as optical mirrors, optical lasers, laser mirrors, resistive layers for solar cells and mirrors for use in medical operating theatres.

9. Iran stated that, upon receipt of the equipment in 1991, it was noticed that the delivery was incomplete and that some incorrect parts had been supplied. The equipment was therefore put into storage at the university. Iran further stated that a number of letters of complaint were written to the supplier company at intervals until 1994, but to no avail.

10. According to Iran, some individual pieces of equipment were used both inside and outside the university during the period 1994–2003 in research, operation and maintenance activities involving vacuum conditions, but other parts of the consignment were never used. As its explanation of how the contamination had come about, Iran said that, in 1998, an individual who was testing used centrifuge components from Pakistan at the laboratory at Vanak Square for the AEOI (GOV/2004/34, para. 31) had asked the vacuum service of the university to come and repair a pump. Iran stated that some items of the vacuum equipment mentioned above were used for this repair activity and that, when these items were eventually brought back to the university, they spread uranium particle contamination.

11. To assess the information provided by Iran, the Agency spoke with the individual from the Vanak Square laboratory and the vacuum technician from the university who had carried out the repairs. The Agency was also shown the pump that had been repaired using the equipment concerned. The Agency made a detailed analysis of the signatures of the contamination of the equipment and compared them with those of the swipe samples taken from the centrifuge components in Iran which had originated in Pakistan. The Agency concluded that the explanation and supporting documentation provided by Iran regarding the possible source of contamination by uranium particles at the university were not inconsistent with the data currently available to the Agency. The Agency considers this question no longer outstanding at this stage. However, the Agency continues, in accordance with its procedures and practices, to seek corroboratio of its findings and to verify this issue as part of its verification of the completeness of Iran’s declarations.

A.1.2. Procurement activities by the former Head of PHRC

12. According to Iran, none of the equipment purchased or enquired about by the former Head of PHRC (see para. 4 above) was intended for use in uranium enrichment or conversion related activities, whether for research and development (R&D) or for educational activities in these fields. Procurements and procurement attempts by the former Head of PHRC were said by Iran to have also been made on behalf of other entities of Iran, as described below.

[Eds …]

18. The Agency took note of the information and supporting documents provided by Iran as well as the statements made by the former Head of PHRC to the Agency and concluded that the replies were not inconsistent with the stated use of the equipment. The role and activities of PHRC will be further addressed in connection with the alleged studies as discussed below.

A.2. Uranium Metal Document

19. On 8 November 2007, the Agency received a copy from Iran of the 15-page document describing the procedures for the reduction of UF6 to uranium metal and the machining of enriched uranium metal into hemispheres, which are components of nuclear weapons. Iran reiterated that this document had been received along with the P-1 centrifuge documentation in 1987 and that it had not been requested by Iran. The Agency is still waiting for a response from Pakistan on the circumstances of the delivery of this document in order to understand the full scope and content of the offer made by the network in 1987 (GOV/2006/15, paras 20–22).

A.3. Polonium-210

20. Polonium-210 is of interest to the Agency because it can be used not only for civilian applications (such as radioisotope batteries), but also — in conjunction with beryllium — for military purposes, such as neutron initiators in some designs of nuclear weapons. On 20–21 January 2008, a meeting took place in Tehran between the Agency and Iranian officials during which Iran provided answers to the questions raised by the Agency in its letter dated 15 September 2007 regarding polonium-210 research
A.4. Ghchine Mine

25. On 22 and 23 January 2008, a meeting took place in Tehran between the Agency and Iranian officials during which Iran provided answers to the questions raised by the Agency in its letter dated 15 September 2007 (GOV/2007/58, para. 27) with a view to achieving a better understanding of the complex arrangements governing the past and current administration of the Ghchine uranium mine and mill (GOV/2005/67, paras 26–31).

26. According to Iran, the exploitation of uranium at the Ghchine mine, as well as the ore processing activities at the Ghchine uranium ore concentration (UOC) plant, have always been and remain the responsibility of the AEOI.

27. Iran stated that, by 1989, the extent of uranium reserves at Saghand in central Iran had been established in cooperation with Chinese experts. Considering the promising output of this region, a contract for equipping the Saghand mine and designing an uranium ore processing plant was concluded with Russian companies in 1995. Insufficient funding was allocated in the Government’s 1994–1998 five-year plan for the AEOI to pursue activities at both Ghchine and Saghand. Since there was more uranium (estimated 1000 tonnes) at Saghand than at Ghchine (estimated 40 tonnes), it was decided to spend the available funds on Saghand.

28. According to Iran, in the period 1993–1998, tasks such as the preparation of technical reports and studies, and some chemical testing of ores, were performed at the AEOI Ore Processing Center (OPC) at TNRC. The focus of some of the documentation work had been to justify funding of Ghchine in the 1999–2003 five-year plan. These efforts were successful and funding for further exploration and exploitation at Ghchine was approved in the plan. A decision to construct a UOC plant at Ghchine, known as “Project 5/15”, was made on 25 August 1999.

29. During the 22–23 January 2008 meetings, Iran also provided the Agency with supporting documentation regarding the budget, the five-year plans, contracts with foreign entities and the preparation of studies and reports. The Agency concluded that the documentation was sufficient to confirm the AEOI’s continuing interest in and activity at Ghchine in the 1993–1999 period.

30. Regarding the origin and role of the Kimia Maadan (KM) Company, Iran stated that the OPC, in addition to its own staff, had hired consultants and experts for various projects, including for work relating to Ghchine. When budget approval was given in 1999 for exploration and exploitation at Ghchine, some experts and consultants had formed a company (KM) to take on a contract from the AEOI for the Ghchine plant. Supporting documentation was provided to the Agency showing that KM was registered as a company on 4 May 2000. Iran stated that KM’s core staff of about half a dozen people consisted of experts who had previously worked for the OPC. At the peak of activity, the company employed over 100 people. In addition to its own staff, KM made use of experts from universities and subcontractors to work on the project.

31. Much of the supporting information provided by Iran had not been presented to the Agency during past discussions about Ghchine. The Agency concluded that the information and explanations provided by Iran were supported by the documentation, the content of which is consistent with the information already available to the Agency. The Agency considers this question no longer outstanding at this stage. However, the Agency continues, in accordance with its procedures and practices, to seek corroboration of its findings and to verify this issue as part of its verification of the completeness of Iran’s declarations.

A.5. Alleged Studies

32. Iran stated that the allegations were baseless and that the information which the Agency had shown to Iran was fabricated. However, Iran agreed to clarify its statement in detail. On 8 February and 12 February 2008, the Agency reiterated in writing its request for additional clarifications. On 14 February 2008, Iran responded, reiterating its earlier statements and declaring that this was its final assessment on this point. Iran stated that the only organization that had been, and was, involved in fuel cycle activities was the AEOI and that the AEOI had had a contract with KM to develop a UOC plant in Ghchine, which was the only project in which KM was ever involved. In Iran’s view, the flowsheet was a fabrication and the accusation baseless.

33. During the meetings on 3–5 February 2008, the Agency made available documents for examination by Iran and provided additional technical information related to: the testing of high voltage detonator firing equipment; the development of an exploding bridgewire detonator (EBW); the simultaneous firing of multiple EBW detonators; and the identification of an explosive testing arrangement that involved the use of a 400 m shaft and a firing capability remote from the shaft by a distance of 10 km, all of which the Agency believes would be relevant to nuclear weapon R&D. Iran stated that the documents were fabricated and that the information contained in those documents could easily be found in open sources. During the meetings mentioned above, the Agency also described parameters and development work related to the Shahab 3 missile, in particular technical aspects of a re-entry vehicle, and made available to Iran for examination a schematic image provided by other Member States showing a schematic layout of the contents of the inner cone of a re-entry vehicle. This layout has been assessed by the Agency as quite likely to be able to accommodate a nuclear device. Iran stated that its missile programme involved the use of conventional warheads only and was also part of the country’s space programme, and that the schematic layout shown by the Agency was baseless and fabricated.

34. During the meetings of 27–28 January and 3–5 February 2008, Iran requested to see the original project documentation. The Agency’s questions included a request to see the original project documentation.
special steel parts (GOV/2006/15, para. 37) and radiation measurement equipment, including borehole gamma spectrometers, were also made. In its written response on 5 February 2008, Iran stated that equipment was enquired about “in order to study aircraft, collision of cars, airbags and for the design of safety belts.” Iran also stated that the radiation monitors it had enquired about were meant to be used for radiation protection purposes. Iran’s response regarding the efforts to procure training courses on neutron calculations, and enrichment/isotope separation, spark gaps, shock wave software, neutron sources and radiation measurement equipment for borehole gamma spectrometers is still awaited.

41. During the same meetings, the Agency requested clarification of the roles of certain officials and institutes and their relation to nuclear activities. Iran was also asked to clarify projects such as the so-called “Project 4” (possibly uranium enrichment) and laser related R&D activities. Iran denied the existence of some of the organizations and project offices referred to in the documentation and denied that other organizations named were involved in nuclear related activities. Iran also denied the existence of some of the people named in the documentation and said allegations about the roles of other people named were baseless. Iran’s response to the Agency’s request regarding “Project 4” and laser related R&D activities is still awaited.

42. On 15 February 2008, the Agency proposed a further meeting to show additional documentation on the alleged studies to Iran, after being authorized to do so by the countries which had provided it. Iran has not yet responded to the Agency’s proposal.

B. Current Enrichment Related Activities

43. On 12 December 2007, the first physical inventory taking was carried out at the Fuel Enrichment Plant (FEP) in Natanz and verified by the Agency. Since the beginning of operations in February 2007, a total of 1670 kg of UF6 had been fed into the cascades. The operator presented, inter alia, about 75 kg of UF6 as the product, with a stated enrichment of 3.8% U-235. The throughput of the facility has been well below its declared design capacity. There has been no installation of centrifuges outside the original 18-cascade area. Installation work, including equipment and sub-header pipes, is continuing for other cascade areas. Since March 2007, a total of nine unannounced inspections have been carried out at FEP. All nuclear material at FEP remains under Agency containment and surveillance.

44. On 8 November 2007, Iran stated that it “agreed that exchanging of the new centrifuge generation information” would be discussed with the Agency in December 2007 (GOV/2007/58, para. 33). On 13 January 2008, the Director General and Deputy Director General for Safeguards visited an AEOI R&D laboratory at Kalaye Electric, where they were given information on R&D activities being carried out there. These included work on four different centrifuge designs: two subcritical rotor designs, a rotor with bellows and a more advanced centrifuge. Iran informed the Agency that the R&D laboratory was developing centrifuge components, measuring equipment and vacuum pumps with the aim of having entirely indigenous production capabilities in Iran.

45. On 15 January 2008, Iran informed the Agency about the planned installation of the first new generation subcritical centrifuge (IR-2) at the Pilot Fuel Enrichment Plant (PFEP) and provided relevant design information. On 29 January 2008, the Agency confirmed that a single IR-2 test machine and a 10-machine IR-2 test cascade had been installed at PFEP. Iran reported that about 0.8 kg of UF6 had been fed to the single machine between 22 and 27 January 2008. Iran has continued to test P-1 centrifuges in one single machine, one 10-, one 20- and one 164-machine cascade at PFEP. Between 23 October 2007 and 21 January 2008, Iran fed a total of about 8 kg of UF6 into the single P-1 and the 10-machine P-1 cascade; no nuclear material was fed into the 20- and 164-machine cascades. At the end of January 2008, the single P-1 machine and the 10- and 20-machine P-1 cascades were dismantled and the space was used for the new IR-2 machines. All activities took place under Agency containment and surveillance.

46. On 5 February 2008, the Deputy Director General for Safeguards and the Director of Safeguards Operations B visited laboratories at Lashkar Abad, where laser enrichment activities had taken place in 2003 and earlier. The laboratories are now run by a private company, which is producing and developing laser equipment for industrial purposes. All the former laser equipment has been dismantled and some of it is stored at the site. The management of the company provided detailed information on current and planned activities, including plans for extensive new construction work, and stated that they are not carrying out, and are not planning, any uranium enrichment activities.

C. Reprocessing Activities

47. The Agency has continued monitoring the use and construction of hot cells at the Tehran Research Reactor (TRR), the Molybdenum, Iodine and Xenon Radioisotope Production Facility (the MIX Facility) and the Iran Nuclear Research Reactor (IR-40) through inspections and design information verification. There have been no indications of ongoing reprocessing related activities at those facilities. In addition, Iran has stated that there have been no reprocessing related R&D activities in Iran, which the Agency can confirm only with respect to these facilities.

D. Heavy Water Reactor Related Projects

48. On 5 February 2008, the Agency carried out design information verification at the IR-40 and noted that construction of the facility was ongoing. The Agency has continued to monitor the construction of the Heavy Water Production Plant using satellite imagery. The imagery appears to indicate that the plant is operating.

E. Other Implementation Issues

E.1. Uranium Conversion

49. During the current conversion campaign at UCF, which began on 31 March 2007, approximately 120 tonnes of uranium in the form of UF6 had been produced as of 2 February 2008. This brings the total amount of UF6 produced at UCF since March 2004 to 309 tonnes, all of which remains under Agency containment and surveillance. Iran has stated that it is carrying out no uranium conversion related R&D activities other than those at Esfahan.

E.2. Design Information

50. On 30 March 2007, the Agency requested Iran to reconsider its decision to suspend the implementation of the modified text of its Subsidiary Arrangements General Part, Code 3.1. (GOV/2007/22, paras 12–14), but there has been no progress on this issue. However, Iran has provided updated design information for PFEP.

E.3. Other Matters

51. On 26 November 2007, the Agency verified and sealed in the Russian Federation the fresh fuel foreseen for the Bushehr Nuclear Power Plant (BNPP), before its shipment to Iran. As of February 2008, all fuel assemblies had been received, verified and re-sealed at BNPP.

F. Summary

52. The Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. Iran has provided the Agency with access to declared nuclear material and has provided the required nuclear material accountability reports in connection with declared nuclear material and activities. Iran has also responded to questions and provided clarifications and amplifications on the issues raised in the context of the work plan, with the exception of the alleged studies. Iran has provided access to individuals in response to the Agency’s requests. Although direct access has not been provided to individuals said to be associated with the alleged studies, responses have been provided in writing to some of the Agency’s questions.

53. The Agency has been able to conclude that answers provided by Iran, in accordance with the work plan, are consistent with its findings — in the case of the polonium-210 experiments and the Gchine mine — or are not inconsistent with its findings — in the case of the contamination at the technical university and the procurement activities of the former Head of PHIRC. Therefore, the Agency considers those questions no longer outstanding at this stage. However, the Agency continues, in accordance with its procedures and practices, to seek corroboration of its findings and to verify these issues as part of its verification of the completeness of Iran’s declarations.
54. The one major remaining issue relevant to the nature of Iran's nuclear programme is the alleged studies on the green salt project, high explosives testing and the missile re-entry vehicle. This is a matter of serious concern and critical to an assessment of a possible military dimension to Iran's nuclear programme. The Agency was able to show some relevant documentation to Iran on 3–5 February 2008 and is still examining the allegations made and the statements provided by Iran in response. Iran has maintained that these allegations are baseless and that the data have been fabricated. The Agency’s overall assessment requires, inter alia, an understanding of the role of the uranium metal document, and clarifications concerning the procurement activities of some military related institutions still not provided by Iran. The Agency only received authorization to show some further material to Iran on 15 February 2008. Iran has not yet responded to the Agency’s request of that same date for Iran to view this additional documentation on the alleged studies. In light of the above, the Agency is not yet in a position to determine the full nature of Iran’s nuclear programme. However, it should be noted that the Agency has not detected the use of nuclear material in connection with the alleged studies, nor does it have credible information in this regard. The Director General has urged Iran to engage actively with the Agency in a more detailed examination of the documents available about the alleged studies which the Agency has been authorized to show to Iran.

55. The Agency has recently received from Iran additional information similar to that which Iran had previously provided pursuant to the Additional Protocol, as well as updated design information. As a result, the Agency’s knowledge about Iran’s current declared nuclear programme has become clearer. However, this information has been provided on an ad hoc basis and not in a consistent and complete manner. The Director General has continued to urge Iran to implement the Additional Protocol at the earliest possible date and as an important confidence building measure requested by the Board of Governors and affirmed by the Security Council. The Director General has also urged Iran to implement the modified text of its Subsidiary Arrangements General Part, Code 3.1 on the early provision of design information. Iran has expressed its readiness to implement the provisions of the Additional Protocol and the modified text of its Subsidiary Arrangements General Part, Code 3.1, “if the nuclear file is returned from the Security Council to the IAEA”.

56. Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities, having continued the operation of PFEP and FEP. In addition, Iran started the development of new generation centrifuges. Iran has also continued construction of the IR-40 reactor and operation of the Heavy Water Production Plant.

57. With regard to its current programme, Iran needs to continue to build confidence about its scope and nature. Confidence in the exclusively peaceful nature of Iran’s nuclear programme requires that the Agency be able to provide assurances not only regarding declared nuclear material, but, equally importantly, regarding the absence of undeclared nuclear material and activities in Iran. With the exception of the issue of the alleged studies, which remains outstanding, the Agency has no concrete information about possible current undeclared nuclear material and activities in Iran. Although Iran has provided some additional detailed information about its current activities on an ad hoc basis, the Agency will not be in a position to make progress towards providing credible assurances about the absence of undeclared nuclear material and activities in Iran before reaching some clarity about the nature of the alleged studies, and without implementation of the Additional Protocol. This is especially important in the light of the many years of undeclared activities in Iran and the confidence deficit created as a result. The Director General therefore urges Iran to implement all necessary measures called for by the Board of Governors and the Security Council to build confidence in the peaceful nature of its nuclear programme.

58. The Director General will continue to report as appropriate.
The General Assembly,


Conscious of the long-term nature of the consequences of the disaster at the Chernobyl nuclear power plant, which was a major technological catastrophe in terms of its scope and complexity and created humanitarian, environmental, social, economic and health consequences and problems of common concern, requiring for their solution wide and active international cooperation and coordination of efforts in this field at the international and national levels,

Expressing profound concern at the ongoing effects of the consequences of the accident on the lives and health of people, in particular children, in the affected areas of Belarus, the Russian Federation and Ukraine, as well as in other affected countries,

Noting the consensus reached among members of the Chernobyl Forum on the environmental, health and socio-economic effects of the Chernobyl disaster, in particular, the Forum's message of reassurance and practical advice to communities living in territories affected by the Chernobyl disaster,

Acknowledging the importance of the national efforts being undertaken by the Governments of Belarus, the Russian Federation and Ukraine to mitigate and minimize the consequences of the Chernobyl disaster,

Recognizing the contribution of civil society organizations, including the national Red Cross Societies of Belarus, the Russian Federation and Ukraine and the International Federation of Red Cross and Red Crescent Societies, in response to the Chernobyl disaster and in support of the efforts of the affected countries,

Welcoming with appreciation the developmental approach to tackling the problems caused by the Chernobyl disaster aimed at normalizing the situation of the individuals and communities concerned in the medium and long term,

Stressing the exceptional Chernobyl-related needs, in particular in the areas of health, environment and research, in the context of the transition from the emergency to the recovery phase of mitigation of the consequences of the Chernobyl disaster,

Noting the completion in 2006 of the transfer of responsibility for the coordination of Chernobyl efforts from the Office for the Coordination of Humanitarian Affairs of the Secretariat to the United Nations Development Programme,

Stressing the need for further coordination by the United Nations Development Programme and improved resource mobilization by the United Nations system to support activities aimed at the recovery of Chernobyl-affected territories, inter alia, community-based development projects, the promotion of investment and the creation of new jobs and small businesses, advocacy work and the provision of relevant policy advice on request and the widest possible dissemination of the findings of the Chernobyl Forum through the International Chernobyl Research and Information Network,

Taking note of the report of the Secretary-General concerning the implementation of resolution 60/43, as well as relevant parts of the reports of the agencies and organizations of the United Nations system

The General Assembly,

Taking note of the statement by the Director General of the International Atomic Energy Agency, in which he provided additional information on the main developments in the activities of the Agency during 2007,

Recognizing the importance of the work of the Agency,

Recalling also the cooperation between the United Nations and the Agency and the Agreement governing the relationship between the United Nations and the Agency as approved by the General Conference of the Agency on 23 October 1957 and by the General Assembly in the annex to its resolution 1145 (XII) of 14 November 1957,

1. Takes note with appreciation of the report of the International Atomic Energy Agency;

2. Takes note of resolutions GC(51)/RES/11A on measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management and GC(51)/RES/11B on transport safety; GC(51)/RES/12 on progress on measures to protect against nuclear and radiological terrorism; GC(51)/RES/13 on strengthening of the Agency’s technical cooperation activities; GC(51)/RES/14 on strengthening the Agency’s activities related to nuclear science, technology and applications, comprising GC(51)/RES/14A on non-power nuclear applications and GC(51)/RES/14B on nuclear power applications; GC(51)/RES/15 on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol; GC(51)/RES/16 on the implementation of the Agreement between the Agency and the Democratic People’s Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; GC(51)/RES/17 on the application of Agency safeguards in the Middle East; GC(51)/RES/18 on personnel, comprising GC(51)/RES/18A on staffing of the Agency’s secretariat and GC(51)/RES/18B on women in the secretariat; and decisions GC(51)/DEC/13 on the amendment to article VI of the Statute and GC(51)/DEC/14 on the amendment to article XIV.A of the Statute, adopted by the General Conference of the Agency at its fifty-first regular session, from 17 to 21 September 2007,

3. Reaffirms its strong support for the indispensable role of the Agency in encouraging and assisting the development and practical application of atomic energy for peaceful uses, in technology transfer to developing countries and in nuclear safety, verification and security;

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

5. Requests the Secretary-General to transmit to the Director General of the Agency the records of the sixty-second session of the General Assembly relating to the activities of the Agency.

S – Resolutions and Decisions Adopted by the UN General Assembly

[Editorial Note: This section includes relevant resolutions from 62nd Session plus those from previous UNGA sessions.

Report of the International Atomic Energy Agency

[Resolution A/RES/62/2, adopted by the General Assembly at its 62nd Session, October 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Having received the report of the International Atomic Energy Agency for 2006,

Taking note of the statement by the Director General of the International Atomic Energy Agency, in which he provided additional information on the main developments in the activities of the Agency during 2007,

Recognizing the importance of the work of the Agency,

Recognizing also the cooperation between the United Nations and the Agency and the Agreement governing the relationship between the United Nations and the Agency as approved by the General Conference of the Agency on 23 October 1957 and by the General Assembly in the annex to its resolution 1145 (XII) of 14 November 1957,

1. Takes note with appreciation of the report of the International Atomic Energy Agency;

2. Takes note of resolutions GC(51)/RES/11A on measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management and GC(51)/RES/11B on transport safety; GC(51)/RES/12 on progress on measures to protect against nuclear and radiological terrorism; GC(51)/RES/13 on strengthening of the Agency’s technical cooperation activities; GC(51)/RES/14 on strengthening the Agency’s activities related to nuclear science, technology and applications, comprising GC(51)/RES/14A on non-power nuclear applications and GC(51)/RES/14B on nuclear power applications; GC(51)/RES/15 on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol; GC(51)/RES/16 on the implementation of the Agreement between the Agency and the Democratic People’s Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; GC(51)/RES/17 on the application of Agency safeguards in the Middle East; GC(51)/RES/18 on personnel, comprising GC(51)/RES/18A on staffing of the Agency’s secretariat and GC(51)/RES/18B on women in the secretariat; and decisions GC(51)/DEC/13 on the amendment to article VI of the Statute and GC(51)/DEC/14 on the amendment to article XIV.A of the Statute, adopted by the General Conference of the Agency at its fifty-first regular session, from 17 to 21 September 2007,

3. Reaffirms its strong support for the indispensable role of the Agency in encouraging and assisting the development and practical application of atomic energy for peaceful uses, in technology transfer to developing countries and in nuclear safety, verification and security;

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

5. Requests the Secretary-General to transmit to the Director General of the Agency the records of the sixty-second session of the General Assembly relating to the activities of the Agency.

Strengthening of International Cooperation and Coordination of Efforts to Study, Mitigate and Minimize the Consequences of the Chernobyl Disaster

[Resolution A/RES/62/9, adopted by the General Assembly at its 62nd Session, December 2007]
1. Welcomes the contribution made by States and by organizations of the United Nations system to the development of cooperation to mitigate and minimize the consequences of the Chernobyl disaster, the activity of the United Nations system, in particular the Bretton Woods institutions, as well as non-governmental organizations, as well as bilateral activities;

2. Notes with appreciation the efforts undertaken by the agencies of the United Nations system and other international organizations that are members of the Inter-Agency Task Force on Chernobyl to continue implementing a developmental approach to study, mitigate and minimize the consequences of the Chernobyl disaster, in particular through the development of specific projects, and stresses the need for the Inter-Agency Task Force to continue its activities to that end, including through coordinating efforts in the field of resource mobilization;

3. Acknowledges the difficulties faced by the most affected countries in minimizing the consequences of the Chernobyl disaster, and invites States, in particular donor States and all relevant agencies, funds and programmes of the United Nations system, in particular the Bretton Woods institutions, as well as non-governmental organizations, to continue to provide support to the ongoing efforts of Belarus, the Russian Federation and Ukraine to mitigate the consequences of the Chernobyl disaster, including through the allocation of adequate funds to support medical, social, economic and environmental programmes related to the disaster;

4. Reaffirms that the United Nations should continue to play an important catalytic and coordinating role in the strengthening of international cooperation to study, mitigate and minimize the consequences of the Chernobyl disaster;

5. Requests the Secretary-General and the United Nations Coordinator of International Cooperation on Chernobyl, in his capacity as Administrator of the United Nations Development Programme and as Chairperson of the United Nations Development Group, to continue to take appropriate practical measures to strengthen coordination of the international efforts in that area;

6. Welcomes the efforts of the Government of Ukraine and the international donor community to complete construction of the Shelter facility and related nuclear safety projects at Chernobyl, in accordance with international standards, so as to transform the site into a stable and environmentally safe state, recognizes and welcomes the recent contract signatures under the Shelter Implementation Plan as important milestones, and urges all parties to ensure that a strong, long-standing, high-level commitment remains in place to ensure the successful completion of this vital work;

7. Also welcomes the recent appointment as a United Nations Development Programme Goodwill Ambassador of star tennis player, Maria Sharapova, who will serve as an advocate for post-Chernobyl recovery efforts, and praises her personal commitment in supporting a number of recovery projects that aid local communities in Belarus, the Russian Federation and Ukraine;

8. Notes with satisfaction the realization of the Cooperation for Rehabilitation Programme in Belarus and the Chernobyl Recovery and Development Programme in Ukraine, aimed at promoting better living conditions in and the sustainable development of the affected territories;

9. Also notes with satisfaction assistance rendered by the International Atomic Energy Agency to Belarus, the Russian Federation and Ukraine on remediation of agricultural and urban environments, cost-effective agricultural countermeasures and the monitoring of human exposure in areas affected by the Chernobyl disaster;

10. Takes note with satisfaction of the progress made by the Governments of the affected countries in implementing national strategies to mitigate the consequences of the Chernobyl disaster, and calls upon United Nations agencies and multilateral and bilateral donors to continue to align their assistance with the priorities of the national strategies of the affected States, and stresses the importance of working together on their implementation in a common effort in the spirit of cooperation;

11. Notes the necessity of further measures to ensure the integration of the assessment by the Chernobyl Forum of the environmental, health and socio-economic consequences of the Chernobyl nuclear accident into the International Chernobyl Research and Information Network process through dissemination of the findings of the Forum, including by providing accurate information on the impact of radiation in accessible, non-technical language in the form of practical messages on healthy and productive lifestyles, to the populations affected by the accident in order to empower them to maximize social and economic recovery and sustainable development in all its aspects;

12. Proclaims the third decade after the Chernobyl disaster, 2006–2016, the Decade of Recovery and Sustainable Development of the Affected Regions, to be focused on achieving the goal of a return to normal life for the affected communities as far as is possible within that time frame;

13. Welcomes, in this regard, the proposal by the United Nations Development Programme to coordinate the drafting of a United Nations action plan for Chernobyl recovery up to 2016 in order to implement the Decade, in support of national strategies of the affected countries, with the aim of maximizing limited resources, avoiding duplication of effort and building on recognized agency mandates and competencies, and requests the United Nations Development Programme to present a draft plan for review by the Inter-Agency Task Force on Chernobyl by 26 April 2008, the twenty-second anniversary of the Chernobyl disaster;

14. Requests the United Nations Development Programme to coordinate, within existing resources, the efforts of the United Nations system and with other relevant actors on the implementation of the Decade;

15. Requests the Secretary-General to continue his efforts in the implementation of the relevant General Assembly resolutions and, through existing coordination mechanisms, in particular the United Nations Coordinator of International Cooperation on Chernobyl, to continue to maintain close cooperation with the agencies of the United Nations system, as well as with regional and other relevant organizations, while implementing specific Chernobyl-related programmes and projects;

16. Requests the United Nations Coordinator of International Cooperation on Chernobyl to continue his work in organizing, in collaboration with the Governments of Belarus, the Russian Federation and Ukraine, a further study of the health, environmental and socio-economic consequences of the Chernobyl disaster, consistent with the recommendations of the Chernobyl Forum, and to improve the provision of information to local populations;

17. Requests the Secretary-General to submit to the General Assembly at its sixty-fifth session, under a separate sub-item, a report containing a comprehensive assessment of the implementation of all aspects of the present resolution.

---

**African Nuclear-Weapon-Free Zone Treaty**

[Resolution A/RES/62/15, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolutions 51/53 of 10 December 1996 and 56/17 of 29 November 2001 and all its other relevant resolutions, as well as those of the Organization of African Unity,

Recalling also the signing of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) at Cairo on 11 April 1996,

Recalling further the Cairo Declaration adopted on that occasion, which emphasized that nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, enhance global and regional peace and security,

Taking note of the statement made by the President of the Security Council on behalf of the members of the Council on 12 April 1996, affirming that the signature of the African Nuclear-Weapon-Free Zone Treaty constituted an important contribution by the African countries to the maintenance of international peace and security,
Considering that the establishment of nuclear-weapon-free zones, especially in the Middle East, would enhance the security of Africa and the viability of the African nuclear-weapon-free zone,

1. Calls upon African States that have not yet done so to sign and ratify the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) as soon as possible so that it may enter into force without delay;

2. Expresses its appreciation to the nuclear-weapon States that have signed the Protocols that concern them, and calls upon those that have not yet ratified the Protocols concerning them to do so as soon as possible;

3. Calls upon the States contemplated in Protocol III to the Treaty that have not yet done so to take all necessary measures to ensure the speedy application of the Treaty to territories for which they are, de jure or de facto, internationally responsible and that lie within the limits of the geographical zone established in the Treaty;

4. Calls upon the African States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that have not yet done so to conclude comprehensive safeguards agreements with the International Atomic Energy Agency pursuant to the Treaty, thereby satisfying the requirements of article 9 (b) and annex II to the Treaty of Pelindaba when it enters into force, and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol approved by the Board of Governors of the Agency on 15 May 1997;

5. Expresses its gratitude to the Secretary-General, the Chairman of the Commission of the African Union and the Director General of the International Atomic Energy Agency for the diligence with which they have rendered effective assistance to the signatories to the Treaty;

6. Decides to include in the provisional agenda of its sixty-fourth session the item entitled “African Nuclear-Weapon-Free Zone Treaty”.

Consolidation of the Regime Established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

[Resolution A/RES/62/16, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature at Mexico City on 14 February 1967,

Recalling also that, in its preamble, the Treaty of Tlatelolco states that military denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling further that, in its resolution 2286 (XXII) of 5 December 1967, it welcomed with special satisfaction the Treaty of Tlatelolco as an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security,

Recalling that in 1990, 1991 and 1992 the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean approved and opened for signature a set of amendments to the Treaty of Tlatelolco, with the aim of enabling the full entry into force of that instrument,

Noting with satisfaction the commemoration of the fortieth anniversary of the adoption and opening for signature of the Treaty of Tlatelolco, which was observed in Mexico City on 14 February 2007,

Highlighting that the Treaty of Tlatelolco is now in force for thirty-three sovereign States of the region, thereby consolidating the first nuclear-weapon-free zone established in a densely populated region,

Noting with satisfaction the leadership of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in the convening of the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26 to 28 April 2005,

Reaffirming the importance of strengthening the Agency as the appropriate legal and political forum for ensuring full compliance with and the implementation of the Treaty of Tlatelolco, as well as cooperation with the agencies of other nuclear-weapon-free zones,

1. Welcomes the fact that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) is now in force for the sovereign States of the region;

2. Urges the countries of the region that have not yet done so to sign or deposit their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267 (E-V), 268 (XII) and 290 (E-VII);

3. Encourages States members of the Agency to continue activities and efforts with a view to implementing the Declaration adopted at the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones;

4. Decides to include in the provisional agenda of its sixty-fifth session the item entitled “Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)”.

Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East

[Resolution A/RES/62/18, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,


Recalling also the recommendations for the establishment of such a zone in the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d) of, of the Final Document of the Tenth Special Session of the General Assembly,

Emphasizing the basic provisions of the above-mentioned resolutions, which call upon all parties directly concerned to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East and, pending and during the establishment of such a zone, to declare solemnly that they will refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, to agree to place their nuclear facilities under International Atomic Energy Agency safeguards and to declare their support for the establishment of the zone and to deposit such declarations with the Security Council for consideration, as appropriate,

Reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes,
Emphasizing the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities,

Bearing in mind the consensus reached by 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,

Desiring of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the Middle East,

Welcoming all initiatives leading to general and complete disarmament, including in the region of the Middle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Recognizing the importance of credible regional security, including the establishment of a mutually verifiable nuclear-weapon-free zone,

Emphasizing the essential role of the United Nations in the establishment of a mutually verifiable nuclear-weapon-free zone,

Having examined the report of the Secretary-General on the implementation of resolution 61/56,

1. 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;

2. Calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. Takes note of resolution GC(51)/RES/17, adopted on 20 September 2007 by the General Conference of the International Atomic Energy Agency at its fiftyfirst regular session, concerning the application of Agency safeguards in the Middle East;

4. Notes the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear-weapon-free zone;

5. Invites all countries of the region, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council;

6. Also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

7. Invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;

8. Takes note of the report of the Secretary-General;

9. Invites all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East;

10. Requests the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to the report of the Secretary-General of 10 October 1990 or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the Middle East;

11. Also requests the Secretary-General to submit to the General Assembly at its sixty-third session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its sixty-third session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

Conclusion of Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons

[Resolution A/RES/62/19, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]
all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, with a view to reaching agreement on this question,

Taking note of the proposals submitted under the item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the relevant decision of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Kuala Lumpur on 24 and 25 February 2003, which was reiterated at the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana on 15 and 16 September 2006, as well as the relevant recommendations of the Organization of the Islamic Conference,

Taking note further of the unilateral declarations made by all the nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against the non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Taking note of Security Council resolution 984 (1995) of 11 April 1995 and the views expressed on it,


1. Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all have also been pointed out;

3. Appeals to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. Recommends that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be explored further in order to overcome the difficulties;

5. Also recommends that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objectives;

6. Decides to include in the provisional agenda of its sixty-third session the item entitled “Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”.

 Prevention of an Arms Race in Outer Space
[Resolution A/RES/62/20, adopted by the General Assembly at its 62nd session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recognizing the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

Reaffirming the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes and shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development,

Reaffirming also the provisions of articles III and IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recalling the obligation of all States to observe the provisions of the Charter of the United Nations regarding the use or threat of use of force in their international relations, including in their space activities,

Reaffirming paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly, in which it is stated that in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty,

Recalling its previous resolutions on this issue, and taking note of the proposals submitted to the General Assembly at its tenth special session and at its regular sessions, and of the recommendations made to the competent organs of the United Nations and to the Conference on Disarmament,

Recognizing that prevention of an arms race in outer space would avert a grave danger for international peace and security,

Emphasizing the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space,

Considering that wide participation in the legal regime applicable to outer space could contribute to enhancing its effectiveness,

Noting that the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment in 1985 and seeking to enhance its functioning in qualitative terms, continued the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of an arms race in outer space, and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

Noting also that there were no objections in principle in the Conference on Disarmament to the re-establishment of the Ad Hoc Committee, subject to re-examination of the mandate contained in the decision of the Conference on Disarmament of 13 February 1992,

Emphasizing the mutually complementary nature of bilateral and multilateral efforts in the field of preventing an arms race in outer space, and hoping that concrete results will emerge from those efforts as soon as possible,

Convinced that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space,

Stressing that the growing use of outer space increases the need for greater transparency and better information on the part of the international community,

Recalling, in this context, its previous resolutions, in particular resolutions 45/55 B of 4 December 1990, 47/51 of 9 December 1992 and 48/74 A of 16 December 1993, in which, inter alia, it reaffirmed the importance of confidence-building measures as a
means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space,

Conscious of the benefits of confidence- and security-building measures in the military field,

Recognizing that negotiations for the conclusion of an international agreement or agreements to prevent an arms race in outer space remain a priority task of the Ad Hoc Committee and that the concrete proposals on confidence-building measures could form an integral part of such agreements,

Noting with satisfaction the constructive, structured and focused debate on the prevention of an arms race in outer space at the Conference on Disarmament in 2007,

1. Reaffirms the importance and urgency of preventing an arms race in outer space and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

2. Reaffirms its recognition, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space, that the regime plays a significant role in the prevention of an arms race in that environment, that there is a need to consolidate and reinforce that regime and enhance its effectiveness and that it is important to comply strictly with existing agreements, both bilateral and multilateral;

3. Emphasizes the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space;

4. Calls upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

5. Reiterates that the Conference on Disarmament, as the sole multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. Invites the Conference on Disarmament to complete the examination and updating of the mandate contained in its decision of 13 February 1992 and to establish an ad hoc committee as early as possible during its 2008 session;

7. Recognizes, in this respect, the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space;

8. Urges States conducting activities in outer space, as well as States interested in conducting such activities, to keep the Conference on Disarmament informed of the progress of bilateral and multilateral negotiations on the matter, if any, so as to facilitate its work;

9. Decides to include in the provisional agenda of its sixty-third session the item entitled “Prevention of an arms race in outer space”.

---

Verifiation in all its Aspects, Including the Role of the United Nations in the Field of Verification

[Resolution A/RES/62/21 adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its various resolutions in the field of nuclear disarmament, including its most recent, resolutions 60/72 of 8 December 2005, and 61/78, 61/83 and 61/97 of 6 December 2006,

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

Recalling its resolution 50/70 Q of 12 December 1995, in which the General Assembly noted that the States parties to the Treaty affirmed the need to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty, and accordingly adopted a set of principles and objectives,

Recalling also that, on 11 May 1995, the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted three decisions on strengthening the review process for the Treaty, principles and objectives for nuclear non-proliferation and disarmament, and extension of the Treaty,

Reaffirming the resolution on the Middle East adopted on 11 May 1995 by the 1995 Review and Extension Conference of the Parties to the Treaty in which the Conference reaffirmed the importance of the early realization of universal adherence to the Treaty and placement of nuclear facilities under full-scope International Atomic Energy Agency safeguards,

Reaffirming also its resolution 55/33 D of 20 November 2000, in which the General Assembly welcomed the adoption by consensus on 19 May 2000 of the Final Document of the 2000
Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including, in particular, the documents entitled “Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference” and “Improving the effectiveness of the strengthened review process for the Treaty”,

Taking into consideration the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties to the Treaty are committed under article VI of the Treaty,

Gravely concerned over the failure of the 2005 Review Conference of the Parties to the Treaty to reach any substantive agreement on the follow-up to the nuclear disarmament obligations,

Noting that the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty held a successful first meeting in Vienna in April/May 2007,

1. Determines to pursue practical steps for 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 decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Calls for practical steps, as agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be taken by all nuclear-weapon States that would lead to nuclear disarmament in a way that promotes international stability and, based upon the principle of undiminished security for all, for:

(a) Further efforts to be made by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

(b) Increased transparency by the nuclear-weapon States with regard to nuclear weapons capabilities and the implementation of agreements pursuant to article VI of the Treaty and as a voluntary confidence-building measure to support further progress in nuclear disarmament;

(c) The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

(d) Concrete agreed measures to reduce the operational status of nuclear weapons systems;

(e) A diminishing role for nuclear weapons in security policies so as to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

(f) The engagement, as soon as appropriate, of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons;

3. Notes that the 2000 Review Conference of the Parties to the Treaty agreed that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty strengthen the non-proliferation regime;

4. Urges the States parties to the Treaty to follow up on the implementation of the nuclear disarmament obligations under the Treaty agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty within the framework of the 2010 Review Conference of the Parties to the Treaty and its Preparatory Committee;

5. Decides to include in the provisional agenda of its sixty-fourth session an item entitled “Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”.

Towards a Nuclear-Weapon-Free World: Accelerating the Implementation of Nuclear Disarmament Commitments

[Resolution A/RES/62/25, adopted by the General Assembly at its 62nd Session, December, 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 61/65 of 6 December 2006,

Expressing its grave concern at the danger to humanity posed by the possibility that nuclear weapons could be used,

Reaffirming that nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes requiring urgent irreversible progress on both fronts,

Recalling the decisions and the resolution on the Middle East of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Recalling also the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, in accordance with commitments made under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Urging States parties to exert all possible efforts to ensure a successful and productive preparatory process for the 2010 Review Conference of the Parties to the Treaty,

1. Welcomes the first session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in Vienna from 30 April to 11 May 2007, and looks forward to a constructive and successful preparatory process leading to the 2010 Review Conference which should contribute to strengthening the Treaty and achieving its full implementation and universality;

2. Continues to emphasize the central role of the Treaty on the Non-Proliferation of Nuclear Weapons and its universality in achieving nuclear disarmament and nuclear non-proliferation, and calls upon all States parties to respect their obligations;

3. Reaffirms that the outcome of the 2000 Review Conference of the Parties to the Treaty sets out the agreed process for systematic and progressive efforts towards nuclear disarmament;

4. Reiterates its call upon the nuclear-weapon States to accelerate the implementation of the practical steps towards nuclear disarmament that were agreed upon at the 2000 Review Conference of the Parties to the Treaty, thereby contributing to a safer world for all;

5. Calls upon all States to comply fully with all commitments made regarding nuclear disarmament and nuclear non-proliferation and not to act in any way that may compromise either cause or that may lead to a new nuclear arms race;

6. Again calls upon all States parties to spare no effort to achieve the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and urges India, Israel and Pakistan, which are not yet parties to the Treaty, to accede to it as non-nuclear-weapon States promptly and without conditions;

7. Urges the Democratic People’s Republic of Korea to rescind its announced withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

8. Recognizes the vital importance of the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty to the achievement of nuclear disarmament and nuclear non-proliferation, and takes note of the Final Declaration and Measures to promote its entry into force, adopted by consensus at the Fifth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held in Vienna on 17 and 18 September 2007;

9. Decides to include in the provisional agenda of its sixty-third session the item entitled “Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament
Promotion of Multilateralism in the Area of Disarmament and Non-Proliferation

[Resolution A/RES/62/27, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Recalling its resolution 56/24 T of 29 November 2001 on multilateral cooperation in the area of disarmament and non-proliferation and global efforts against terrorism and other relevant resolutions, as well as its resolutions 57/63 of 22 November 2002, 58/44 of 8 December 2003, 59/69 of 3 December 2004, 60/59 of 8 December 2005 and 61/62 of 6 December 2006 on the promotion of multilateralism in the area of disarmament and non-proliferation,

Recalling also the purpose of the United Nations to maintain international peace and security and, to that end, to take 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, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace, as enshrined in the Charter,

Recalling further the United Nations Millennium Declaration, which states, inter alia, that the responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role,

Convinced that, in the globalization era and with the information revolution, arms regulation, non-proliferation and disarmament problems are more than ever the concern of all countries in the world, which are affected in one way or another by these problems and, therefore, should have the possibility to participate in the negotiations that arise to tackle them,

Bearing in mind the existence of a broad structure of disarmament and arms regulation agreements resulting from non-discriminatory and transparent multilateral negotiations with the participation of a large number of countries, regardless of their size and power,

Aware of the need to advance further in the field of arms regulation, non-proliferation and disarmament on the basis of universal, multilateral, non-discriminatory and transparent negotiations with the goal of reaching general and complete disarmament under strict international control,

Recognizing the complementarity of bilateral, plurilateral and multilateral negotiations on disarmament,

Recognizing also that the proliferation and development of weapons of mass destruction, including nuclear weapons, are among the most immediate threats to international peace and security which need to be dealt with, with the highest priority,

Considering that the multilateral disarmament agreements provide the mechanism for States parties to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of, the provisions of the agreements and that such consultations and cooperation may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with the Charter,

Stressing that international cooperation, the peaceful settlement of disputes, dialogue and confidence-building measures would contribute essentially to the creation of multilateral and bilateral friendly relations among peoples and nations,

Being concerned at the continuous erosion of multilateralism in the field of arms regulation, non-proliferation and disarmament, and recognizing that a resort to unilateral actions by Member States in resolving their security concerns would jeopardize international peace and security and undermine confidence in the international security system as well as the foundations of the United Nations itself,

Noting that the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana on 15 and 16 September 2006, welcomed the adoption of General Assembly resolution 60/59, and underlined the fact that multilateralism and multilaterally agreed solutions, in accordance with the Charter, provide the only sustainable method of addressing disarmament and international security issues,

Reaffirming the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and determined to promote multilateralism as an essential way to develop arms regulation and disarmament negotiations,

1. Reaffirms multilateralism as the core principle in negotiations in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope;
2. Also reaffirms multilateralism as the core principle in resolving disarmament and non-proliferation concerns;
3. Urges the participation of all interested States in multilateral negotiations on arms regulation, non-proliferation and disarmament in a non-discriminatory and transparent manner;
4. Underlines the importance of preserving the existing agreements on arms regulation and disarmament, which constitute an expression of the results of international cooperation and multilateral negotiations in response to the challenges facing mankind;
5. Calls once again upon all Member States to renew and fulfil their individual and collective commitments to multilateral cooperation as an important means of pursuing and achieving their common objectives in the area of disarmament and non-proliferation;
6. Requests the States parties to the relevant instruments on weapons of mass destruction to consult and cooperate among themselves in resolving their concerns with regard to cases of non-compliance as well as on implementation, in accordance with the procedures defined in those instruments, and to refrain from resorting or threatening to resort to unilateral actions or directing unverified non-compliance accusations against one another to resolve their concerns;
7. Takes note of the report of the Secretary-General containing the replies of Member States on the promotion of multilateralism in the area of disarmament and non-proliferation, submitted pursuant to resolution 61/62,
8. Requests the Secretary-General to seek the views of Member States on the issue of the promotion of multilateralism in the area of disarmament and non-proliferation and to submit a report thereon to the General Assembly at its sixty-third session;
9. Decides to include in the provisional agenda of its sixty-third session the item entitled "Promotion of multilateralism in the area of disarmament and non-proliferation".

Convening of the Fourth Special Session of the General Assembly Devoted to Disarmament

[Resolution A/RES/62/29, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling also that, there being a consensus to do so in each case, three special sessions of the General Assembly devoted to disarmament were held in 1978, 1982 and 1988, respectively,

Bearing in mind the Final Document of the Tenth Special Session of the General Assembly, adopted by consensus at the first special session devoted to disarmament,

Bearing in mind also the ultimate objective of general and complete disarmament under effective international control,

Taking note of paragraph 80 of the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana on 15 and 16 September 2006, which supported the convening of the fourth special session of the General Assembly devoted to disarmament, which would offer an opportunity to review, from a perspective more in tune with the current international situation, the most critical aspects of the process of disarmament and to mobilize the international community and public opinion in favour of the elimination of nuclear and other weapons of mass destruction and of the control and reduction of conventional weapons,

Recalling the United Nations Millennium Declaration, adopted by the Heads of State and Government during the Millennium Summit of the United Nations, held in New York from 6 to 8 September 2000, in which the Heads of State and Government resolved “to strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers”,

Reiterating its conviction that a special session of the General Assembly devoted to disarmament can set the future course of action in the fields of disarmament, arms control, non-proliferation and related international security matters,

Emphasizing the importance of multilateralism in the process of disarmament, arms control, non-proliferation and related international security matters,

Taking note of the paper presented by the Chairman of Working Group II during the 1999 substantive session of the Disarmament Commission, and the written proposals and views submitted by Member States as contained in the working papers presented during the three substantive sessions of the Open-ended Working Group in 2003 as well as the reports of the Secretary-General regarding the views of Member States on the objectives, agenda and timing of the fourth special session of the General Assembly devoted to disarmament,

Taking note also of the reports of the Open-ended Working Group to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session of the General Assembly devoted to disarmament,

Taking note also of the reports of the Open-ended Working Group to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session of the General Assembly devoted to disarmament,

1. Decides to convene the Open-ended Working Group, working on the basis of consensus, to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session of the General Assembly devoted to disarmament;

2. Also decides that the Open-ended Working Group shall hold its organizational session as soon as possible for the purpose of setting a date for its substantive sessions in 2008, and submit a report on its work, including possible substantive recommendations, before the end of the sixty-second session of the General Assembly;

3. Requests the Secretary-General, within existing resources, to provide the Open-ended Working Group with the necessary assistance and services as may be required to discharge its tasks;

4. Decides to include in the provisional agenda of its sixty-third session the item entitled “Convening of the fourth special session of the General Assembly devoted to disarmament”.

Recalling also the Final Document of the Tenth Special Session of the General Assembly, adopted by consensus at the first special session devoted to disarmament,

Taking into consideration the potential harmful effects of the use of armaments and ammunitions containing depleted uranium on human health and the environment,

1. Requests the Secretary-General to seek the views of Member States and relevant international organizations on the effects of the use of armaments and ammunitions containing depleted uranium, and to submit a report on this subject to the General Assembly at its sixty-third session;

2. Decides to include in the provisional agenda of its sixty-third session an item entitled “Effects of the use of armaments and ammunitions containing depleted uranium”.

Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)

[Resolution A/RES/62/31, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 60/56 of 8 December 2005, entitled “Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments”, and its resolution 61/69 of 6 December 2006, entitled “Nuclear-weapons-free southern hemisphere and adjacent areas”,

Welcoming the desire of the South-East Asian States to maintain peace and stability in the region in the spirit of peaceful coexistence and mutual understanding and cooperation,

Reaffirming its conviction of the important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free, and, with particular reference to the responsibilities of the nuclear-weapon States, calling upon all States to support the process of nuclear disarmament and to work for the total elimination of all nuclear weapons,

Convinced that the establishment of a South-East Asia Nuclear-Weapon-Free Zone, as an essential component of the Declaration on the Zone of Peace, Freedom and Neutrality, signed in Kuala Lumpur on 27 November 1971, will contribute towards strengthening the security of States within the Zone and towards enhancing international peace and security as a whole,

Noting the entry into force of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone on 27 March 1997 and the tenth anniversary of its entry into force in 2007,

Welcoming the reaffirmation of South-East Asian States that the South-East Asia Nuclear-Weapon-Free Zone shall continue to play a pivotal role in the area of confidence-building measures, preventive diplomacy and the approaches to conflict resolution as enshrined in the Declaration of the Association of Southeast Asian Nations Concord II (Bali Concord II),

Reaffirming the inalienable right of all the parties to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone to develop research, production and use of nuclear energy for peaceful
purposes without discrimination and in conformity with the Treaty on the Non-Proliferation of Nuclear Weapons,

Recognizing that by signing and ratifying the relevant protocols to the treaties establishing nuclear-weapon-free zones, nuclear-weapon States undertake legally binding commitments to respect the status of such zones and not to use or threaten to use nuclear weapons against States parties to such treaties,

Recalling the applicable principles and rules of international law relating to the freedom of the high seas and the rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, particularly those of the United Nations Convention on the Law of the Sea,

1. Welcomes the commitment of the Commission for the Treaty on the South-East Asia Nuclear-Weapon-Free Zone to further enhance and strengthen the implementation of the Bangkok Treaty by adopting a Plan of Action for the period 2007–2012 in Manila on 29 July 2007;

2. Encourages States parties to the Treaty to work towards resuming direct consultations with the five nuclear-weapon States to resolve comprehensively, in accordance with the objectives and principles of the Treaty, existing outstanding issues on a number of provisions of the Treaty and the Protocol thereto;

3. Encourages nuclear-weapon States and States parties to the Treaty to continue to work constructively with a view to ensuring the early accession of the nuclear-weapon States to the Protocol to the Treaty;

4. Underlines the value of enhancing and implementing further ways and means of cooperation among nuclear-weapon-free zones;

5. Decides to include in the provisional agenda of its sixty-fourth session an item entitled “Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)”.

Reducing Nuclear Danger

[Resolution A/RES/62/32, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Bearing in mind that the use of nuclear weapons poses the most serious threat to mankind and to the survival of civilization,

Reaffirming that any use or threat of use of nuclear weapons would constitute a violation of the Charter of the United Nations,

Convinced that the proliferation of nuclear weapons in all its aspects would seriously enhance the danger of nuclear war,

Convinced also that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Considering that, until nuclear weapons cease to exist, it is imperative on the part of the nuclear-weapon States to adopt measures that assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Considering also that the hair-trigger alert of nuclear weapons carries unacceptable risks of unintentional or accidental use of nuclear weapons, which would have catastrophic consequences for all mankind,

Emphasizing the need to adopt measures to avoid accidental, unauthorized or unexplained incidents arising from computer anomaly or other technical malfunctions,

Conscious that limited steps relating to de-alerting and de-targeting have been taken by the nuclear-weapon States and that further practical, realistic and mutually reinforcing steps are necessary to contribute to the improvement in the international climate for negotiations leading to the elimination of nuclear weapons,

Mindful that a diminishing role for nuclear weapons in the security policies of nuclear-weapon States would positively impact on international peace and security and improve the conditions for the further reduction and the elimination of nuclear weapons,

Reiterating the highest priority accorded to nuclear disarmament in the Final Document of the Tenth Special Session of the General Assembly and by the international community,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Recalling also the call in the United Nations Millennium Declaration to seek to eliminate the dangers posed by weapons of mass destruction and the resolve to strive for the elimination of weapons of mass destruction, particularly nuclear weapons, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

1. Calls for a review of nuclear doctrines and, in this context, immediate and urgent steps to reduce the risks of unintentional and accidental use of nuclear weapons, including through de-alerting and de-targeting of nuclear weapons;

2. Requests the five nuclear-weapons States to take measures towards the implementation of paragraph 1 above;

3. Calls upon Member States to take the necessary measures to prevent the proliferation of nuclear weapons in all its aspects and to promote nuclear disarmament, with the objective of eliminating nuclear weapons;

4. Takes note of the report of the Secretary-General submitted pursuant to paragraph 5 of General Assembly resolution 61/85 of 6 December 2006;

5. Requests the Secretary-General to intensify efforts and support initiatives that would contribute towards the full implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war, and also to continue to encourage Member States to consider the convening of an international conference as proposed in the United Nations Millennium Declaration, to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its sixty-third session;

6. Decides to include in the provisional agenda of its sixty-third session the item entitled “Reducing nuclear danger”.

Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction

[Resolution A/RES/62/33, adopted by the General Assembly, at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 61/86 of 6 December 2006,

Recognizing the determination of the international community to combat terrorism, as evidenced in relevant General Assembly and Security Council resolutions,

Deeply concerned by the growing risk of linkages between terrorism and weapons of mass destruction, and in particular by the fact that terrorists may seek to acquire weapons of mass destruction,

Cognizant of the steps taken by States to implement Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, adopted on 28 April 2004,

Welcoming the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism,

Welcoming also the adoption, by consensus, of amendments to strengthen the Convention on the Physical Protection of Nuclear Material by the International Atomic Energy Agency on 8 July 2005,

Noting the support expressed in the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Havana on 15 and 16 September 2006,
for measures to prevent terrorists from acquiring weapons of mass destruction,

Noting also that the Group of Eight, the European Union, the Regional Forum of the Association of Southeast Asian Nations and others have taken into account in their deliberations the dangers posed by the likely acquisition by terrorists of weapons of mass destruction, and the need for international cooperation in combating it,

Acknowledging the consideration of issues relating to terrorism and weapons of mass destruction by the Advisory Board on Disarmament Matters,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency at its fifty-first regular session,

Taking note also of the 2005 World Summit Outcome adopted on 18 September 2005 at the High-level Plenary Meeting of the sixtieth session of the General Assembly and the adoption on 8 September 2006 of the United Nations Global Counter-Terrorism Strategy,

Taking note further of the report of the Secretary-General submitted pursuant to paragraphs 3 and 5 of resolution 61/96,

Mindful of the urgent need for addressing, within the United Nations framework and through international cooperation, this threat to humanity,

Emphasizing that progress is urgently needed in the area of disarmament and non-proliferation in order to maintain international peace and security and to contribute to global efforts against terrorism,

1. Calls upon all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery;

2. Appeals to Member States to consider early accession to and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism;

3. Urges all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture, and invites them to inform the Secretary-General, on a voluntary basis, of the measures taken in this regard;

4. Encourages cooperation among and between Member States and relevant regional and international organizations for strengthening national capacities in this regard;

5. Requests the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and seek the views of Member States on additional relevant measures for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction and to report to the General Assembly at its sixty-third session;

6. Decides to include in the provisional agenda of its sixty-third session the item entitled “Measures to prevent terrorists from acquiring weapons of mass destruction”.

Prohibition of the Dumping of Radioactive Wastes

[Resolution A/RES/62/34, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Bearing in mind resolutions CM/Res.1153 (XLVIII) of 1988 and CM/Res.1225 (L) of 1989, adopted by the Council of Ministers of the Organization of African Unity, concerning the dumping of nuclear and industrial wastes in Africa,

Welcoming resolution GC/(XCVII)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 21 September 1990 by the General Conference of the International Atomic Energy Agency at its thirty-fourth regular session,

Taking note of the commitment by the participants in the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, to ban the dumping at sea of radioactive wastes,

Considering its resolution 2602 C (XXIV) of 16 December 1989, in which it requested the Conference of the Committee on Disarmament, inter alia, to consider effective methods of control against the use of radiological methods of warfare,

Aware of the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, in particular for the security of developing countries,

Recalling all its resolutions on the matter since its forty-third session in 1988, including its resolution 51/45 J of 10 December 1996,

Also recalling resolution GC/(45)/RES/10 adopted by consensus on 21 September 2001 by the General Conference of the International Atomic Energy Agency at its forty-fifth regular session, in which States shipping radioactive materials are invited to provide, as appropriate, assurances to concerned States, upon their request, that the national regulations of the shipping State take into account the Agency’s transport regulations and to provide them with relevant information relating to the shipment of such materials; the information provided should in no case be contradictory to the measures of physical security and safety,

Welcoming the adoption at Vienna, on 5 September 1997, of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, as recommended by the participants in the Summit on Nuclear Safety and Security,

Noting with satisfaction that the Joint Convention entered into force on 18 June 2001,

Noting that the first Review Meeting of the Contracting Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was convened in Vienna from 3 to 14 November 2003,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,

1. Takes note of the part of the report of the Conference on Disarmament relating to a future convention on the prohibition of radiological weapons;

2. Expresses grave concern regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States;

3. Calls upon all States to take appropriate measures with a view to preventing any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States;

4. Requests the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention;

5. Also requests the Conference on Disarmament to intensify efforts towards an early conclusion of such a convention and to include in its report to the General Assembly at its sixty-fourth session the progress recorded in the negotiations on this subject;


7. Expresses the hope that the effective implementation of the International Atomic Energy Agency Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes on their territories;

8. Appeals to all Member States that have not yet taken the necessary steps to become party to the Joint Convention on the
Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management to do so as soon as possible;
9. Decides to include in the provisional agenda of its sixty-fourth session the item entitled “Prohibition of the dumping of radioactive wastes”.

Nuclear-Weapon-Free Southern Hemisphere and Adjacent Areas
[Resolution A/RES/62/35, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]
The General Assembly,
Recalling also the adoption by the Disarmament Commission at its 1999 substantive session of a text entitled “Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned”,
Determined to pursue the total elimination of nuclear weapons,
Determined also to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects and to the process of general and complete disarmament under strict and effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction, with a view to strengthening international peace and security, in accordance with the purposes and principles of the Charter of the United Nations,
Recalling the provisions on nuclear-weapon-free zones of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,
Stressing the importance of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba establishing nuclear-weapon-free zones, as well as the Antarctic Treaty, to, inter alia, achieve a world entirely free of nuclear weapons,
Underlining the value of enhancing cooperation among the nuclear-weapon-free-zone treaty members by means of mechanisms such as joint meetings of States parties, signatories and observers to those treaties,
Noting the adoption of the Declaration of Santiago de Chile by the Governments of the States members of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the States parties to the Treaty of Tlatelolco, during the nineteenth regular session of the General Conference of the Agency, held in Santiago on 7 and 8 November 2005,
Recalling the applicable principles and rules of international law relating to the freedom of the high seas and the rights of passage through maritime space, including those of the United Nations Convention on the Law of the Sea,
1. Welcomes the continued contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the southern hemisphere and adjacent areas covered by those treaties from nuclear weapons;
2. Also welcomes the ratification by all original parties of the Treaty of Rarotonga, and calls upon eligible States to adhere to the Treaty and the protocols thereto;
3. Further welcomes the efforts towards the completion of the ratification process of the Treaty of Pelindaba, and calls upon the States of the region that have not yet done so to sign and ratify the Treaty, with the aim of its early entry into force;
4. Welcomes the signing of the Semipalatinsk Treaty on 8 September 2005, and urges all relevant States to cooperate in resolving outstanding issues with a view to the full implementation of the Treaty;
5. Calls upon all concerned States to continue to work together in order to facilitate adherence to the protocols to nuclear-weapon-free-zone treaties by all relevant States that have not yet adhered to them;
6. Welcomes the steps taken to conclude further nuclear-weapon-free-zone treaties on the basis of arrangements freely arrived at among the States of the region concerned, and calls upon all States to consider all relevant proposals, including those reflected in its resolutions on the establishment of nuclear-weapon-free zones in the Middle East and South Asia;
7. Affirms its conviction of the important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free, and, with particular reference to the responsibilities of the nuclear-weapon States, calls upon all States to support the process of nuclear disarmament and to work for the total elimination of all nuclear weapons;
8. Welcomes the progress made on increased collaboration within and between zones at the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26 to 29 April 2005, at which States reaffirmed their need to cooperate in order to achieve their common objectives;
9. Congratulates the States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, as well as Mongolia, for their efforts to pursue the common goals envisaged in those treaties and to promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas, and calls upon them to explore and implement further ways and means of cooperation among themselves and their treaty agencies;
10. Encourages the competent authorities of the nuclear-weapon-free-zone treaties to provide assistance to the States parties and signatories to those treaties so as to facilitate the accomplishment of the goals;
11. Decides to include in the provisional agenda of its sixty-third session the item entitled “Nuclear-weapon-free southern hemisphere and adjacent areas”.

Decreasing the Operational Readiness of Nuclear Weapons Systems
[Resolution A/RES/62/36, adopted by the General Assembly at its 62nd Session, December 2007]
The General Assembly,
Recalling that the maintenance of nuclear weapons on high alert was a feature of cold war nuclear postures, and welcoming the increased confidence and transparency since the cessation of the cold war,
Concerned that, notwithstanding the end of the cold war, several thousand nuclear weapons remain on high alert, ready to be launched within minutes,
Noting the increased engagement in multilateral disarmament forums in support of further reductions to the operational status of nuclear weapons systems,
Recognizing that the maintenance of nuclear weapons systems at a high level of readiness increases the risk of the use of such weapons, including the unintentional or accidental use, which would have catastrophic consequences,
Also recognizing that reductions in deployments and the lowering of operational status contribute to the maintenance of international peace and security, as well as to the process of nuclear disarmament, through the enhancement of confidence-building and transparency measures and a diminishing role for nuclear weapons in security policies,
Welcoming bilateral initiatives, such as the proposed United States/Russian Federation Joint Centre for the Exchange of Data from Early Warning Systems and Notification of Missile Launches, which can play a central role in operational status reduction processes,
Also welcoming the steps taken by some States to reduce the operational status of their nuclear weapons systems, including de-targeting initiatives and increasing the amount of preparation time required for deployment,

1. Calls for further practical steps to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status;

2. Urges States to update the General Assembly on progress made in the implementation of the present resolution;

3. Decides to remain seized of the matter.

Renewed Determination Towards the Total Elimination of Nuclear Weapons

[Resolution A/RES/62/37, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling the need for all States to take further practical steps and effective measures towards the total elimination of nuclear weapons, with a view to achieving a peaceful and stable world free of nuclear weapons, and renewing the determination to do so,

Noting that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under strict and effective international control,

Recalling its resolution 61/74 of 6 December 2006, Convincing that every effort should be made to avoid nuclear war and nuclear terrorism,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear disarmament and non-proliferation regime, and expressing regret over the lack of agreement on substantive issues at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as over the elimination of references to nuclear disarmament and non-proliferation in the World Summit Outcome in 2005, the year of the sixtieth anniversary of the atomic bombings in Hiroshima and Nagasaki, Japan,

Recalling the decisions and the resolution of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Final Document of the 2000 Review Conference of the Parties to the Treaty,

Recognizing that the enhancement of international peace and security and the promotion of nuclear disarmament are mutually reinforcing,

Reaffirming that further advancement in nuclear disarmament will contribute to consolidating the international regime for nuclear non-proliferation and thereby ensuring international peace and security,

Expressing deep concern regarding the growing dangers posed by the proliferation of weapons of mass destruction, inter alia, nuclear weapons, including that caused by proliferation networks,

Recognizing the importance of implementing Security Council resolution 1718 (2006) of 14 October 2006 with regard to the nuclear test proclaimed by the Democratic People's Republic of Korea on 9 October 2006, while welcoming the recent progress achieved by the Six-Party Talks,

1. Reaffirms the importance of all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons complying with their obligations under all the articles of the Treaty;

2. Stresses the importance of an effective Treaty review process, welcoming a successful start of the 2010 review process with the first session of the Preparatory Committee in 2007, and calls upon all States parties to the Treaty to work together to ensure that the second session of the Preparatory Committee, in 2008, is held constructively, in order to facilitate the successful outcome of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

3. Reaffirms the importance of the universality of the Treaty, and calls upon States not parties to the Treaty to accede to it as non-nuclear-weapon States without delay and without conditions, and pending their accession to refrain from acts that would defeat the objective and purpose of the Treaty as well as to take practical steps in support of the Treaty;

4. Encourages further steps leading to nuclear disarmament, to which all States parties to the Treaty are committed under article VI of the Treaty, including deeper reductions in all types of nuclear weapons, and emphasizes the importance of applying irreversibility and verifiability, as well as increased transparency in a way that promotes international stability and undiminished security for all, in the process of working towards the elimination of nuclear weapons;

5. Encourages the Russian Federation and the United States of America to implement fully the Treaty on Strategic Offensive Reductions, which should serve as a step for further nuclear disarmament, and to undertake nuclear arms reductions beyond those provided for by the Treaty, while welcoming the progress made by nuclear-weapon States, including the Russian Federation and the United States of America, on nuclear arms reductions;

6. Encourages States to continue to pursue efforts, within the framework of international cooperation, contributing to the reduction of nuclear-weapons-related materials;

7. Calls for the nuclear-weapon States to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security;

8. Stresses the necessity of a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination, in a way that promotes international stability and based on the principle of undiminished security for all;

9. Urges all States that have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty at the earliest opportunity with a view to its early entry into force, stresses the importance of maintaining existing moratoriums on nuclear-weapon test explosions pending the entry into force of the Treaty, and reaffirms the importance of the continued development of the Treaty verification regime, including the international monitoring system, which will be required to provide assurance of compliance with the Treaty;

10. Calls upon the Conference on Disarmament to immediately resume its substantive work to its fullest, considering the developments of this year in the Conference;

11. Emphasizes the importance of the immediate commencement of negotiations on a fissile material cut-off treaty and its early conclusion, and calls upon all nuclear-weapon States and States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to declare moratoriums on the production of fissile material for any nuclear weapons or other nuclear explosive devices pending the entry into force of the Treaty;

12. Calls upon all States to redouble their efforts to prevent and curb the proliferation of nuclear and other weapons of mass destruction and their means of delivery;

13. Stresses the importance of further efforts for non-proliferation, including the universalization of the international Atomic Energy Agency comprehensive safeguards agreements and Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the International Atomic Energy Agency on 15 May 1997 and the full implementation of relevant Security Council resolutions including resolution 1540 (2004) of 28 April 2004;

14. Encourages all States to undertake concrete activities to implement, as appropriate, the recommendations contained in the report of the Secretary-General on the United Nations study on disarmament and non-proliferation education, submitted to the General Assembly at its fifty-seventh session, and to voluntarily share information on efforts they have been undertaking to that end;

15. Encourages the constructive role played by civil society in promoting nuclear non-proliferation and nuclear disarmament.
Nuclear Disarmament

[Resolution A/RES/62/42, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,


Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the establishment of a nuclear-weapon-free world,

Bearing in mind that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 1972 and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 1993 have already established legal regimes on the complete prohibition of biological and chemical weapons, respectively, and determined to achieve a nuclear weapons convention on the prohibition of the development, testing, production, stockpiling, loan, transfer, use and threat of use of nuclear weapons and on their destruction, and to conclude such an international convention at an early date,

Recognizing that there now exist conditions for the establishment of a world free of nuclear weapons, and stressing the need to take concrete practical steps towards achieving this goal,

Bearing in mind paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, calling for the urgent negotiation of agreements for the cessation of the qualitative improvement and development of nuclear-weapon systems, and for a comprehensive and phased programme with agreed time frames, wherever feasible, for the progressive and balanced reduction of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time,

Reaffirming the conviction of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the Treaty is a cornerstone of nuclear non-proliferation and nuclear disarmament and the importance of the decision on strengthening the review process for the Treaty, the decision on the principles and objectives for nuclear non-proliferation and disarmament, the decision on the extension of the Treaty and the resolution on the Middle East, adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Stressing the importance of the thirteen steps for the systematic and progressive efforts to achieve the objective of nuclear disarmament leading to the total elimination of nuclear weapons, as agreed to by the States parties in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reiterating the highest priority accorded to nuclear disarmament in the Final Document of the Tenth Special Session of the General Assembly and by the international community,

Reiterating its call for an early entry into force of the Comprehensive Nuclear-Test-Ban Treaty,

Noting with appreciation the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START II), to which Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America are States parties,

Noting with appreciation also the entry into force of the Treaty on Strategic Offensive Reductions ("the Moscow Treaty") between the United States of America and the Russian Federation as a significant step towards reducing their deployed strategic nuclear weapons, while calling for further irreversible deep cuts in their nuclear arsenals,

Noting with appreciation further the unilateral measures taken by the nuclearweapon States for nuclear arms limitation, and encouraging them to take further such measures, while reiterating deep concern over the slow pace of progress towards nuclear disarmament and the lack of progress by the nuclear-weapon States towards accomplishing the total elimination of their nuclear arsenals,

Recognizing the complementarity of bilateral, plurilateral and multilateral negotiations on nuclear disarmament, and that bilateral negotiations can never replace multilateral negotiations in this respect,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and the multilateral efforts in the Conference on Disarmament to reach agreement on such an international convention at an early date,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, and welcoming the unanimous reaffirmation by all Judges of the Court that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Mindful of paragraph 64 of the Final Document of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Putrajaya, Malaysia, on 29 and 30 May 2006,

Recalling paragraph 70 and other relevant recommendations in the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Havana on 15 and 16 September 2006, calling upon the Conference on Disarmament to establish, as soon as possible and as the highest priority, an ad hoc committee on nuclear disarmament and to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified time framework,

Reaffirming the specific mandate conferred upon the Disarmament Commission by the General Assembly, in its decision 52/492 of 8 September 1998, to discuss the subject of nuclear disarmament as one of its main substantive agenda items,

Recalling the United Nations Millennium Declaration, in which Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

Reaffirming that, in accordance with the Charter of the United Nations, States should refrain from the use or threat of use of nuclear weapons in settling their disputes in international relations,

Seized of the danger of the use of weapons of mass destruction, particularly nuclear weapons, in terrorist acts and the urgent need for concerted international efforts to control and overcome it,

1. Recognizes that the time is now opportune for all the nuclear-weapon States to take effective disarmament measures with a view to achieving the elimination of these weapons;

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 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. 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;
5. Urges the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;

6. 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;

7. Reiterates its call upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and to carry out effective nuclear disarmament measures with a view to achieving the total elimination of these weapons;

8. Calls upon the nuclear-weapon States, pending the achievement of the total elimination of nuclear weapons, to agree on an internationally and legally binding instrument on a joint undertaking not to be the first to use nuclear weapons, and calls upon all States to conclude an internationally and legally binding instrument on security assurances of non-use and non-threat of use of nuclear weapons against non-nuclear-weapon States;

9. Urges the nuclear-weapon States to commence pluriateral negotiations among themselves at an appropriate stage on further deep reductions of nuclear weapons as an effective measure of nuclear disarmament;

10. Underlines the importance of applying the principle of irreversibility to the process of nuclear disarmament, and nuclear and other related arms control and reduction measures;

11. Underscores 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;

12. Calls for the full and effective implementation of the thirteen steps for nuclear disarmament contained in the Final Document of the 2000 Review Conference;

13. Urges the nuclear-weapon States to carry out further reductions of nonstrategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

14. Calls for the immediate commencement of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of the report of the Special Coordinator and the mandate contained therein;

15. Urges the Conference on Disarmament to agree on a programme of work that includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years;

16. Calls for the conclusion of an international legal instrument or instruments on adequate security assurances to non-nuclear-weapon States;

17. Also calls for the early entry into force and strict observance of the Comprehensive Nuclear-Test-Ban Treaty;

18. Expresses its regret that the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons was unable to achieve any substantive result and that the 2005 World Summit Outcome adopted by the General Assembly failed to make any reference to nuclear disarmament and nuclear non-proliferation;

19. Also expresses its regret that the Conference on Disarmament was unable to establish an ad hoc committee to deal with nuclear disarmament early in 2007, as called for by the General Assembly in its resolution 61/78;

20. Reiterates its call upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee to deal with nuclear disarmament early in 2008 and to commence negotiations on a phased programme of nuclear disarmament leading to the eventual total elimination of nuclear weapons;

21. Calls for the convening of an international conference on nuclear disarmament in all its aspects at an early date to identify and deal with concrete measures of nuclear disarmament;

22. Requests the Secretary-General to submit to the General Assembly at its sixty-third session a report on the implementation of the present resolution;

23. Decides to include in the provisional agenda of its sixty-third session the item entitled “Nuclear disarmament”.

### Transparency and Confidence-Building Measures in Outer Space Activities

[Resolution A/RES/62/43, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolutions 60/66 of 8 December 2005 and 61/75 of 6 December 2006,

Reaffirming that the prevention of an arms race in outer space would avert a grave danger to international peace and security,

Conscious that further measures should be examined in the search for agreements to prevent an arms race in outer space, including the weaponization of outer space,

Recalling, in this context, its previous resolutions, including resolutions 45/55 B of 4 December 1990 and 48/74 B of 16 December 1993, which, inter alia, emphasize the need for increased transparency and confirm the importance of confidence-building measures as a means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space,

Recalling also the report of the Secretary-General of 15 October 1993 to the General Assembly at its forty-eighth session, the annex to which contains the study by governmental experts on the application of confidence-building measures in outer space,

Noting the constructive debate which the Conference on Disarmament held on this subject in 2007,

Noting also the contribution of Member States which have submitted to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures pursuant to paragraph 1 of resolution 61/75,

1. Takes note of the report of the Secretary-General containing concrete proposals from Member States on international outer space transparency and confidence-building measures;

2. Invites all Member States to continue to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space;

3. Requests the Secretary-General to submit to the General Assembly at its sixty-third session a report with an annex containing concrete proposals from Member States on international outer space transparency and confidence-building measures;

4. Decides to include in the provisional agenda of its sixty-third session the item entitled “Transparency and confidence-building measures in outer space activities”.

---

Footnotes not included
Preventing the Acquisition by Terrorists of Radioactive Materials and Sources

[Resolution A/RES/62/46, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recognizing the essential contribution of radioactive materials and sources to social and economic development, and the benefits drawn from their use for all States,

Recognizing also the determination of the international community to combat terrorism, as evident in relevant General Assembly and Security Council resolutions,

Deeply concerned by the threat of terrorism and the risk that terrorists may acquire, traffic in or use radioactive materials or sources in radiological dispersion devices,

Recalling the importance of international conventions aimed at preventing and suppressing such a risk, in particular the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on 13 April 2005, and the Convention on the Physical Protection of Nuclear Material, adopted on 26 October 1979, as well as its Amendment, adopted on 9 July 2005,

Noting that actions of the international community to combat the proliferation of weapons of mass destruction and prevent access by non-State actors to weapons of mass destruction and related material, notably Security Council resolution 1540 (2004) of 28 April 2004, constitute contributions to the protection against nuclear and radiological terrorism,

Stressing the importance of the role of the International Atomic Energy Agency in promoting and reinforcing the safety and security of radioactive materials and sources, in particular by supporting the improvement of national legal and regulatory infrastructure and by establishing technical guidance,

Taking note of the importance of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management with respect to the safety of the end of life of radioactive sources,

Taking note also of the importance of the Code of Conduct on the Safety and Security of Radioactive Sources as a valuable instrument for enhancing the safety and security of radioactive sources, while recognizing that the Code is not a legally binding instrument, and of the International Atomic Energy Agency Revised Action Plan for the Safety and Security of Radioactive Sources and its Nuclear Security Plan for 2006–2009,

Taking note further of resolutions GC(51)/RES/11 and GC(51)/RES/12, adopted by the General Conference of the International Atomic Energy Agency at its fifty-first regular session, which address measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management and measures to protect against nuclear and radiological terrorism,

Welcoming the ongoing individual and collective efforts of Member States to take into account in their deliberations the dangers posed by the lack or insufficiency of control over radioactive materials and sources, and recognizing the need for States to take more effective measures to strengthen those controls in accordance with their national legal authorities and legislation and consistent with international law,

Welcoming also the fact that Member States have taken multilateral actions to address this issue, as reflected in General Assembly resolution 61/8 of 30 October 2005,

Welcoming further the contribution of the International Atomic Energy Agency International Conference on the Safety and Security of Radioactive Sources: Towards a Global System for the Continuous Control of Sources throughout Their Life Cycle, held in Bordeaux, France, from 27 June to 1 July 2005, to the activities of the Agency on these issues,

Mindful of the responsibilities of every Member State, in accordance with international obligations, to maintain effective nuclear safety and security, asserting that responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of international cooperation in supporting the efforts of States to fulfill their responsibilities,

Mindful also of the urgent need for addressing, within the United Nations framework and through international cooperation, this rising concern for international security,

1. Calls upon Member States to support international efforts to prevent the acquisition and use by terrorists of radioactive materials and sources, and, if necessary, suppress such acts, in accordance with their national legal authorities and legislation and consistent with international law

2. Urges Member States to take and strengthen national measures, as appropriate, to prevent the acquisition and use by terrorists of radioactive materials and sources, as well as terrorist attacks on nuclear plants and facilities which would result in radioactive releases, and, if necessary, suppress such acts, in particular by taking effective measures to account for, secure and physically protect such materials and sources in accordance with their international obligations;

3. Encourages Member States to enhance their national capacities with appropriate means of detection and related architecture or systems, including through international cooperation and assistance in conformity with international law and regulations, with a view to reflecting and preventing the illicit trafficking of radioactive materials and sources;

4. Welcomes the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism, and invites all Member States that have not yet done so to sign and ratify this instrument as soon as possible, in accordance with their legal and constitutional processes;

5. Invites Member States, in particular those producing and distributing radioactive sources, to support and endorse the efforts of the International Atomic Energy Agency to enhance the safety and security of radioactive sources, as described in General Conference resolution GC(51)/RES/11 and to enhance the security of radioactive sources as described in the Agency's Nuclear Security Plan for 2006–2009, urges all States to work towards following the guidance contained in the Agency's Code of Conduct on the Safety and Security of Radioactive Sources, including, as appropriate, the guidance on the import and export of radioactive sources, noting that the guidance is supplementary to the Code, and encourages Member States to notify the Director General of the Agency of their intention to do so pursuant to General Conference resolution GC(49)/RES/10;

6. Recognizes the value of information exchange on national approaches to controlling radioactive sources, and takes note of the endorsement by the Board of Governors of the International Atomic Energy Agency of a proposal for a formalized process for a voluntary periodic exchange on information and lessons learned and for the evaluation of progress made by States towards implementing the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources;

7. Welcomes the efforts undertaken by Member States, including through international cooperation under the auspices of the International Atomic Energy Agency, to search for, locate and secure unsecured and/or uncontrolled ("orphan") radioactive sources within their State jurisdiction or territory;

8. Encourages cooperation among and between Member States and through relevant international and, where appropriate, regional organizations aimed at strengthening national capacities in this regard;

9. Decides to include in the provisional agenda of its sixty-fourth session an item entitled “Preventing the acquisition by terrorists of radioactive materials and sources”.
Relationship Between Disarmament and Development


[Editorial note: Footnotes not included]

The General Assembly,

Recalling that the Charter of the United Nations envisages the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources,

Recalling also the provisions of the Final Document of the Tenth Special Session of the General Assembly concerning the relationship between disarmament and development, as well as the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development,


Bearing in mind the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held in Durban, South Africa, from 29 August to 3 September 1998, and the Final Document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held in Cartagena, Colombia, on 8 and 9 April 2000,

Mindful of the changes in international relations that have taken place since the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development, including the development agenda that has emerged over the past decade,

Bearing in mind the new challenges for the international community in the field of development, poverty eradication and the elimination of the diseases that afflict humanity,

Stressing the importance of the symbiotic relationship between disarmament and development and the important role of security in this connection, and concerned at increasing global military expenditure, which could otherwise be spent on development needs,

Recalling the report of the Group of Governmental Experts on the relationship between disarmament and development and its reappraisal of this significant issue in the current international context,

Taking note of the fact that 2007 marks the twentieth anniversary of the adoption in 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development,

Bearing in mind the importance of following up on the implementation of the action programme adopted at the 1987 International Conference on the Relationship between Disarmament and Development,

1. Stresses the central role of the United Nations in the disarmament-development relationship, and requests the Secretary-General to strengthen further the role of the Organization in this field, in particular the high-level Steering Group on Disarmament and Development, in order to ensure continued and effective coordination and close cooperation between the relevant United Nations departments, agencies and sub-agencies;

2. Requests the Secretary-General to continue to take action, through appropriate organs and within available resources, for the implementation of the action programme adopted at the 1987 International Conference on the Relationship between Disarmament and Development;

3. Urges the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

4. Encourages the international community to achieve the Millennium Development Goals and to make reference to the contribution that disarmament can make to these development goals, as it reviews its progress towards this purpose in 2007, as well as to make greater efforts to integrate disarmament, humanitarian and development activities;

5. Encourages the relevant regional and subregional organizations and institutions, non-governmental organizations and research institutes to incorporate issues related to the relationship between disarmament and development in their agendas and, in this regard, to take into account the report of the Group of Governmental Experts on the relationship between disarmament and development;

6. Invites Member States to provide the Secretary-General with information regarding measures and efforts to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

7. Requests the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution, including the information provided by Member States pursuant to paragraph 6 above;

8. Decides to include in the provisional agenda of its sixty-third session the item entitled “Relationship between disarmament and development”.

Convention on the Prohibition of the Use of Nuclear Weapons

[Resolution A/RES/62/51, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Convinced that the use of nuclear weapons poses the most serious threat to the survival of mankind,

Bearing in mind the advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons,

Convinced that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security,

Conscious that some steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of the complete elimination of nuclear weapons,

Recalling that paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly states that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,


Determined to achieve an international convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Stressing that an international convention on the prohibition of the use of nuclear weapons would be an important step in a phased programme towards the complete elimination of nuclear weapons, with a specified framework of time,
Noting with regret that the Conference on Disarmament, during its 2007 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 61/97 of 6 December 2006,

1. Reiterates its request to the Conference on Disarmament to commence negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances;

2. Requests the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

---

Report on the Conference on Disarmament

[Resolution A/RES/62/55, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Having considered the report of the Conference on Disarmament,

Convinced that the Conference on Disarmament, as the sole multilateral disarmament negotiating forum of the international community, has the primary role in substantive negotiations on priority questions of disarmament,

Recognizing the need to conduct multilateral negotiations with the aim of reaching agreement on concrete issues,

Recalling, in this respect, that the Conference has a number of urgent and important issues for negotiation,

Taking note of active discussions held on the programme of work during the 2007 session of the Conference, as duly reflected in the report and the records of the plenary meetings,

Taking note also of the increased deliberations of the Conference due to the constructive contribution of its member States, the work done under the authority of the Presidents of the Conference for the 2007 session, including focused structured debates on all substantive agenda items and with the participation of experts from capitals, and the cooperation among all six Presidents of the Conference,

Taking note further of significant contributions made during the 2007 session to promote substantive discussions on issues on the agenda, as well as of discussions held on other issues that could also be relevant to the current international security environment,

Stressing the urgent need for the Conference to commence its substantive work at the beginning of its 2008 session,

Recognizing the messages of the Secretary-General of the United Nations, as well as the addresses of Ministers for Foreign Affairs and other high-level officials, as expressions of support for the endeavours of the Conference and its role as the sole multilateral disarmament negotiating forum,

Bearing in mind the importance of efforts towards revitalization of the disarmament machinery, including the Conference,

Recognizing the importance of continuing consultations on the question of the expansion of the Conference membership,

1. Reaffirms the role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum of the international community;

2. Calls upon the Conference to further intensify consultations and explore possibilities with a view to reaching an agreement on a programme of work;

3. Takes note of the strong collective interest of the Conference to build on the increased level and focus of its activities through 2007 and to commence substantive work as soon as possible during its 2008 session;

4. Welcomes the decision of the Conference to request its current President and the incoming President to conduct consultations during the intersessional period and, if possible, to make recommendations, taking into account all relevant proposals, past, present and future, including those submitted as documents of the Conference, views presented and discussions held, and to endeavour to keep the membership of the Conference informed, as appropriate, of their consultations, as contained in paragraph 57 of its report;

5. Requests all States members of the Conference to cooperate with the current President and successive Presidents in their efforts to guide the Conference to the early commencement of substantive work in its 2008 session;

6. Requests the Secretary-General to continue to ensure the provision to the Conference of adequate administrative, substantive and conference support services;

7. Requests the Conference to submit a report on its work to the General Assembly at its sixty-third session;

8. Decides to include in the provisional agenda of its sixty-third session the item entitled “Report of the Conference on Disarmament”.

---

The Risk of Nuclear Proliferation in the Middle East

[Resolution A/RES/62/56, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Bearing in mind its relevant resolutions,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is Resolution GC(51)/RES/17, adopted on 20 September 2007,

Cognizant that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security,

Mindful of the immediate need for placing all nuclear facilities in the region of the Middle East under full-scope safeguards of the Agency,

Recalling the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference urged universal adherence to the Treaty as an urgent priority and called upon all States not yet parties to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded nuclear facilities,

Recognizing with satisfaction that, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference undertook to make determined efforts towards the achievement of the goal of universality of the Treaty, called upon 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 Agency safeguards on all their nuclear activities, and underlined the necessity of universal adherence to the Treaty and of strict compliance by all parties with their obligations under the Treaty,

Recalling the resolution on the Middle East adopted by the 1995 Review and Extension Conference on 11 May 1995, in which the Conference noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place all their nuclear facilities under full-scope Agency safeguards,

Noting that Israel remains the only State in the Middle East that has not yet become party to the Treaty,

Concerned about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region,

Stressing the importance of taking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in

---
the Middle East, in order to enhance peace and security in the region and to consolidate the global non-proliferation regime,

Emphasizing the need for 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, inviting the countries concerned to adhere to the Treaty and, pending the establishment of the zone, to agree to place all their nuclear activities under Agency safeguards,

Noting that one hundred and seventy-seven States have signed the Comprehensive Nuclear-Test-Ban Treaty, including a number of States in the region,

1. Welcomes the conclusions on the Middle East of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Reaffirms the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;

3. Calls upon that State to accede to the Treaty without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

4. Requests the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution;

5. Decides to include in the provisional agenda of its sixty-third session the item entitled “The risk of nuclear proliferation in the Middle East”.

---

**Comprehensive Nuclear-Test-Ban Treaty**

[Resolution A/RES/62/59, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Reiterating that the cessation of nuclear-weapon test explosions or any other nuclear explosions constitutes an effective nuclear disarmament and non-proliferation measure, and convinced that this is a meaningful step in the realization of a systematic process to achieve nuclear disarmament,

Recalling that the Comprehensive Nuclear-Test-Ban Treaty, adopted by its resolution 50/245 of 10 September 1996, was opened for signature on 24 September 1996,

Stressing that a universal and effectively verifiable Treaty constitutes a fundamental instrument in the field of nuclear disarmament and non-proliferation and that after more than ten years, its entry into force is more urgent than ever before,

Encouraged by the signing of the Treaty by one hundred and seventy-seven States, including forty-one of the forty-four needed for its entry into force, and welcoming the ratification of one hundred and forty States, including thirty-four of the forty-four needed for its entry into force, among which there are three nuclear-weapon States,

Recalling its resolution 61/104 of 6 December 2006,

Welcoming the Final Declaration of the Fifth Conference on Facilitating the Entry Into Force of the Comprehensive Nuclear-Test-Ban Treaty, held in Vienna on 17 and 18 September 2007, pursuant to article XIV of the Treaty,

1. Stresses the vital importance and urgency of signature and ratification, without delay and without conditions, to achieve the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

---

**Measures to Eliminate International Terrorism**

[Resolution A/RES/62/71, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the United Nations Global Counter-Terrorism Strategy in all its aspects adopted on 8 September 2006, enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Recalling also the United Nations Millennium Declaration,

Recalling further the 2005 World Summit Outcome, and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplemet the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism, and Security Council resolutions on threats to international peace and security caused by terrorist acts,
UNGA Resolutions

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so, Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1386 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of the latter resolution, Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003, Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations, and enhancing interfaith and intercultural understanding, are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of, inter alia, the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005 and 61/40 of 4 December 2006 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Havana on 16 September 2006, which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,


Having examined the report of the Secretary-General, the report of the Ad Hoc Committee established by resolution 51/210 and the oral report of the Chairperson on the work of the Working Group established by the Sixth Committee during the sixty-second session of the General Assembly,

1. Strongly condemns all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. Calls upon all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy in all its aspects at the international, regional, subregional and national levels without delay, including through mobilizing resources and expertise;

3. Recalls the pivotal role of the General Assembly in following up the implementation and updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the General Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. Reiterates its call upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;
6. Also reiterates its call upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. Reiterates its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. Urges States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

9. Reminds States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. Reaffirms that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

11. Recalls the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, the Amendment to the Convention on the Physical Protection of Nuclear Material, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and urges all States to consider, as a matter of priority, becoming parties to these instruments;

12. Urges all States that have not yet done so to consider as a matter of priority, and in accordance with Security Council resolution 1373 (2001), and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism, and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

13. Urges States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 12 above;

14. Notes with appreciation and satisfaction that, consistent with the call contained in paragraphs 11 and 12 of resolution 61/40, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions, and, in this regard, welcomes in particular the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism;

15. Reaffirms the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

16. Calls upon all States to cooperate to prevent and suppress terrorist acts;

17. Urges all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

18. Requests the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

19. Welcomes the current efforts by the Secretariat to prepare the third edition of the publication International Instruments related to the Prevention and Suppression of International Terrorism in all official languages;

20. Invites regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

21. Notes the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group established by the Sixth Committee during the sixty-second session of the General Assembly, and welcomes continuing efforts to that end;

22. Decides that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. Also decides that the Ad Hoc Committee shall meet on 25 and 26 February and 6 March 2008 in order to fulfill the mandate referred to in paragraph 22 above;

24. Requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

25. Requests the Ad Hoc Committee to report to the General Assembly at its sixty-second session in the event of the completion of the draft comprehensive convention on international terrorism;

26. Also requests the Ad Hoc Committee to report to the General Assembly at its sixty-third session on progress made in the implementation of its mandate;

27. Decides to include in the provisional agenda of its sixty-third session the item entitled “Measures to eliminate international terrorism”.

Effects of Atomic Radiation

[Resolution A/RES/62/100, adopted by the General Assembly at its 62nd Session, December 2007]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 913 (X) of 3 December 1955, by which it established the United Nations Scientific Committee on the Effects of Atomic Radiation, and its subsequent resolutions on the subject, including resolution 61/109 of 14 December 2006, in which, inter alia, it requested the Scientific Committee to continue its work,

Taking note with appreciation of the work of the Scientific Committee, and of the release of its report on its fifty-fifth session,

Reaffirming the desirability of the Scientific Committee continuing its work,

Concerned about the potentially harmful effects on present and future generations resulting from the levels of radiation to which mankind and the environment are exposed,

Noting the views expressed by Member States at its sixty-second session with regard to the work of the Scientific Committee,
Noting also the deep concern of the Scientific Committee that reliance on a single post at the Professional level in its secretariat has left the Committee seriously vulnerable and has hampered the efficient implementation of its approved programme of work,

1. Commends the United Nations Scientific Committee on the Effects of Atomic Radiation for the valuable contribution it has been making in the course of the past fifty-two years, since its inception, to wider knowledge and understanding of the levels, effects and risks of ionizing radiation, and for fulfilling its original mandate with scientific authority and independence of judgement;

2. Reaffirms the decision to maintain the present functions and independent role of the Scientific Committee;

3. Requests the Scientific Committee to continue its work, including its important activities to increase knowledge of the levels, effects and risks of ionizing radiation from all sources;

4. Endorses the intentions and plans of the Scientific Committee for completing its present programme of work of scientific review and assessment on behalf of the General Assembly and for developing a longer-term strategic plan for its work, and requests the Committee to submit plans for its future programme of work to the General Assembly at its sixty-third session;

5. Requests the Scientific Committee to continue at its next session the review of the important problems in the field of ionizing radiation and to report thereon to the General Assembly at its sixty-third session;

6. Recalls the intention of the Scientific Committee, expressed in paragraph 5 of its report to the General Assembly at its sixty-first session, to clarify further the assessment of potential harm owing to chronic low-level exposures among large populations and also the attributability of health effects, and encourages the Committee to submit a report on that issue at its earliest convenience;

7. Emphasizes the need for the Scientific Committee to hold regular sessions on an annual basis so that its report can reflect the latest developments and findings in the field of ionizing radiation and thereby provide updated information for dissemination among all States, and endorses, on an exceptional basis, the intention of the Committee to convene its fifty-sixth session for seven days in order to finalize its next substantive report;

8. Expresses its appreciation for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency and non-governmental organizations, and invites them to increase their cooperation in this field;

9. Invites the Scientific Committee to continue its consultations with scientists and experts from interested Member States in the process of preparing its future scientific reports, and requests the Secretariat to facilitate such consultations;

10. Welcomes, in this context, the readiness of Member States to provide the Scientific Committee with relevant information on the effects of ionizing radiation in affected areas, and invites the Committee to analyse and give due consideration to such information, particularly in the light of its own findings;

11. Invites Member States, the organizations of the United Nations system and non-governmental organizations concerned to provide further relevant data about doses, effects and risks from various sources of radiation, which would greatly help in the preparation of future reports of the Scientific Committee to the General Assembly;

12. Requests the United Nations Environment Programme to continue providing support for the effective conduct of the work of the Scientific Committee and for the dissemination of its findings to the General Assembly, the scientific community and the public;

13. Appeals to the Secretary-General to take appropriate administrative measures so that the secretariat can adequately service the Scientific Committee in a predictable and sustainable manner and effectively facilitate the use of the invaluable expertise offered to the Committee by its members in order that the Committee may discharge the responsibilities and mandate entrusted to it by the General Assembly;

14. Urges the United Nations Environment Programme to review and strengthen the present funding of the Scientific Committee, pursuant to paragraph 13 of resolution 61/109, and to continue to seek out and consider temporary funding mechanisms to complement existing ones, and, in that context, takes note of the establishment by the Executive Director of the United Nations Environment Programme of a general trust fund to receive and manage voluntary contributions to support the work of the Scientific Committee, and encourages Member States to consider making voluntary contributions to the trust fund;

15. Welcomes that Belarus, Finland, Pakistan, the Republic of Korea, Spain and Ukraine have informed the President of the General Assembly before 28 February 2007, in accordance with paragraph 14 of resolution 61/109, of their desire to become members of the Scientific Committee, and invites each of those six Member States to designate one scientist to attend, as observers, the fifty-sixth session of the Committee;

16. Requests the Secretary-General to provide a comprehensive and consolidated report to the General Assembly at its sixty-third session, to be prepared in consultation with the Scientific Committee as appropriate, addressing the financial and administrative implications of increased Committee membership, staffing of the professional secretariat and methods to ensure sufficient, assured and predictable funding.

**Missiles**

[Resolution A/RES/61/59 adopted by the General Assembly at its 61st Session, December 2006]

[Editorial note: Footnotes not included]

*The General Assembly,*


Reaffirming the role of the United Nations in the field of arms regulation and disarmament and the commitment of Member States to take concrete steps to strengthen that role,

Realizing the need to promote regional and international peace and security in a world free from the scourge of war and the burden of armaments,

Convinced of the need for a comprehensive approach towards missiles, in a balanced and non-discriminatory manner, as a contribution to international peace and security,

* Bearing in mind that the security concerns of Member States at the international and regional levels should be taken into consideration in addressing the issue of missiles,*

* Underlining the complexities involved in considering the issue of missiles in the conventional context,*

* Expressing its support for the international efforts against the development and proliferation of all weapons of mass destruction,*

1. Takes note of the report of the Secretary-General on the issue of missiles in all its aspects, submitted pursuant to resolution 59/67;

2. Decides to include in the provisional agenda of its sixty-second session the item entitled "Missiles".

**Towards a Nuclear-Weapon-Free World: Accelerating the Implementation of Nuclear Disarmament Commitments**

[Resolution A/RES/61/65, adopted by the General Assembly at its 61st Session, December 2006]

[Editorial note: Footnotes not included]

*The General Assembly,*

Recalling its resolution 60/56 of 8 December 2005,
Expressing its grave concern at the danger to humanity posed by the possibility that nuclear weapons could be used,

Reaffirming that nuclear disarmament and non-proliferation are mutually reinforcing processes requiring urgent irreversible progress on both fronts,

Mindful of the contribution of the final report of the Weapons of Mass Destruction Commission,

Recalling the decisions and the resolution on the Middle East of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Recalling also the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, in accordance with commitments made under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Urging States parties to exert all possible efforts to ensure a successful and productive preparatory process for the 2010 Review Conference of the Parties to the Non-Proliferation of Nuclear Weapons,

1. Continues to emphasize the central role of the Treaty on the Non-Proliferation of Nuclear Weapons and its universality in achieving nuclear disarmament and nuclear non-proliferation, and calls upon all States parties to respect their obligations;

2. Reaffirms that the outcome of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons sets out the agreed process for systematic and progressive efforts towards nuclear disarmament;

3. Reiterates its call upon the nuclear-weapon States to accelerate the implementation of the practical steps towards nuclear disarmament that were agreed upon at the 2000 Review Conference, thereby contributing to a safer world for all;

4. Calls upon all States to comply fully with all commitments made regarding nuclear disarmament and nuclear non-proliferation and not to act in any way that may compromise either cause or that may lead to a new nuclear arms race;

5. Again calls upon all States parties to spare no effort to achieve the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and urges India, Israel, and Pakistan, which are not yet parties to the Treaty, to accede to it as non-nuclear-weapon States promptly and without conditions;

6. Condemns the announced nuclear-weapon test by the Democratic People’s Republic of Korea on 9 October 2006, all nuclear-weapon tests by States that are not yet parties to the Treaty on the Non-Proliferation of Nuclear Weapons and any further nuclear-weapon test by any State whatsoever, and urges the Democratic People’s Republic of Korea to rescind its announced withdrawal from the Treaty;

7. Decides to include in the provisional agenda of its sixty-second session the item entitled “Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments” and to review the implementation of the present resolution at that session.

**Declaration of a Fourth Disarmament Decade**

[Resolution A/RES/61/67, adopted by the General Assembly at its 61st Session, December 2006]

*Editorial note: Footnotes not included*

The General Assembly,

Recalling its previous resolutions on arms control, disarmament and non-proliferation, in particular those relating to its declaration of the First, Second and Third Disarmament Decades,

Reaffirming the validity of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,

Recalling the conclusion of the Secretary-General in his latest report to the General Assembly on the work of the Organization, inter alia, that if ever there was a time to break the deadlock in multilateral negotiations and bring disarmament back into the limelight of the international agenda, it is now,

Seriously concerned at the current disarmament, non-proliferation and international security climate,

Recognizing the urgent need to mobilize concerted and more intensive global efforts to reverse the current trend in the field of arms control, disarmament and non-proliferation, including, where appropriate, indicative targets for accelerating attainment of the objectives of general and complete disarmament under effective international control,

Conscious of the role that a fourth disarmament decade could play in the mobilization of such global efforts to meet current and emerging challenges in the area of arms control, disarmament, non-proliferation and international security,

Directs the Disarmament Commission, at its 2009 substantive session, to prepare elements of a draft declaration of the 2010s as the fourth disarmament decade and to submit them for consideration by the General Assembly at its sixty-fourth session.

**2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee**

[Resolution A/RES/61/70, adopted by the General Assembly at its 61st Session, December 2006]

See Section B

**United Nations Study on Disarmament and Non-Proliferation Education**

[Resolution A/RES/61/73, adopted by the General Assembly at its 61st Session, December 2006]

*Editorial note: Footnotes not included*

The General Assembly,

Recalling its resolutions 55/33 E of 20 November 2000, 57/60 of 22 November 2002 and 59/93 of 3 December 2004,

Welcoming the report of the Secretary-General on disarmament and non-proliferation education, in which the Secretary-General reported on the implementation of the recommendations contained in the United Nations study on disarmament and non-proliferation education,

Emphasizing that the Secretary-General concludes in his report that efforts need to be continued to implement the recommendations of the study and follow the good examples of how they are being implemented to stimulate even further long term results,

Desirous of stressing the urgency of promoting concerted international efforts at disarmament and non-proliferation, in particular in the field of nuclear disarmament and non-proliferation, with a view to strengthening international security and enhancing sustainable economic and social development,

Conscious of the need to combat the negative effects of cultures of violence and complacency in the face of current dangers in this field through long-term programmes of education and training,

Remaining convinced that the need for disarmament and non-proliferation education has never been greater, especially on the subject of weapons of mass destruction, but also in the field of small arms and light weapons, terrorism and other challenges to international security and the process of disarmament, as well as on the relevance of implementing the recommendations contained in the United Nations study,

Recognizing the importance of the role of civil society, including nongovernmental organizations, in the promotion of disarmament and non-proliferation education,
1. Expresses its appreciation to the Member States, the United Nations and other international and regional organizations, civil society and non-governmental organizations, which, within their purview, implemented the recommendations made in the United Nations study, as discussed in the report of the Secretary-General reviewing the implementation of the recommendations,1 and encourages them once again to continue applying those recommendations and reporting to the Secretary-General on steps taken to implement them;

2. Requests the Secretary-General to prepare a report reviewing the reality and implementation of the recommendations and possible new opportunities for promoting disarmament and non-proliferation education, and to submit it to the General Assembly at its sixty-third session;

3. Also requests the Secretary-General to utilize electronic means to the fullest extent possible in the dissemination, in as many official languages as feasible, of information related to that report and any other information that the Department for Disarmament Affairs of the Secretariat gathers on an ongoing basis in regard to the implementation of the recommendations of the United Nations study;

4. Decides to include in the provisional agenda of its sixty-third session the item entitled “Disarmament and non-proliferation education”.

### Regional Disarmament

[Editorial note: Footnotes not included]

The General Assembly,


Believing that the efforts of the international community to move towards the ideal of general and complete disarmament are guided by the inherent human desire for genuine peace and security, the elimination of the danger of war and the release of economic, intellectual and other resources for peaceful pursuits,

Affirming the abiding commitment of all States to the purposes and principles enshrined in the Charter of the United Nations in the conduct of their international relations,

Noting that essential guidelines for progress towards general and complete disarmament were adopted at the tenth special session of the General Assembly,

Taking note of the guidelines and recommendations for regional approaches to disarmament within the context of global security adopted by the Disarmament Commission at its 1993 substantive session,

Welcoming the prospects of genuine progress in the field of disarmament engendered in recent years as a result of negotiations between the two super-Powers,

Taking note of the recent proposals for disarmament at the regional and subregional levels,

Recognizing the importance of confidence-building measures for regional and international peace and security,

Convinced that endeavours by countries to promote regional disarmament, taking into account the specific characteristics of each region and in accordance with the principle of undiminished security at the lowest level of armaments, would enhance the security of all States and would thus contribute to international peace and security by reducing the risk of regional conflicts,

1. Stresses that sustained efforts are needed, within the framework of the Conference on Disarmament and under the umbrella of the United Nations, to make progress on the entire range of disarmament issues;

2. Affirms that global and regional approaches to disarmament complement each other and should therefore be pursued simultaneously to promote regional and international peace and security;

3. Calls upon States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels;

4. Welcomes the initiatives towards disarmament, nuclear non-proliferation and security undertaken by some countries at the regional and subregional levels;

5. Supports and encourages efforts aimed at promoting confidence-building measures at the regional and subregional levels to ease regional tensions and to further disarmament and nuclear non-proliferation measures at the regional and subregional levels;

6. Decides to include in the provisional agenda of its sixty-second session the item entitled “Regional disarmament”.

### Follow-Up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

[Editorial note: Footnotes not included]

The General Assembly,


Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly 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,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Emphasizing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and Semipalatinsk, as well as Mongolia’s nuclear-weapon-free status, are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Stressing the importance of strengthening all existing nuclear-related disarmament and arms control and reduction measures,
Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference during its 2006 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Expressing its regret over the failure of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to reach agreement on any substantive issues,

Expressing its deep concern at the lack of progress in the implementation of the thirteen steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons agreed to at the 2000 Review Conference of the Parties to the Treaty,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,

Taking note of the relevant portions of the report of the Secretary-General relating to the implementation of resolution 60/76,

1. Underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. Calls once again upon all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. Requests all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its sixty-second session;

4. Decides to include in the provisional agenda of its sixty-second session the item entitled “Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons”.

Mongolia's International Security and Nuclear-Weapon-Free Status

[Resolution A/RES/61/87, adopted by the General Assembly at its 61st Session, December 2006]

[Editorial note: Footnotes not included]

The General Assembly,


Recalling the purposes and principles of the Charter of the United Nations, as well as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Bearing in mind its resolution 49/31 of 9 December 1994 on the protection and security of small States,

Proceeding from the fact that nuclear-weapon-free status is one of the means of ensuring the national security of States,

Convinced that the internationally recognized status of Mongolia will contribute to enhancing stability and confidence-building in the region as well as promote Mongolia’s security by strengthening its independence, sovereignty and territorial integrity, the inviolability of its borders and the preservation of its ecological balance,

Taking note of the adoption by the Mongolian parliament of legislation defining and regulating Mongolia’s nuclear-weapon-free status as a concrete step towards promoting the aims of nuclear non-proliferation,

Bearing in mind the joint statement of the five nuclear-weapon States on security assurances to Mongolia in connection with its nuclear-weapon-free status as a contribution to implementing resolution 53/77 D as well as their commitment to Mongolia to cooperate in the implementation of the resolution, in accordance with the principles of the Charter,

Noting that the joint statement has been transmitted to the Security Council by the five nuclear-weapon States,

Mindful of the support expressed for Mongolia’s nuclear-weapon-free status by the Heads of State and Government of Non-Aligned Countries at the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Kuala Lumpur on 24 and 25 February 2003 and the Fourteenth Conference, held in Havana on 15 and 16 September 2006,

Noting that the States parties and signatories to the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba and the State of Mongolia expressed their recognition and full support of Mongolia’s international nuclear-weapon-free status at the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26 to 28 April 2005,

Noting also other measures taken to implement resolution 59/73 at the national and international levels,

Welcoming Mongolia’s active and positive role in developing peaceful, friendly and mutually beneficial relations with the States of the region and other States,

Having considered the report of the Secretary-General on Mongolia’s international security and nuclear-weapon-free status,

1. Takes note of the report of the Secretary-General on the implementation of resolution 59/73;

2. Expresses its appreciation to the Secretary-General for the efforts to implement resolution 59/73;

3. Endorses and supports Mongolia’s good-neighbourly and balanced relationship with its neighbours as an important element of strengthening regional peace, security and stability;

4. Welcomes the efforts made by Member States to cooperate with Mongolia in implementing resolution 59/73, as well as the progress made in consolidating Mongolia’s international security;

5. Invites Member States to continue to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia’s independence, sovereignty and territorial integrity, the inviolability of its borders, its independent foreign policy, its economic security and its ecological balance, as well as its nuclear-weapon-free status;

6. Appeals to the Member States of the Asia and Pacific region to support Mongolia’s efforts to join the relevant regional security and economic arrangements;

7. Requests the Secretary-General and relevant United Nations bodies to continue to provide assistance to Mongolia in taking the necessary measures mentioned in paragraph 5 above;

8. Requests the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its sixty-third session the item entitled “Mongolia’s international security and nuclear-weapon-free status”.

[Editorial note: Footnotes not included]
Establishment of a Nuclear-Weapon-Free Zone in Central Asia

[Resolution A/RES/61/88, adopted by the General Assembly at its 61st Session, December 2006]

[Editorial note: Footnotes not included]

The General Assembly,


Convinced that the establishment of nuclear-weapon-free zones contributes to the achievement of general and complete disarmament, and emphasizing the importance of internationally recognized treaties on the establishment of such zones in different regions of the world in the strengthening of the non-proliferation regime,

Considering that the establishment of a nuclear-weapon-free zone in Central Asia on the basis of arrangements freely arrived at among the States of the region constitutes an important step towards strengthening the nuclear non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy and in the environmental rehabilitation of territories affected by radioactive contamination, and enhancing regional and international peace and security,

Considering also the establishment of a nuclear-weapon-free zone in Central Asia as an effective contribution to combating international terrorism and preventing nuclear materials and technologies from falling into the hands of non-State actors, primarily terrorists,

Reaffirming the universally recognized role of the United Nations in the establishment of nuclear-weapon-free zones,

1. Welcomes the signing of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia in Semipalatinsk, Kazakhstan, on 8 September 2006;

2. Notes the readiness of the Central Asian countries to continue consultations with the nuclear-weapon States on a number of provisions of the Treaty;

3. Decides to include in the provisional agenda of its sixty-third session the item entitled "Establishment of a nuclear-weapon-free zone in Central Asia".

Report of the Disarmament Commission

[Resolution A/RES/61/98, adopted by the General Assembly at its 61st Session, December 2006]

[Editorial note: Footnotes not included]

The General Assembly,

Having considered the report of the Disarmament Commission,


Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions adopted by the General Assembly at its tenth special session,

1. Takes note of the report of the Disarmament Commission;

2. Reaffirms the validity of its decision 52/492 of 8 September 1998, concerning the efficient functioning of the Disarmament Commission;

3. Decides to adopt the following additional measures for improving the effectiveness of the Disarmament Commission's methods of work:

   (a) The Chairpersons and Vice-Chairpersons of the Commission and its subsidiary bodies should be elected at an organizational session of the Commission, if possible at least three months before the beginning of the substantive session; the regional groups should, accordingly, present their candidates as soon as possible to ensure that such elections take place within that time frame;

   (b) Member States are encouraged to adopt the draft agenda of the substantive session of the Commission as early as possible at the organizational meetings of the Commission;

   (c) Member States are encouraged to present their national working documents to the Commission as early as possible before the beginning of the substantive session to facilitate deliberation in the meetings ahead;

   (d) The Commission should make efforts to strengthen dialogue with other bodies of the disarmament machinery of the United Nations, that is, the First Committee of the General Assembly and the Conference on Disarmament;

   (e) The Commission is encouraged to invite, as appropriate, experts on disarmament, including those at the United Nations Institute for Disarmament Research, for discussions at its plenary meetings;

   (f) The Secretariat is requested to improve the Commission section of the United Nations website to provide better communication and up-to-date information about the work of the Commission, and in particular to make available in a timely manner the information and documentation relevant to the Commission’s deliberations;

4. Reaffirms the mandate of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

5. Also reaffirms the importance of further enhancing the dialogue and cooperation between the First Committee, the Disarmament Commission and the Conference on Disarmament;

6. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items on its agenda, taking into account the adopted “Ways and means to enhance the functioning of the Disarmament Commission”;

7. Recommends that the Disarmament Commission continue the consideration of the following items at its 2007 substantive session:

   (a) Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons;

   (b) Practical confidence-building measures in the field of conventional weapons;

8. Requests the Disarmament Commission to meet for a period not exceeding three weeks during 2007, namely from 9 to 27 April, and to submit a substantive report to the General Assembly at its sixty-second session;

9. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament, together with all the official records of the sixty-first session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

10. Also requests the Secretary-General to ensure full provision to the Disarmament Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;
11. Decides to include in the provisional agenda of its sixty-second session the item entitled “Report of the Disarmament Commission”.

**Reduction of Non-Strategic Nuclear Weapons**

[Resolution A/RES/58/50, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

**Recalling** its resolutions 55/33 D of 20 November 2000 and 57/58 and 57/59 of 22 November 2002,

**Stressing** 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 to the Treaty are committed under its article VI,

**Recognizing** that disarmament and non-proliferation are essential for the maintenance of international peace and security,

**Reaffirming** the necessity of strict compliance at all times and in all circumstances by all parties with their obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and the necessity of upholding their commitments in the decisions and final documents agreed at the 1995 and 2000 Review Conferences,

**Noting** 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,

**Reiterating** the responsibility of the nuclear-weapon States for transparent, verifiable and irreversible reductions in nuclear weapons leading to nuclear disarmament,

**Stressing** the commitment made in the Final Document of the 2000 Review Conference to the further reduction of non-strategic nuclear weapons,

**Convinced** that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear-arms reduction and disarmament process,

**Concerned** about the threat posed by non-strategic nuclear weapons due to their portability and proximity to areas of conflict, and thus about the risk of proliferation and of use,

**Concerned** also about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the possible development of new types of low-yield non-strategic nuclear weapons,

**Taking into consideration** the lack of transparency and of formal agreements with regard to non-strategic nuclear weapons,

**Emphasizing** that further reductions of non-strategic nuclear weapons should be accorded a higher priority, as an important step towards the elimination of nuclear weapons, and be carried out in a comprehensive manner,

1. Agrees that further reductions in and elimination of non-strategic nuclear weapons should be based on unilateral initiatives and included as an integral part of the nuclear-arms reduction and disarmament process;
2. Also agrees that reductions of non-strategic nuclear weapons should be carried out in a transparent, verifiable and irreversible manner;
3. Further agrees on the importance of preserving, reaffirming and implementing the 1991 and 1992 presidential nuclear initiatives of the United States of America and the Union of Soviet Socialist Republics/Russian Federation on non-strategic nuclear weapons;
4. Calls upon the Russian Federation and the United States of America to formalize their presidential nuclear initiatives into legal instruments and to initiate negotiations on further reductions of such weapons;
5. Stresses the importance of the enhancement of special security and physical protection measures for the transport and storage of non-strategic nuclear weapons, their components and related materials through, inter alia, the placing of such weapons in physically secure central storage sites, with a view to their removal and subsequent elimination by the nuclear-weapon States as a part of the nuclear disarmament process to which they are committed under the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon all nuclear-weapon States in possession of such weapons to take the necessary steps in this regard;
6. Calls for further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;
7. Also calls for concrete agreed measures to reduce further the operational status of non-strategic nuclear weapons systems so as to reduce the risk of use of non-strategic nuclear weapons;
8. Stresses the need for an undertaking by the nuclear-weapon States that possess such weapons not to increase the number or types of weapons deployed and not to develop new types of these weapons or rationalizations for their use;
9. Calls for the prohibition of those types of non-strategic nuclear weapons that have already been removed from the arsenals of some nuclear-weapon States and the development of transparency mechanisms for the verification of the elimination of these weapons;
10. Decides to include in the provisional agenda of its sixtieth session the item entitled “Reduction of non-strategic nuclear weapons”.

**Prohibition of the Development and Manufacture of New Types of Weapons of Mass Destruction and New Systems of Such Weapons**

[Resolution A/RES/57/50, adopted by the General Assembly at its 57th Session, November 2002]

The General Assembly,

**Recalling** its previous resolutions on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

**Recalling also** its resolutions 51/37 of 10 December 1996 and 54/44 of 1 December 1999 relating to the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

**Recalling further** paragraph 77 of the Final Document of the Tenth Special Session of the General Assembly,

**Determined** to prevent the emergence of new types of weapons of mass destruction that have characteristics comparable in destructive effect to those of weapons of mass destruction identified in the definition of weapons of mass destruction adopted by the United Nations in 1948,

**Noting** the desirability of keeping the matter under review, as appropriate,

1. **Reaffirms** that effective measures should be taken to prevent the emergence of new types of weapons of mass destruction;
2. **Requests** the Conference on Disarmament, without prejudice to further overview of its agenda, to keep the matter under review, as appropriate, with a view to making, when necessary, recommendations on undertaking specific negotiations on identified types of such weapons;
3. **Calls upon** all States, immediately following any recommendations of the Conference on Disarmament, to give favourable consideration to those recommendations;
4. **Requests the Secretary-General** to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its fifty-seventh session;
5. **Requests the Conference on Disarmament** to report the results of any consideration of the matter in its annual reports to the General Assembly;
6. **Decides to include** in the provisional agenda of its sixtieth session the item entitled “Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on
Disarmament".
The Formation of the Ad Hoc Committee on Fissile Materials in the Conference on Disarmament

[Extracted from the CD Report to the UNGA for 1998, CD/1557, 8 September, 1998]

10. At the 802nd plenary meeting on 11 August 1998, the Conference adopted the decision on the establishment of an ad hoc committee under item 1 of the agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament' (CD/1547), which reads as follows:

“The Conference on Disarmament decides to establish, under item 1 of its agenda entitled ‘Cessation of the nuclear arms race and nuclear disarmament’, an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 1998 session.”

Following the adoption of this decision, the President made the following statement (CD/1548):

“In connection with the decision we have just taken, I should like, in my capacity as President of the Conference, to state that the adoption of this decision is without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 which may result from the provisions of paragraph 1 of decision CD/1501, and that the presidency will continue to pursue intensive consultations and to seek the views of the members of the Conference on appropriate methods and approaches for dealing with agenda item 1, entitled ‘Cessation of the nuclear arms race and nuclear disarmament’, taking into consideration all proposals and views in this respect.”

11. At the 804th plenary meeting on 20 August 1998, the Conference appointed Ambassador Mark Moher of Canada as Chairman of the Ad Hoc Committee under item 1 of the agenda entitled ‘Cessation of the nuclear arms race and nuclear disarmament’.

U.S. Draft Mandate of a Fissile Material Cut-Off Treaty

[Circulated by the U.S. at the Conference on Disarmament, 18 May 2006]

On May 18, 2006, the United States tabled a new draft Fissile Material Cut-Off Treaty (FMCT) at the Conference on Disarmament and circulated a draft mandate to establish an Ad Hoc Committee to negotiate the treaty. The draft treaty contains the essential provisions for a legally binding FMCT which would ban, after entry into force, the production of fissile material for use in nuclear weapons or other explosive devices.

The following are the texts of the two documents presented by Stephen G. Rademaker, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, at the CD.

See Also: Text of the Mr. Rademaker's statement introducing the proposal

Draft Mandate Text

1. The Conference decides to establish an Ad Hoc Committee on a “Ban on the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices.”

2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory and multilateral treaty banning the production of
T - 2

Fissile Material for nuclear weapons or other nuclear explosive devices.

3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before (DATE).

**Treaty on the Cessation of Production of Fissile Material for Use in Nuclear Weapons or Other Nuclear Explosive Devices**

(DRAFT TEXT)

The States Parties to this Treaty (hereinafter referred to as the "Parties"), have agreed as follows:

**Article I** No Party shall, after the entry into force of the Treaty for that Party, produce fissile material for use in nuclear weapons or other nuclear explosive devices, or use any fissile material produced thereafter in nuclear weapons or other nuclear explosive devices. **Article II** For the purposes of this Treaty: 1. "Fissile material" means

(a) Plutonium except plutonium whose isotopic composition includes 80 percent or greater plutonium-238.
(b) Uranium containing a 20 percent or greater enrichment in the isotopes uranium-233 or uranium-235, separately or in combination; or
(c) Any material that contains the material defined in (a) or (b) above.

2. "Produce fissile material" means:

(a) To separate any fissile material from fission products in irradiated nuclear material;
(b) To enrich plutonium-239 in plutonium by any isotopic separation process; or
(c) To enrich uranium-233 or uranium-235 in uranium to an enrichment of 20 percent or greater in those isotopes, separately or in combination, by any isotopic separation process.

3. The term "produce fissile material" does not include activities involving fissile material produced prior to entry into force of the Treaty, provided that such activities do not increase the total quantity of plutonium, uranium-233, or uranium-235 in such fissile material.

**Article III**

1. Each Party shall take the necessary measures to ensure that all persons and entities anywhere on its territory or in any other place under its jurisdiction or control do not produce fissile material for use in nuclear weapons or other nuclear explosive devices, and do not use fissile material produced after entry into force of this Treaty for that Party in nuclear weapons or other nuclear explosive devices.

2. For the purposes of this Treaty, no Party shall be precluded from using information obtained by national means and methods in a manner consistent with generally recognized principles of international law, including that of respect for the sovereignty of States.

3. Any questions that arise regarding the implementation by a Party of the provisions of this Treaty shall be addressed through consultations between that Party and the Party or Parties seeking clarification.

4. In addition, any Party may bring to the attention of the Parties to this Treaty concerns regarding compliance with the provisions of this Treaty by another Party or Parties and may request the depositary to convene the Parties to this Treaty to consider the matter.

5. If, in connection with the implementation of this Treaty, any Party believes that questions have arisen that are within the competence of the Security Council of the United Nations as the organ bearing the main responsibility for the maintenance of international peace and security, that Party may request consideration of such questions by the Security Council. The requesting Party should provide evidence related to the matter.

**Article IV**

1. This Treaty shall be open to all States for signature until its entry into force in accordance with paragraph 1 of Article VI.

2. After its entry into force, this Treaty shall remain open for accession by States that have not signed it.

3. This Treaty shall be subject to ratification by States Signatories in accordance with their respective constitutional processes.

**Article V**

1. Instruments of ratification and accession shall be deposited with the United Nations.

2. The depositary shall inform all States Signatories and acceding States promptly of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.

**Article VI**

1. This Treaty shall enter into force on the date on which an instrument of ratification has been deposited by all of the following States: the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

2. For a State that deposits an instrument of ratification or accession after the conditions set out in paragraph 1 above for entry into force have been fulfilled, the Treaty shall enter into force on the date of the deposit by that State of its instrument of ratification or accession.

**Article VII**

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized its supreme interests. A Party shall deliver notice of such withdrawal in writing to the depositary no less than three months in advance of the date of withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events that the notifying Party regards as having jeopardized its supreme interests.

2. This Treaty shall remain in force for a period of 15 years from the date of its entry into force. No later than six months before the expiration of the Treaty, the Parties shall meet to consider whether it will be extended. By consensus of the Parties, this Treaty may be extended.

**Article VIII**

This Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish language texts are equally authentic, shall be registered by the depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty on [DATE].

[Signature]

U.S. Statement to the Conference on Disarmament on an FMCT

[Statement by Christina Rocca U.S. Permanent Representative to the CD, 8 February, 2007]

The United States believes strongly that negotiating a legally binding ban on the production of fissile material for use in nuclear weapons and other nuclear explosive devices cannot be delayed any longer. The international community has expressed a desire for such a treaty in one form or another for decades. Here in the Conference on Disarmament, the history of this issue is somewhat shorter, but equally unsuccessful, despite the overwhelming support that negotiation of such a treaty enjoys. The United States believes that last year's CD session set the stage for negotiations to finally begin, and that this year's organizational plan for the CD might prove to be a successful vehicle for this beginning. This opportunity must not be lost. As a matter of record, there is a draft text from which we may begin. It is at once disarmingly simple and understandably complex. To establish the legal norm in a treaty is, in itself, simple. The discussions necessary to codify this ban will be complex. Nevertheless, the goal of ending the production of fissile material is achievable. The world community expects it of us. Now, we must demand it of ourselves.
I note with interest the statement made earlier by the German Ambassador on behalf of the ED. According to that statement, the EU supports the immediate commencement of negotiations on FMCT “bearing in mind the Report of the Special Coordinator.” This comment deserves further scrutiny. In that regard, it is instructive to review what the Special Coordinator had to say about the most contentious issues surrounding FMCT, so I will quote from the report at some length:

“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.

“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.”

So, what does it mean to “bear in mind” this report? If it means that there are many contentious issues that can only be resolved in the course of negotiations, then the United States is in full agreement. To that end, the mandate we proposed for such negotiations last year fully captures what is agreed and what is not. Our proposed mandate focuses on the one element on which we all agree, that is, that there should be a negotiation in the CD to ban the production of fissile material for use in nuclear weapons or other nuclear explosive devices. Beyond that essential point, our proposed mandate does not rule anything in during a negotiation, nor does it rule anything out; and it perfectly reflects the Shannon Report’s conclusion that any delegation may raise any issue it deems important in the course of negotiations.

As to the Treaty itself, the United States has given considerable thought to what an FMCT should look like. The draft treaty that we have put forward sets forth the essentials needed for an FMCT that would meet the objective of ending expeditiously the production of fissile material for use in nuclear weapons. Our presentations last year made clear our position on some of the difficult issues we will encounter during the course of negotiations. To summarize our draft, the basic obligation under the treaty, effective at entry into force, would be a ban on the production of fissile material for use in nuclear weapons or other nuclear explosive devices. The definitions set forth in the U.S. draft treaty on “fissile material” and “production” represent the outgrowth of the decade-long international discussion regarding what an FMCT should encompass. In our draft, stocks of already existing fissile material would be unaffected by the FMCT. Finally, also in keeping with past discussions of this issue, the production of fissile material for non-explosive purposes, such as fuel for naval propulsion, would be unaffected by the treaty.

Our draft Treaty contains all the elements necessary to support a negotiation and we urge our colleagues, as we begin our discussion of Agenda Item II, to focus attention on this document as the most efficient means to finally begin this process. We have just spent three informal sessions on nuclear disarmament. As we said during those discussions, a necessary step in the achievement of a world free of nuclear weapons must of necessity be a ban on the production of nuclear material for those nuclear weapons. We also reiterate our view that, pending the conclusion of a Cutoff Treaty and the Treaty’s entry into force, all states should declare publicly and observe a moratorium on the production of fissile material for use in nuclear weapons, such as the United States has maintained since 1988.

Thank you
Fissile Materials
UN Security Council Declaration on Disarmament, Arms Control and Weapons of Mass Destruction

[Reproduced from S/PV.3046, 31 January 1992]

The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

The members of the Council underline the need for all Member States to fulfill their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilizing accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the START and CFE Treaties.

The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by the IAEA.

On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

International Court of Justice: Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict (Request for Advisory Opinion by the General Assembly of the United Nations)

[Reproduced from Communiqué No. 96/23, 8 July 1996]

Advisory Opinion

The Hague, July 8 1996. The International Court of Justice today handed down its Advisory Opinion on the request made by the General Assembly of the United Nations in the above case. The final paragraph of the Opinion reads as follows:

"For these reasons, THE COURT

(1) By thirteen votes to one,

Decides to comply with the request for an advisory opinion: IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshcheltn, Ferrari Bravo, Higgins;
AGAINST: Judges Shahabuddeen, Weeramantry, Koroma.

(2) Replies in the following manner to the question put by the General Assembly:

A. Unanimously,

There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;

B. By eleven votes to three,

There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such, IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshcheltn, Ferrari Bravo, Higgins;
AGAINST: Judges Shahabuddeen, Weeramantry, Koroma."

Declaration of President Bedjaoui

After having pointed out that paragraph E. of the operative part was adopted by seven votes to seven, with his own casting vote, President Bedjaoui began by stressing that the Court had been extremely meticulous and had shown an acute sense of its responsibilities when proceeding to consider all the aspects of the complex question put to it by the General Assembly. He indicated that the Court had, however, had to find that in the current state of international law, the question was one to which it was unfortunately not in a position to give a clear answer. In his view, the Advisory Opinion thus rendered does at least have the merit of pointing to the imperfections of international law and inviting the States to correct them.

President Bedjaoui indicated that the fact that the Court was unable to go any further should not 'in any way be interpreted as leaving the way open to the recognition of the lawfulness of the threat or use of nuclear weapons'. According to him, the Court does no more than place on record the existence of a legal uncertainty. After having observed that the voting of the Members of the Court on paragraph E. of the operative part is not the
Reflection of any geographical dividing line, he gives the reasons that led him to approve the pronouncement of the Court.

To that end, he began by emphasizing the particularly exacting nature of international law and the way in which it is designed to be applied in all circumstances. More specifically, he concluded that ‘the very nature of this blind weapon therefore has a destabilizing effect on humanitarian law which regulates discernment in the type of weapon used. Nuclear weapons, the ultimate evil, destabilize humanitarian law which is the law of the lesser evil. The existence of nuclear weapons is therefore a challenge to the very existence of humanitarian law, not to mention their long-term effects of damage to the human environment, in respect to which the right to life can be exercised’.

President Bedjaoui considered that ‘self-defence — if exercised under extreme circumstances in which the very survival of a State is in question — cannot engender a situation in which a State would exonerate itself from compliance with the “intransgressible” norms of international humanitarian law’. According to him it would be very rash to accord, without any hesitation, a higher priority to the survival of a State than to the survival of humanity itself.

As the ultimate objective of any action in the field of nuclear weapons is nuclear disarmament, President Bedjaoui concludes by stressing the importance of the obligation to negotiate in good faith for nuclear disarmament — which the Court has moreover recognized. He considers for his part that it is possible to go beyond the conclusions of the Court in this regard and to assert that there in fact exists a twofold general obligation, opposable to each State, to negotiate in good faith and to achieve a specified result; in other words, given the at least formally unanimous support for that object, that obligation has now — in his view — assumed customary force.

United Nations Security Council Resolution 1172
[Adopted by the Security Council on 6 June 1998]

The Security Council,
Reaffirming the statements of its President of 14 May 1998 (S/PRST/1998/12) and of 29 May 1998 (S/PRST/1998/17),
Reiterating the statement of its President of 31 January 1992 (S/22500), which stated, inter alia, that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security,
Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region,
Deeply concerned at the risk of a nuclear arms race in South Asia, and determined to prevent such a race,
Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty for global efforts towards nuclear non-proliferation and nuclear disarmament,
Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the successful outcome of that Conference,
Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear-weapon States to fulfill their commitments relating to nuclear disarmament under Article VI of that Treaty,
Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,
1. Condemns the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;
2. Endorses the Joint Communique issued by the Foreign Ministers of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting on 4 June 1998 (S/1998/473); 3. Demands that India and Pakistan refrain from further nuclear tests and in this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear Test Ban Treaty;
4. Urges India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation;
5. Urges India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;
6. Welcomes the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue;
7. Calls upon India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;
8. Encourages all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;
9. Expresses its grave concern at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;
10. Reaffirms its full commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament;
11. Expresses its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated and recalls that in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons India or Pakistan cannot have the status of a nuclear-weapon State;
12. Recognizes that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;
13. Urges India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions;
14. Urges India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;
15. Requests the Secretary-General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;
16. Expresses its readiness to consider further how best to ensure the implementation of the present resolution;
17. Decides to remain actively seized of the matter.
Towards a Nuclear-Weapons-Free World: The Need for a New Agenda

[Declaration by Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, 9 June 1998]

1. We, the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, have considered the continued threat to humanity represented by the perspective of the indefinite possession of nuclear weapons by the nuclear-weapon states, as well as by those three nuclear-weapon-capable states that have not acceded to the Non-Proliferation Treaty, and the attendant possibility of use of threat of use of nuclear weapons. The seriousness of this predicament has been further underscored by the recent nuclear tests conducted by India and Pakistan.

2. We fully share the conclusion expressed by the commissioners of the Canberra Commission in their Statement that “the proposition that nuclear weapons can be retained in perpetuity and never used — accidentally or by decision — defies credibility. The only complete defence is the elimination of nuclear weapons and assurance that they will never be produced again.”

3. We recall that the General Assembly of the United Nations already in January 1946 — in its very first resolution — unanimously called for a commission to make proposals for “the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction.” While we can rejoice at the achievement of the international community in concluding total and global prohibitions on chemical and biological weapons by the Conventions of 1972 and 1993, we equally deplore the fact that the countless resolutions and initiatives which have been guided by similar objectives in respect of nuclear weapons in the past half century remain unfulfilled.

4. We can no longer remain complacent at the reluctance of the nuclear-weapon states and the three nuclear-weapons-capable states to take that fundamental and requisite step, namely a clear commitment to the speedy, final and total elimination of their nuclear weapons and nuclear weapons capability and we urge them to take that step now.

5. The vast majority of the membership of the United Nations has entered into legally-binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. These undertakings have been made in the context of the corresponding legally binding commitments by the nuclear-weapon states to the pursuit of nuclear disarmament. We are deeply concerned at the persistent reluctance of the nuclear-weapon states to approach their Treaty obligations as an urgent commitment to the total elimination of their nuclear weapons.

6. In this connection we recall the unanimous conclusion of the International Court of Justice in its 1996 Advisory Opinion that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

7. The international community must not enter the third millennium with the prospect that the maintenance of these weapons will be considered legitimate for the indefinite future, when the present juncture provides a unique opportunity to eradicate and prohibit them for all time. We therefore call on the governments of each of the nuclear-weapon states and the three nuclear-weapons-capable states to commit themselves unequivocally to the elimination of their respective nuclear weapons and nuclear weapons capability and to agree to start work immediately on the practical steps and negotiations required for its achievement.

8. We agree that the measures resulting from such undertakings leading to the total elimination of nuclear weapons will begin with those states that have the largest arsenals. But we also stress the importance that they be joined in a seamless process by those with lesser arsenals at the appropriate juncture. The nuclear-weapons states should immediately begin to consider steps to be taken to this effect.

9. In this connection we welcome both the achievements to date and the future promise of the START process as an appropriate bilateral, and subsequently multilateral mechanism including all the nuclear-weapon states, for the practical dismantlement and destruction of nuclear armaments undertaken in pursuit of the elimination of nuclear weapons.

10. The actual elimination of nuclear arsenals, and the development of requisite verification regimes, will of necessity require time. But there are a number of practical steps that the nuclear-weapons states can, and should, take immediately. We call on them to abandon present hair-trigger postures by proceeding to de-alerting and de-activating their weapons. They should also remove non-strategic nuclear weapons from deployed sites. Such measures will create beneficial conditions for continued disarmament efforts and help prevent inadvertent, accidental or unauthorized launches.

11. In order for the nuclear disarmament process to proceed, the three nuclear-weapons-capable states must clearly and urgently reverse the pursuit of their respective nuclear weapons development or deployment and refrain from any actions which could undermine the efforts of the international community towards nuclear disarmament. We call upon them, and all other states that have not yet done so, to adhere to the Non-Proliferation Treaty and take the necessary measures which flow from adherence to this instrument. We likewise call upon them to sign and ratify the Comprehensive Nuclear Test-Ban Treaty without delay and without conditions.

12. An international ban on the production of fissile material for nuclear weapons or other nuclear explosive devices (Cut-Off) would further underpin the process towards the total elimination of nuclear weapons. As agreed in 1995 by the States Parties to the Non-Proliferation Treaty, negotiations on such a convention should commence immediately.

13. Disarmament measures alone will not bring about a world free from nuclear weapons. Effective international cooperation to prevent the proliferation of these weapons is vital and must be enhanced through, inter alia, the extension of controls over all fissile material and other relevant components of nuclear weapons. The emergence of any new nuclear-weapon state, as well as any non-state entity in a position to produce or otherwise acquire such weapons, seriously jeopardises the process of eliminating nuclear weapons.

14. Other measures must also be taken pending the total elimination of nuclear arsenals. Legally binding instruments should be developed with respect to a joint no-first-use undertaking between the nuclear-weapons states and as regards non-use or threat of use of nuclear weapons against non-nuclear-weapons states, so called negative security assurances.

15. The conclusion of the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, establishing nuclear-weapon-free zones as well as the Antarctic Treaty, have steadily excluded nuclear weapons from entire regions of the world. The further pursuit, extension and establishment of such zones, especially in regions of tension, such as the Middle East and South Asia, represents a significant contribution to the goal of a nuclear-weapon-free world.

16. These measures all constitute essential elements which can and should be pursued in parallel: by the nuclear-weapons states among themselves; and by the nuclear-weapons states together with the non-nuclear-weapons states, thus providing a road map towards a nuclear-weapons-free world.

17. The maintenance of a world free of nuclear weapons will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.

18. We, on our part, will spare no efforts to pursue the objectives outlined above. We are jointly resolved to achieve the goal of a world free from nuclear weapons. We firmly hold that the determined and rapid preparation for the post-nuclear era must start now.
The Congress directed the Defense Department to conduct a comprehensive Nuclear Posture Review to lay out the direction for American nuclear forces over the next five to ten years. The Department has completed that review and prepared the attached report.

Early on, we recognized that the new security environment demanded that the Department go beyond the Congressional mandate in developing a strategic posture for the 21st century. President Bush had already directed the Defense Department to transform America’s military and prepare it for the new, unpredictable world in which we will be living. The result of his direction is the Quadrennial Defense Review (QDR). Building on the (QDR) this Nuclear Posture Review puts in motion a major change in our approach to the role of nuclear offensive forces in our deterrent strategy and presents the blueprint for transforming our strategic posture.

This report establishes a New Triad, composed of:

- Offensive strike systems (both nuclear and non-nuclear);
- Defenses (both active and passive); and
- A revitalized defense infrastructure that will provide new capabilities in a timely fashion to meet emerging threats.

This New Triad is bound together by enhanced command and control (C2) and intelligence systems.

The establishment of this New Triad can both reduce our dependence on nuclear weapons and improve our ability to deter attack in the face of proliferating WMD capabilities in two ways:

- The addition of defenses (along with the prospects for timely adjustments to force capabilities and enhanced C2 and intelligence systems) means that the U.S. will no longer be as heavily dependent on offensive strike forces to enforce deterrence as it was during the Cold War.
- The addition of non-nuclear strike forces — including conventional strike and information operations — means that the U.S. will be less dependent than it has been in the past on nuclear forces to provide its offensive deterrent capability.

The combination of new capabilities that make up the New Triad reduce the risk to the nation as it draws its nuclear forces toward the goal of 1,700-2,200 operationally deployed strategic nuclear warheads announced by President Bush on November 13, 2001.

The following is a summary of the highlights in this report.

First and foremost, the Nuclear Posture Review puts the Cold War practices related to planning for strategic forces behind us. In the decade since the collapse of the Soviet Union, planning for the employment of U.S. nuclear forces has undergone only modest revision, despite the new relationship between the U.S. and Russia. Few changes had been made to the size or composition of the strategic nuclear force beyond those required by the START Treaty. At the same time, plans and funding for sustaining some critical elements of that force have been inadequate.

As a result of this review, the U.S. will no longer plan, size or sustain its forces as though Russia presented merely a smaller version of the threat posed by the former Soviet Union. Following the direction laid down for U.S. defense planning in the Quadrennial Defense Review, the Nuclear Posture Review shifts planning for America’s strategic forces from the threat-based approach of the Cold War to a capabilities-based approach. This new approach should provide, over the coming decades, a credible deterrent at the lowest level of nuclear weapons consistent with U.S. and allied security.

Second, we have concluded that a strategic posture that relies solely on offensive nuclear forces is inappropriate for deterring the potential adversaries we will face in the 21st century. Terrorists or rogue states armed with weapons of mass destruction will likely test America’s security commitments to its allies and friends. In response, we will need a range of capabilities to assure friend and foe alike of U.S. resolve. A broader array of capability is needed to dissuade states from undertaking political, military, or technical courses of action that would threaten U.S. and allied security. U.S. forces must pose a credible deterrent to potential adversaries who have access to modern military technology, including NBC weapons and the means to deliver them over long distances. Finally, U.S. strategic forces need to provide the President with a range of options to defeat any aggressor.

To meet the nation’s defense goals in the 21st century, the first leg of the New Triad, the offensive strike leg, will go beyond the Cold War triad of intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and long-range nuclear-armed bombers. ICBMs, SLBMs, bombers and nuclear weapons will, of course, continue to play a vital role. However, they will be just part of the first leg of the New Triad, integrated with new non-nuclear strategic capabilities that strengthen the credibility of our offensive deterrence. The second leg of the New Triad requires development and deployment of both active and passive defenses — a recognition that offensive capabilities alone may not deter aggression in the new security environment of the 21st century. The events of September 11, 2001 underscore this reality. Active and passive defenses will not be perfect. However, by denying or reducing the effectiveness of limited attacks, defenses can discourage attacks, provide new capabilities for managing crises, and provide insurance against the failure of traditional deterrence.

The third leg of the New Triad is a responsive defense infrastructure. Since the end of the Cold War, the U.S. defense infrastructure has contracted and our nuclear infrastructure has atrophied. New approaches to development and procurement of new capabilities are being designed so that it will not take 20 years or more to field new generations of weapon systems. With respect to the nuclear infrastructure, it needs to be repaired to increase confidence in the deployed forces, eliminate unneeded systems, and mitigate the risks of technological surprise. Maintaining our ability to respond to large strategic changes can permit us to reduce our nuclear arsenal and, at the same time, dissuade adversaries from starting a competition in nuclear armaments.

The effectiveness of this New Triad depends upon command and control, intelligence, and adaptive planning. "Exquisite" intelligence on the intentions and capabilities of adversaries can permit timely adjustments to the force and improve the precision with which it can strike and defeat. The ability to plan the employment of the strike and defense forces flexibly and rapidly will provide the U.S. with a significant advantage in managing crises, deterring attack and conducting military operations.

Constructing the New Triad, reducing our deployed nuclear weapons, and increasing flexibility in our strategic posture has resource implications. It costs money to retire old weapons systems and create new capabilities. Restoring the defense infrastructure, developing and deploying strategic defenses, improving our command and control, intelligence, planning, and non-nuclear strike capabilities require new defense initiatives and investments. However, these investments can make the U.S. more secure while reducing our dependence on nuclear weapons.

The Quadrennial Defense Review established the foundation for America’s post-Cold War defense strategy. Building on the Quadrennial Defense Review, the Nuclear Posture Review will transform the Cold War era offensive nuclear triad into a New Triad designed for the decades to come.

The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction

I. Statement by G8 Leaders

The attacks of September 11 demonstrated that terrorists are prepared to use any means to cause terror and inflict appalling casualties on innocent people. We commit ourselves to prevent terrorists, or those that harbour them, from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles; and related materials, equipment and technology. We call on all countries to join us in adopting the set of non-proliferation principles we have announced today.

In a major initiative to implement those principles, we have also decided today to launch a new G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction. Under this initiative, we will support specific cooperation projects, initiatives in Russia, to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues. Among our priority concerns
are the destruction of chemical weapons, the dismantlement of decommissioned nuclear submarines, the disposition of fissile materials and the employment of former weapons scientists. We will commit to raise up to $20 billion to support such projects over the next ten years. A range of financing options, including the option of bilateral debt for program exchanges, will be available to countries that contribute to this Global Partnership. We have adopted a set of guidelines that will form the basis for the negotiation of specific agreements for new projects, that will apply with immediate effect, to ensure effective and efficient project development, coordination and implementation. We will review over the next year the applicability of the guidelines to existing projects.

Recognizing that this Global Partnership will enhance international security and safety, we invite other countries that are prepared to adopt its common principles and guidelines to enter into discussions with us on participating in and contributing to this initiative. We will review progress on this Global Partnership at our next Summit in 2003.

The G8 Global Partnership: Principles to Prevent Terrorists, or Those that Harbour Them, from Gaining Access to Weapons or Materials of Mass Destruction

The G8 calls on all countries to join them in commitment to the following six principles to prevent terrorists or those that harbour them from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles; and related materials, equipment and technology.

1. Promote the adoption, universalization, full implementation and, where necessary, strengthening of multilateral treaties and other international instruments whose aim is to prevent the proliferation or illicit acquisition of such items; strengthen the institutions designed to implement these instruments.

2. Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage and domestic and international transport; provide assistance to states lacking sufficient resources to account for and secure these items.

3. Develop and maintain appropriate effective physical protection measures applied to facilities which house such items, including defence in depth; provide assistance to states lacking sufficient resources to protect their facilities.

4. Develop and maintain effective border controls, law enforcement efforts and international cooperation to detect, deter and interdict in cases of illicit trafficking in such items, for example through installation of detection systems, training of customs and law enforcement personnel and cooperation in tracking these items; provide assistance to states lacking sufficient expertise or resources to strengthen their capacity to detect, deter and interdict in cases of illicit trafficking in these items.

5. Develop, review and maintain effective national export and transshipment controls over items on multilateral export control lists, as well as items that are not identified on such lists but which may nevertheless contribute to the development, production or use of nuclear, chemical and biological weapons and missiles, with particular consideration of end-user, catch-and-brokeraging aspects; provide assistance to states lacking the legal and regulatory infrastructure, implementation experience and/or resources to develop their export and transshipment control systems in this regard.

6. Adopt and strengthen efforts to manage and dispose of stocks of fissile materials designated as no longer required for defence purposes, eliminate all chemical weapons, and minimize holdings of dangerous biological pathogens and toxins, based on the recognition that the threat of terrorist acquisition is reduced as the overall quantity of such items is reduced.

The G8 Global Partnership: Guidelines for New or Expanded Cooperation Projects

The G8 will work in partnership, bilaterally and multilaterally, to develop, coordinate, implement and finance, according to their respective means, new or expanded cooperation projects to address (i) non-proliferation, (ii) disarmament, (iii) counter-terrorism and (iv) nuclear safety (including environmental) issues, with a view to enhancing strategic stability, consonant with our international security objectives and in support of the multilateral non-proliferation regimes. Each country has primary responsibility for implementing its non-proliferation, disarmament, counter-terrorism and nuclear safety obligations and requirements and commits its full cooperation within the Partnership.

Cooperation projects under this initiative will be decided and implemented, taking into account international obligations and domestic laws of participating partners, within appropriate bilateral and multilateral legal frameworks that should, as necessary, include the following elements:

i. Mutually agreed effective monitoring, auditing and transparency measures and procedures will be required in order to ensure that cooperative activities meet agreed objectives (including irreversibility as necessary), to confirm work performance, to account for the funds expended and to provide for adequate access for donor representatives to work sites;

ii. The projects will be implemented in an environmentally sound manner and will maintain the highest appropriate level of safety;

iii. Clearly defined milestones will be developed for each project, including the option of suspending or terminating a project if the milestones are not met;

iv. The material, equipment, technology, services and expertise provided will be solely for peaceful purposes and, unless otherwise agreed, will be used only for the purposes of implementing the projects and will not be transferred. Adequate measures of physical protection will also be applied to prevent theft or sabotage;

v. All governments will take necessary steps to ensure that the support provided will be considered free technical assistance and will be exempt from taxes, duties, levies and other charges;

vi. Procurement of goods and services will be conducted in accordance with open international practices to the extent possible, consistent with national security requirements;

vii. All governments will take necessary steps to ensure that adequate liability protections from claims related to the cooperation will be provided for donor countries and their personnel and contractors;

viii. Appropriate privileges and immunities will be provided for government donor representatives working on cooperation projects; and

ix. Measures will be put in place to ensure effective protection of sensitive information and intellectual property.

Given the breadth and scope of the activities to be undertaken, the G8 will establish an appropriate mechanism for the annual review of progress under this initiative which may include consultations regarding priorities, identification of project gaps and potential overlap, and assessment of consistency of the cooperation projects with international security obligations and objectives. Specific bilateral and multilateral project implementation will be coordinated subject to arrangements appropriate to that project, including existing mechanisms.

For the purposes of these guidelines, the phrase "new or expanded cooperation projects" is defined as cooperation projects that will be initiated or enhanced on the basis of this Global Partnership. All funds disbursed or released after its announcement would be included in the total of committed resources. A range of financing options, including the option of bilateral debt for program exchanges, will be available to countries that contribute to this Global Partnership.

The Global Partnership’s initial geographic focus will be on projects in Russia, which maintains primary responsibility for implementing its obligations and requirements within the Partnership.

In addition, the G8 would be willing to enter into negotiations with any other recipient countries, including those of the Former Soviet Union, prepared to adopt the guidelines, for inclusion in the Partnership.

Recognizing that the Global Partnership is designed to enhance international security and safety, the G8 invites others to contribute to and join in this initiative.

With respect to nuclear safety and security, the partners agreed to establish a new G8 Nuclear Safety and Security Group by the time of our next Summit.

National Strategy to Combat Weapons of Mass Destruction

[The White House, December 2002]

"The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination."
The United States will not allow these efforts to succeed. ...History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action."

President Bush

The National Security Strategy of the United States of America

September 17, 2002

INTRODUCTION

Weapons of mass destruction (WMD) — nuclear, biological, and chemical — in the possession of hostile states and terrorists represent one of the greatest security challenges facing the United States. We must pursue a comprehensive strategy to counter this threat in all of its dimensions.

An effective strategy for countering WMD, including their use and further proliferation, is an integral component of the National Security Strategy of the United States of America. As with the war on terrorism, our strategy for homeland security, and our new concept of deterrence, the U.S. approach to combat WMD represents a fundamental change from the past. To succeed, we must take full advantage of today’s opportunities, including the application of new technologies, increased emphasis on intelligence collection and analysis, the strengthening of alliance relationships, and the establishment of new partnerships with former adversaries.

Weapons of mass destruction could enable adversaries to inflict massive harm on the United States, our military forces at home and abroad, and our friends and allies. Some states, including several that have supported and continue to support terrorism, already possess WMD and are seeking even greater capabilities, as tools of coercion and intimidation. For them, these are not weapons of last resort, but militarily useful weapons of choice intended to overcome our nation’s advantages in conventional forces and to deter us from responding to aggression against our friends and allies in regions of vital interest. In addition, terrorist groups are seeking to acquire WMD with the stated purpose of killing large numbers of our people and those of friends and allies—without compunction and without warning.

We will not permit the world’s most dangerous regimes and terrorists to threaten us with the world’s most destructive weapons.

We must accord the highest priority to the protection of the United States, our forces, and our friends and allies from the existing and growing WMD threat.

PILLARS OF OUR NATIONAL STRATEGY

Our National Strategy to Combat Weapons of Mass Destruction has three principal pillars:

Counterproliferation to Combat WMD Use

The possession and increased likelihood of use of WMD by hostile states and terrorists are realities of the contemporary security environment. It is therefore critical that the U.S. military and appropriate civilian agencies be prepared to deter and defend against the full range of possible WMD employment scenarios. We will ensure that all needed capabilities to combat WMD are fully integrated into the emerging defense transformation plan and into our homeland security posture. Counterproliferation will also be fully integrated into the basic doctrine, training, and equipping of all forces, in order to ensure that they can sustain operations to decisively defeat WMD-armed adversaries.

Strengthened Nonproliferation to Combat WMD Proliferation

The United States, our friends and allies, and the broader international community must undertake every effort to prevent states and terrorists from acquiring WMD and missiles. We must enhance traditional measures—diplomacy, arms control, multilateral agreements, threat reduction assistance, and export controls—that seek to dissuade or impede proliferant states and terrorist networks, as well as to slow and make more costly their access to sensitive technologies, material, and expertise. We must ensure compliance with relevant international agreements, including the Nuclear Nonproliferation Treaty (NPT), the Chemical Weapons Convention (CWC), and the Biological Weapons Convention (BWC). The United States will work with other states to improve their capability to prevent unauthorized transfers of WMD and missile technology, expertise, and material.

We will identify and pursue new methods of prevention, such as national criminalization of proliferation activities and expanded safety and security measures.

Consequence Management to Respond to WMD Use

Finally, the United States must be prepared to respond to the use of WMD against our citizens, our military forces, and those of friends and allies. We will develop and maintain the capability to reduce to the extent possible the potentially horrific consequences of WMD attacks at home and abroad.

The three pillars of the U.S. national strategy to combat WMD are seamless elements of a comprehensive approach. Serving to integrate the pillars are four cross-cutting enabling functions that need to be pursued on a priority basis: intelligence collection and analysis on WMD, delivery systems, and related technologies; research and development to improve our ability to respond to evolving threats; bilateral and multilateral cooperation; and targeted strategies against hostile states and terrorists.

COUNTERPROLIFERATION

We know from experience that we cannot always be successful in preventing and containing the proliferation of WMD to hostile states and terrorists. Therefore, U.S. military and appropriate civilian agencies must possess the full range of operational capabilities to counter the threat and use of WMD by states and terrorists against the United States, our military forces, and friends and allies.

Interdiction

Effective interdiction is a critical part of the U.S. strategy to combat WMD and their delivery means. We must enhance the capabilities of our military, intelligence, technical, and law enforcement communities to prevent the movement of WMD materials, technology, and expertise to hostile states and terrorist organizations.

Deterrence

Today’s threats are far more diverse and less predictable than those of the past. States hostile to the United States and to our friends and allies have demonstrated their willingness to take high risks to achieve their goals, and are aggressively pursuing WMD and their means of delivery as critical tools in this effort. As a consequence, we require new methods of deterrence. A strong declaratory policy and effective military forces are essential elements of our contemporary deterrent posture, along with the full range of political tools to persuade potential adversaries not to seek or use WMD. The United States will continue to make clear that it reserves the right to respond with overwhelming force— including through resort to all of our options—to the use of WMD against the United States, our forces abroad, and friends and allies.

In addition to our conventional and nuclear response and defense capabilities, our overall deterrent posture against WMD threats is reinforced by effective intelligence, surveillance, interdiction, and domestic law enforcement capabilities. Such combined capabilities enhance deterrence both by devaluing an adversary’s WMD and missiles, and by posing the prospect of an overwhelming response to any use of such weapons.

Defense and Mitigation

Because deterrence may not succeed, and because of the potentially devastating consequences of WMD use against our forces and civilian population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD-armed adversaries, including in appropriate cases through preemptive measures. This requires capabilities to detect and destroy an adversary’s WMD assets before these weapons are used. In addition, robust active and passive defenses and mitigation measures must be in place to enable U.S. military forces and appropriate civilian agencies to accomplish their missions, and to assist friends and allies when WMD are used.

Active defenses disrupt, disable, or destroy WMD en route to their targets. Active defenses include vigorous air defense and effective missile defenses against today’s threats. Passive defenses must be tailored to the unique characteristics of the various forms of WMD. The United States must also have the ability rapidly and effectively to mitigate the effects of a WMD attack against our deployed forces.

Our approach to defend against biological threats has long been based on our approach to chemical threats, despite the fundamental differences between these weapons. The United
States is developing a new approach to provide us and our friends and allies with an effective defense against biological weapons.

Finally, U.S. military forces and domestic law enforcement agencies must be able to deter and respond to terrorists with WMD. The effective response to a WMD attack requires a robust counterterrorism approach. We will work with our friends and allies to develop an array of counterterrorism capabilities and to improve the ability of all nations to prevent and respond to WMD threats.

\[ \text{Nonproliferation} \]

Active Nonproliferation Diplomacy

The United States will actively employ diplomatic approaches in bilateral and multilateral settings in pursuit of our nonproliferation goals. We must discourage supplier states from cooperating with proliferant states and induce proliferant states to end their WMD and missile programs. We will hold countries responsible for complying with their commitments. In addition, we will continue to build coalitions to support our efforts, as well as to seek their increased support for nonproliferation and threat reduction cooperation programs. However, should our wide-ranging nonproliferation efforts fail, we must have available the full range of operational capabilities necessary to defend against the possible employment of WMD.

\[ \text{Multilateral Regimes} \]

Existing nonproliferation and arms control regimes play an important role in our overall strategy. The United States will support those regimes that are current in force, and work to improve the effectiveness of, and compliance with, those regimes. Consistent with other policy priorities, we will also promote new agreements and arrangements that serve our nonproliferation goals. Overall, we seek to cultivate an international environment that is more conducive to nonproliferation. Our efforts will include:

\[ \text{Nuclear} \]

- Strengthening of the Nuclear Nonproliferation Treaty and International Atomic Energy Agency (IAEA), including through ratification of an IAEA Additional Protocol by all NPT states parties, assurances that all states put in place full-scope IAEA safeguards, and agreements, and appropriate increases in funding for the Agency;
- Negotiating a Fissile Material Cut-Off Treaty that advances U.S. security interests; and
- Strengthening the Nuclear Suppliers Group and Zangger Committee.

\[ \text{Chemical and Biological} \]

- Effective functioning of the Organization for the Prohibition of Chemical Weapons;
- Identification and promotion of constructive and realistic measures to strengthen the BWC and thereby to help meet the biological weapons threat; and
- Strengthening of the Australia Group.

\[ \text{Missile} \]

- Strengthening the Missile Technology Control Regime (MTCR), including through support for universal adherence to the International Code of Conduct Against Ballistic Missile Proliferation.

\[ \text{Nonproliferation and Threat Reduction Cooperation} \]

The United States pursues a wide range of programs, including the Nunn-Lugar program, designed to address the threat stemming from the large quantities of Soviet-legacy WMD and missile-related expertise and materials. Maintaining an extensive and efficient set of nonproliferation and threat reduction assistance programs to Russia and other former Soviet states is a high priority. We will also continue to encourage friends and allies to increase their contributions to these programs, particularly through the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. In addition, we will work with other states to improve the security of their WMD-related materials.

\[ \text{Controls on Nuclear Materials} \]

In addition to programs with former Soviet states to reduce fissile material and improve the security of that which remains, the United States will continue to discourage the worldwide accumulation of separated plutonium and to minimize the use of highly-enriched uranium. As outlined in the National Energy Policy, the United States will work in collaboration with international partners to develop recycle and fuel treatment technologies that are cleaner, more efficient, less waste-intensive, and more proliferation-resistant.

\[ \text{U.S. Export Controls} \]

We must ensure that the implementation of U.S. export controls furthers our nonproliferation and other national security goals, while recognizing the realities that American businesses face in the increasingly globalized marketplace.

We will work to update and strengthen export controls using existing authorities. We also seek new legislation to improve the ability of our export control system to give full weight to both nonproliferation objectives and commercial interests. Our overall goal is to focus our resources on truly sensitive exports to hostile states or those that engage in onward proliferation, while removing unnecessary barriers in the global marketplace.

\[ \text{Nonproliferation Sanctions} \]

Sanctions can be a valuable component of our overall strategy against WMD proliferation. At times, however, sanctions have proven inflexible and ineffective. We will develop a comprehensive sanctions policy to better integrate sanctions into our overall strategy and work with Congress to consolidate and modify existing sanctions legislation.

\[ \text{WMD Consequence Management} \]

Defending the American homeland is the most basic responsibility of our government. As part of our defense, the United States must be fully prepared to respond to the consequences of WMD use on our soil, whether by hostile states or by terrorists. We must also be prepared to respond to the effects of WMD use against our forces deployed abroad, and to assist friends and allies. The National Strategy for Homeland Security discusses U.S. Government programs to deal with the consequences of the use of a chemical, biological, radiological, or nuclear weapon in the United States. A number of these programs offer training, planning, and assistance to state and local governments. To maximize their effectiveness, these efforts need to be integrated and comprehensive. Our first responders must have the full range of protective, medical, and remediation tools to identify, assess, and respond rapidly to a WMD event on our territory.

The White House Office of Homeland Security will coordinate all federal efforts to prepare for and mitigate the consequences of terrorist attacks within the United States, including those involving WMD. The Office of Homeland Security will also work closely with state and local governments to ensure their planning, training, and equipment requirements are addressed. These issues, including the roles of the Department of Homeland Security, are addressed in detail in the National Strategy for Homeland Security.

The National Security Council’s Office of Combating Terrorism coordinates and helps improve U.S. efforts to respond to and manage the recovery from terrorist attacks outside the United States. In cooperation with the Office of Combating Terrorism, the Department of State coordinates interagency efforts to work with our friends and allies to develop their own emergency preparedness and consequence management capabilities.

\[ \text{Integrating the Pillars} \]

Several critical enabling functions serve to integrate the three pillars—counterproliferation, nonproliferation, and consequence management — of the U.S. National Strategy to Combat WMD.

\[ \text{Improved Intelligence Collection and Analysis} \]

A more accurate and complete understanding of the full range of WMD threats is, and will remain, among the highest U.S. intelligence priorities, to enable us to deter or defend against those who would use those capabilities against us. Improving our ability to obtain timely and accurate
knowledge of adversaries’ offensive and defensive capabilities, plans, and intentions is key to developing effective counter- and nonproliferation policies and capabilities. Particular emphasis must be accorded to improving intelligence gathering, WMD-related facilities and activities; interaction among U.S. intelligence, law enforcement, and military agencies; and intelligence cooperation with friends and allies.

Research and Development

The United States has a critical need for cutting-edge technology that can quickly and effectively detect, analyze, facilitate interdiction of, defend against, defeat, and mitigate the consequences of WMD. Numerous U.S. Government departments and agencies are currently engaged in the essential research and development to support our overall strategy against WMD proliferation.

The new Counterproliferation Technology Coordination Committee, consisting of senior representatives from all concerned agencies, will act to improve interagency coordination of U.S. Government counterproliferation research and development efforts. The Committee will assist in identifying priorities, gaps, and overlaps in existing programs and in examining options for future investment strategies.

Strengthened International Cooperation

WMD represent a threat not just to the United States, but also to our friends and allies and the broader international community. For this reason, it is vital that we work closely with like-minded countries on all elements of our comprehensive proliferation strategy.

Targeted Strategies Against Proliferants

All elements of the overall U.S. strategy to combat WMD must be brought to bear in targeted strategies against supplier and recipient states of WMD proliferation concern, as well as against terrorist groups which seek to acquire WMD.

A few states are dedicated proliferators, whose leaders are determined to develop, maintain, and improve their WMD and delivery capabilities, which directly threaten the United States, U.S. forces overseas, and/or our friends and allies. Because each of these regimes is different, we will pursue country-specific strategies that best enable us and our friends and allies to prevent, deter, and defend against WMD and missile threats from each of them. These strategies must also take into account the growing cooperation among proliferant states — so-called secondary proliferation — which challenges us to think in new ways about specific country strategies.

One of the most difficult challenges we face is to prevent, deter, and defend against the acquisition and use of WMD by terrorist groups. The current and potential future linkages between terrorist groups and state sponsors of terrorism are particularly dangerous and require priority attention. The full range of counterproliferation, nonproliferation, and consequence management measures must be brought to bear against the WMD threat, just as they are against states of greatest proliferation concern.

END NOTE

Our National Strategy to Combat WMD requires much of all of us — the Executive Branch, the Congress, state and local governments, the American people, and our friends and allies. The requirements to prevent, deter, defend against, and respond to today’s WMD threats are complex and challenging. But they are not daunting. We can and will succeed in the tasks laid out in this strategy; we have no other choice.

Proliferation Security Initiative, Statement of Interdiction Principles

[Agreed at Paris, 4 September 2003]

The Proliferation Security Initiative (PSI) is a response to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide. The PSI builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes. It is consistent with and a step in the implementation of the UN Security Council Presidential Statement of January 1992, which states that the proliferation of all WMD constitutes a threat to international peace and security, and underlines the need for member states of the UN to prevent proliferation. The PSI is also consistent with recent statements of the G8 and the European Union, establishing that more coherent and concerted efforts are needed to prevent the proliferation of WMD, their delivery systems, and related materials. PSI participants are deeply concerned about this threat and of the danger that these items could fall into the hands of terrorists, and are committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.

The PSI seeks to involve in some capacity all states that have a stake in non-proliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. The PSI also seeks cooperation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes by states and non-state actors of proliferation concern. The increasingly aggressive efforts by proliferators to stand outside or to circumvent existing non-proliferation norms, and to profit from such trade, requires new and stronger actions by the international community. We look forward to working with all concerned states on measures they are able and willing to take in support of the PSI, as outlined in the following set of “Interdiction Principles.”

Interdiction Principles for the Proliferation Security Initiative

PSI participants are committed to the following interdiction principles to establish a more coordinated and effective basis through which to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the UN Security Council. They call on all states concerned with this threat to international peace and security to join in similarly committing to:

1. Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. "States or non-state actors of proliferation concern" generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.

2. Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, protecting the confidential character of classified information provided by other states as part of this initiative, dedicate appropriate resources and efforts to interdiction operations and capabilities, and maximize coordination among participants in interdiction efforts.

3. Review and work to strengthen their relevant national legal authorities where necessary to accomplish these objectives, and work to strengthen when necessary relevant international law and frameworks in appropriate ways to support these commitments.

4. Take specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their national legal authorities permit and consistent with their obligations under international law and frameworks, to include: a. Not to transport or assist in the transport of any such cargoes to or from states or non-state actors of proliferation concern, and not to allow any persons subject to their jurisdiction to do so.

b. At their own initiative, or at the request and good cause shown by another state, to take action to board and search any vessel flying their flag in their internal waters or territorial seas, or areas beyond the territorial seas of any other state, that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concern, and to seize such cargoes that are identified.

c. To seriously consider providing consent under the appropriate circumstances for the boarding and searching of its own vessels by other states, and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states.

d. To take appropriate actions to (1) stop and/or search in their internal waters, territorial seas, or contiguous zones (when declared) vessels that are reasonably suspected of carrying such cargoes to or from states or non-state actors of
proliferation concern and to seize such cargoes that are identified; and (2) to enforce conditions on vessels entering or leaving their ports, internal waters or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search, and seizure of such cargoes prior to entry.

e. At their own initiative or upon the request and good cause shown by another state, to (a) require aircraft that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; and/or (b) deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

f. If their ports, airfields, or other facilities are used as transshipment points for shipment of such cargoes to or from states or non-state actors of proliferation concern, to inspect vessels, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.


[Brussels, 17 November 2003]

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

(1) At Thessaloniki, the European Council stated that the proliferation of weapons of mass destruction and means of delivery is a growing threat to international peace and security; the risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat. Therefore, the European Council decided that the EU collective effort would focus, inter alia, on working towards the universal ratification of, and adherence to, the key disarmament and non-proliferation instruments of proliferation concern, to inspect vessels, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.

(2) In its Action Plan for the implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, the EU and its Member States undertook to promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery.

(3) The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international forums, and it is therefore appropriate to formulate it in a Council Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of this Common Position are:

(a) to promote the universal ratification of, and adherence to, the following multilateral agreements and, where necessary, to reinforce their provisions, including by ensuring compliance:

(i) Nuclear Non-Proliferation Treaty and Safeguards Agreements (NPT);

(ii) Additional Protocols with the International Atomic Energy Agency (IAEA Additional Protocols);

(iii) Chemical Weapons Convention;

(iv) Biological and Toxin Weapons Convention;

(v) The Hague Code of Conduct against Ballistic Missile Proliferation;

(b) to promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty.

These key instruments provide a basis for the international community's disarmament and non-proliferation efforts, which contribute to international confidence, stability and peace, including the fight against terrorism.

Article 2

In pursuit of the objectives set up in Article 1, the EU and its Member States will pay particular attention to the need to reinforce compliance with the multilateral treaty regime by:

— enhancing the detectability of violations, and

— strengthening the enforcement of obligations established by this treaty regime.

To this end, particular emphasis will be placed on making best use of existing verification mechanisms and, where necessary, establishing additional verification instruments as well as strengthening the role of the UN Security Council which has the primary responsibility for the maintenance of international peace and security.

Article 3

The EU and its Member States will focus their diplomatic action on the pursuance of the objectives referred to in Articles 1 and 2, in accordance with the modalities set out below.

Article 4

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, under Article VI thereof. Achieving universal adherence to the NPT is of crucial importance. To that end, the EU will:

— call on all those States not yet parties to the NPT to accede unconditionally to the NPT as non-nuclear-weapon States and to place all their nuclear facilities and activities under the provisions of the IAEA Comprehensive Safeguards System,

— urge those States not yet having entered into Safeguards Agreements with the IAEA to fulfil their obligations in accordance with Article III of the NPT and to conclude such agreements as a matter of urgency,

— promote all the objectives laid down in the NPT,

— support the Final Document of the 2000 NPT Review Conference and the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference,

— promote further consideration of security assurances,

— promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.

Article 5

The EU considers the IAEA Additional Protocols to be an integral part of the IAEA Safeguards System. By raising the standard for compliance and by making it easier to detect violations, the Additional Protocols strengthen the NPT. In order to promote the universal adoption and implementation of the Additional Protocols, the EU will:

— urge the early ratification of the Additional Protocols by the EU Member States and Accessing Countries by the end of 2003,

— urge other regional organisations to do likewise,

— work towards making the Additional Protocols and Safeguards Agreements the standard for the IAEA verification system and work towards universal adherence to the Additional Protocols,

— encourage strong political and financial support for the work of the IAEA.

Article 6

The Chemical Weapons Convention is a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. Effective national implementation is essential for the effective operation of the Convention. In order to strengthen the Convention, the EU will:

— encourage those countries that have not yet adhered to or ratified the Convention to do so without delay,

— encourage all countries which are parties to the Convention to enact without delay necessary national implementation measures,
The EU will promote the early entry into force of the Article 9 between the Code and the UN system. — promote, where possible and appropriate, a closer relationship and implement the Code, in particular the confidence building — convince as many countries as possible to subscribe to it, The EU will:

- work towards the bans on chemical weapons being declared universally binding rules of international law.

Article 7

The Biological and Toxin Weapons Convention (BTWC) is a cornerstone in the effort to prevent biological agents or toxins from being used as weapons. The EU continues to support the principle of verification of the BTWC.

In order to strengthen the Convention, the EU will:

- make specific efforts to convince States which have not yet adhered to or ratified the Convention to do so without delay,
- work towards identifying effective mechanisms to strengthen and verify compliance within the BTWC,
- work to ensure concrete outcomes from the annual meetings to be held between 2003 and 2005, in preparation for the Sixth Review Conference in 2006,
- put emphasis on, where necessary, strengthening national implementation measures, including penal legislation, and control over pathogenic microorganisms and toxins in the framework of the BTWC,
- work towards the bans on biological and toxin weapons being declared universally binding rules of international law.

Article 8

The Hague Code of Conduct against Ballistic Missile Proliferation is an important tool against the growing proliferation of ballistic missiles capable of carrying weapons of mass destruction.

The Code establishes fundamental principles where previously there were none and represents a crucial step towards a possible multilateral arrangement to prevent ballistic missiles proliferation. The EU will:

- convince as many countries as possible to subscribe to it, especially those with ballistic missile capabilities,
- work together with other subscribing States to develop further and implement the Code, in particular the confidence building measures provided for in the Code,
- promote, where possible and appropriate, a closer relationship between the Code and the UN system.

Article 9

The EU will promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty in accordance with the terms set out in Council Decision 2003/567/CFSP of 21 July 2003 implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) (1).

Article 10

This Common Position shall take effect on the date of its adoption.

Article 11

This Common Position shall be published in the Official Journal of the European Union.

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

Statement by Abdul Qadeer Khan

[Islamabad, 4 February 2004]

My dear Ladies and Gentlemen

It is with the deepest sense of sorrow, anguish and regret that I have chosen to appear before you in order to atone for some of the anguish and pain that has been suffered by the people of Pakistan on account of the extremely unfortunate events of the last two months.

I am aware of the vital criticality of Pakistan's nuclear programme to our national security and the national pride and emotions which it generates in your hearts. I am also conscious that any untoward event, incident or threat to this national capability draws the greatest concern in the nation's psyche.

It is in this context that the recent international events and their fallout on Pakistan have traumatized the nation. I have much to answer for it.

The recent investigation was ordered by the government of Pakistan, consequent to the disturbing disclosures and evidence by some countries to international agencies, relating to alleged proliferation activities by certain Pakistanis and foreigners over the last two decades.

The investigation has established that many of the reported activities did occur, and that these were invariably initiated at my behest. In my interviews with the concerned government officials, I was confronted with the evidence and the findings, and I have voluntarily admitted that much of it is true and accurate.

My dear brothers and sisters, I have chosen to appear before you to offer my deepest regrets and unqualified apologies to a traumatized nation. I am aware of the high esteem, love and affection in which you have held me for my services to national security, and I am grateful for all the awards and honours that have been bestowed upon me.

However, it pains me to realise in retrospect that my entire lifetime achievement of providing foolproof national security to my nation could have been placed in serious jeopardy on account of my activities which were based in good faith but on errors of judgment related to unauthorised proliferation activities.

I wish to place on record that those of my subordinates who have accepted their role in the affair were acting in good faith, like me, on my instructions. I also wish to clarify that there was never any kind of authorization for these activities by a government official.

I take full responsibility for my actions and seek your pardon. I give an assurance, my dear brothers and sisters, that such activities will never take place in the future.

I also appeal to all citizens of Pakistan, in the supreme national interest, to refrain from any further speculations and not to politicise this extremely sensitive issue of national security.

May Allah keep Pakistan safe and secure.

UN Security Council Resolution 1540

[Reproduced from S/RES/1540, adopted on 28 April 2004]

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/22500), 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 States 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, 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, as a primary means of 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 fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;
   (d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. Calls upon all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. Expresses its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. Decides to remain seized of the matter.

* Definitions for the purpose of this resolution only:
  – Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.
  – Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.
Global Threat Reduction Initiative Highlights

[Summary of initiative, GTRI announced by US Energy Secretary Spencer Abraham at the IAEA, 26 May 2004]

Background:
On February 11, 2004, President Bush stated in a speech at the National Defense University that the greatest risk to the United States or anywhere else in the world is the possibility of a nuclear or radiological materials terrorist attack. The U.S. Department of Energy (DOE) has several ongoing efforts to combat this threat. In the latest step to increase effectiveness in preventing nuclear and radiological materials from falling into the hands of terrorists or other rogue actors, Secretary of Energy Spencer Abraham announced the Global Threat Reduction Initiative (GTRI).

The mission of the GTRI is to remove and/or secure high-risk nuclear and radiological materials and equipment around the world that pose a threat to the United States and to the international community. This initiative will comprehensively address all vulnerable nuclear and radiological materials throughout the world and secure and/or remove these materials and equipment of concern as expeditiously as possible.

To carry out the Initiative, the Secretary has directed the National Nuclear Security Administration (NNSA) to consolidate and accelerate the Department’s nuclear materials removal efforts, and to complete a comprehensive inventory of research reactors and vulnerable nuclear materials worldwide to rapidly identify and address any gaps in current security coverage and recovery or removal efforts. Under the Initiative, which will include the establishment of a new office under the Deputy Administrator for Defense Nuclear Nonproliferation, the Department will further refine its threat-based, prioritized approach to better address the materials of proliferation concern around the world. The Department of Energy will then work to systematically address each facility that possesses high-risk fissile and other nuclear materials. The Initiative will be carried out in close cooperation with other U.S. Government agencies such as the Department of State, and international organizations such as the International Atomic Energy Agency and other global partners.

Program Description:
NNSA will consolidate, accelerate, and expand under centralized management the Department’s current programs related to nuclear materials removal and radioactive source security and recovery:

- **Russian Research Reactor Fuel Return (RRRRF) Program**
  - Eliminates stockpiles of Russian-origin HEU by assisting eligible countries to convert their research reactors from HEU to low-enriched uranium (LEU) fuel upon availability and qualification.

- **Reduced Enrichment for Research and Test Reactors (RERTR) Program**
  - Targets research reactors and medical isotope production processes worldwide for conversion to suitable LEU fuels and targets.

- **Foreign Research Reactor Spent Nuclear Fuel (FRRSNF) Acceptance Program**
  - Eliminates stockpiles of U.S.-origin spent nuclear fuel from foreign research reactors through repatriation to the United States.

- **Radiological Threat Reduction (RTR) Program**
  - Identities, recovers, and stores, on an interim-basis, certain domestic radioactive sealed sources as well as other radiological materials that pose a security risk to the United States and/or world community.
  - Reduces the international threat posed by radiological materials that could be used in a radiological dispersal device (RDD) or ‘dirty bomb.’

This new Initiative also will establish a comprehensive global database to identify and prioritize nuclear materials and equipment of proliferation concern not being addressed by existing threat reduction efforts.

- **Global Research Reactor Security Study**
  - Conduct a review of research reactors and associated facilities worldwide and develop a preliminary risk assessment of materials and sites relative to vulnerability to sabotage, theft, or terrorist attack.

To better address removal efforts, this Initiative also provides for a newly-formed Global Materials Recovery Team that will prepare equipment and designate personnel for urgent nuclear materials recovery operations. The Initiative combines radioactive source security and recovery efforts with nuclear materials security and removal efforts to maximize synergies among programs. In many cases, vulnerable nuclear materials and radioactive sources are co-located at civilian research reactors worldwide.

The G-8 Action Plan on Nonproliferation

[Adopted on 9 June 2004 at G-8 Summit at Sea Island, Georgia, US]

At Evian, we recognized the proliferation of weapons of mass destruction and their delivery systems, together with international terrorism, as the pre-eminent threat to international peace and security. This challenge requires a long-term strategy and multi-faceted approaches.

Determined to prevent, contain, and roll back proliferation, today, at Sea Island, we announce an action plan to reinforce the global nonproliferation regime. We will work together with other concerned states to realize this plan.

All states must fulfill their arms control, disarmament, and nonproliferation commitments, which we reaffirm, and we strongly support universal adherence to and compliance with these commitments under the relevant multilateral treaties. We will help and encourage states in effectively implementing their obligations under the multilateral treaty regimes, in particular implementing domestically their obligations under such treaties, building law enforcement capacity, and establishing effective export controls. We call on all states that have not already done so to subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation.

We strongly support UN Security Council Resolution 1540, calling on all states to establish effective national export controls, to adopt and enforce effective laws to criminalize proliferation, to take cooperative action to prevent non-state actors from acquiring weapons of mass destruction, and to end illicit trafficking in such weapons, their means of delivery, and related materials. We call on all states to implement this resolution promptly and fully, and we are prepared to assist them in so doing, thereby helping to fight the nexus between terrorism and proliferation, and black markets in these weapons and related materials.

1. **Nuclear Nonproliferation**

   The trafficking and indiscriminate spread of sensitive nuclear materials, equipment, and technology that may be used for weapons purposes are a threat to us all. Some states seek uranium enrichment and plutonium reprocessing capabilities for weapons programs contrary to their commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We reaffirm our commitment to the NPT and to the declarations made at Kananaskis and Evian, and we will work to prevent the illicit diversion of nuclear materials and technology. We announce the following next actions to reduce the risk of nuclear weapons proliferation and the acquisition of nuclear materials and technology by terrorists, while allowing the world to enjoy safely the benefits of peaceful nuclear technology.

   - To allow the world to safely enjoy the benefits of peaceful nuclear energy without adding to the danger of weapons proliferation, we have agreed to work to establish new measures so that sensitive nuclear items with proliferation potential will not be exported to states that may seek to use them for weapons purposes, or allow them to fall into terrorist hands. The export of such items should only occur pursuant to criteria consistent with global nonproliferation norms and to states rigorously committed to those norms. We shall work to amend appropriately the Nuclear Suppliers Group (NSG)...
guidelines, and to gain the widest possible support for such measures in the future. We aim to have appropriate measures in place by the next G-8 Summit. In aid of this process, for the intervening year, we agree that it would be prudent not to inaugurate new initiatives involving transfer of enrichment and reprocessing equipment and technologies to additional states. We call on all states to adopt this strategy of prudence. We will also develop new measures to ensure reliable access to nuclear materials, equipment, and technology, including nuclear fuel and related services, at market conditions, for all states, consistent with maintaining nonproliferation commitments and standards.

- We seek universal adherence to IAEA comprehensive safeguards and the Additional Protocol and urge all states to ratify and implement these agreements promptly. We are actively engaged in outreach efforts toward this goal, and ready to offer necessary support.
- The Additional Protocol must become an essential new standard in the field of nuclear supply arrangements. We will work to strengthen NSG guidelines accordingly. We aim to achieve this by the end of 2005.
- We support the suspension of nuclear fuel cycle cooperation with states that violate their nuclear nonproliferation and safeguards obligations, recognizing that the responsibility and authority for such decisions rests with national governments or the Security Council.
- To enhance the IAEA’s integrity and effectiveness, and strengthen its ability to ensure that nations comply with their NPT obligations and safeguards agreements, we will work together to establish a new Special Committee of the IAEA Board of Governors. This committee would be responsible for preparing a comprehensive plan for strengthened safeguards and verification. We believe this committee should be made up of member states in compliance with their NPT and IAEA commitments.
- Likewise, we believe that countries under investigation for non-technical violations of their nuclear nonproliferation and safeguards obligations should elect not to participate in decisions by the IAEA Board of Governors or the Special Committee regarding their own cases.

2. Proliferation Security Initiative

We reiterate our strong commitment to and support for the Proliferation Security Initiative (PSI) and the Statement of Interdiction Principles, which is a global response to a global problem. We will continue our efforts to build effective PSI partnerships to interdict trafficking in weapons of mass destruction, their delivery systems, and related materials. We also will prevent those that facilitate proliferation from engaging in such trafficking and work to broaden and strengthen domestic and international laws supporting PSI. We welcome the increasing level of support worldwide for PSI, which now includes all G-8 members. The Krakow meeting commemorating PSI’s first anniversary, attended by 62 countries, evidences growing global support.

We will further cooperate to defeat proliferation networks and coordinate, where appropriate, enforcement efforts, including by stopping illicit financial flows and shutting down illicit plants, laboratories, and brokers, in accordance with national legal authorities and legislation and consistent with international law. Several of us are already developing mechanisms to deny access to our ports and airports for companies and impose visa bans on individuals involved in illicit trade.

We encourage all states to strengthen and expand national and international measures to respond to clandestine procurement activities. Directly, and through the relevant international mechanisms, we will work actively with states requiring assistance in improving their national capabilities to meet international norms.

3. The Global Partnership Against Weapons and Materials of Mass Destruction

Since its launch by G-8 Leaders two years ago at Kananaskis, the Global Partnership has become a significant force worldwide to enhance international safety and security. Global Partnership member states, including the six new donors that joined at Evian, have in the past year launched new cooperative projects in Russia and accelerated progress on those already underway. While much has been accomplished, significant challenges remain. We recommit ourselves to our Kananaskis Statement, Principles, and Guidelines as the basis for Global Partnership cooperation.

- We recommit ourselves to raising up to $20 billion for the Global Partnership through 2012.
- Expanding the Partnership to include additional donor countries is essential to raise the necessary resources and to ensure the effort is truly global. Today we welcome the decisions of Australia, Belgium, the Czech Republic, Denmark, Ireland, the Republic of Korea, and New Zealand to join.
- We will continue to work with other former Soviet states to discuss their participation in the Partnership. We recommit that Partnership states will participate in projects according to their national interests and resources.
- We reaffirm that we will address proliferation challenges worldwide. We will, for example, pursue the retraining of Iraqi and Libyan scientists involved in past WMD programs. We also support projects to eliminate over time the use of highly-enriched uranium fuel in research reactors worldwide, secure and remove fresh and spent HEU fuel, control and secure radiation sources, strengthen export control and border security, and reinforce biological security. We will use the Global Partnership to coordinate our efforts in these areas.

4. Nonproliferation Challenges

- The DPRK’s announced withdrawal from the NPT, which is unprecedented; its continued pursuit of nuclear weapons, including through both its plutonium reprocessing and its uranium enrichment programs, in violation of its international obligations; and its established history of missile proliferation are serious concerns to us all. We strongly support the Six-Party Process, and strongly urge the DPRK to dismantle all of its nuclear weapons-related programs in a complete, verifiable, and irreversible manner, a fundamental step to facilitate a comprehensive and peaceful solution.
- We remain united in our determination to see the proliferation implications of Iran’s advanced nuclear program resolved. Iran must be in full compliance with its NPT obligations and safeguards agreement. To this end, we recommit our support for the IAEA Board of Governors’ three Iran resolutions. We note that since Evian, Iran has signed the Additional Protocol and has committed itself to cooperate with the Agency, and to suspend its enrichment and reprocessing related activities. While we acknowledge the areas of progress reported by the Director General, we are, however, deeply concerned that Iran’s suspension of enrichment-related activity is not yet comprehensive. We deplore Iran’s delays, deficiencies in cooperation, and inadequate disclosures, as detailed in IAEA Director General reports. We therefore urge Iran promptly and fully to comply with its commitments and all IAEA Board requirements, including ratification and full implementation of the Additional Protocol, leading to resolution of all outstanding issues related to its nuclear program.
- We welcome Libya’s strategic decision to rid itself of its weapons of mass destruction and longer-range missiles, to fully comply with the NPT, the Additional Protocol, the Biological and Toxin Weapons Convention (BWC), and the Chemical Weapons Convention (CWC), and to commit not to possess missiles subject to the Missile Technology Control Regime. We note Libya has cooperated in the removal of nuclear equipment and materials and taken steps to eliminate chemical weapons. We call on Libya to continue to cooperate fully with the IAEA and the Organization for the Prohibition of Chemical Weapons.

5. Defending Against Bioterrorism

Bioterrorism poses unique, grave threats to the security of all nations, and could endanger public health and disrupt economies. We commit to concrete national and international steps to: expand or, where necessary, initiate new bio-surveillance capabilities to detect bioterror attacks attacks against humans, animals, and crops; improve our prevention and response capabilities; increase protection of the global food supply; and respond to, investigate, and mitigate the effects of alleged uses of biological weapons or suspicious outbreaks of disease. In this context, we seek concrete realization of our commitments at the fifth Review Conference of
the BWC. The BWC is a critical foundation against biological weapons’ proliferation, including to terrorists. Its prohibitions should be fully implemented, including enactment of penalt legislation. We strongly urge all non-parties to join the BWC promptly.

6. Chemical Weapons Proliferation
We support full implementation of the CWC, including its non-proliferation aspects. We strongly urge all non-parties to join the CWC promptly, and will work with them to this end. We also urge CWC States Parties to undertake national legislative and administrative measures for its full implementation. We support the use of all fact-finding, verification, and compliance measures, including, if necessary, challenge inspections, as provided in the CWC.

7. Implementation of the Evian Initiative on Radioactive Source Security
At Evian we agreed to improve controls on radioactive sources to prevent their use by terrorists, and we have made substantial progress toward that goal. We are pleased that the IAEA approved a revised Code of Conduct on the Safety and Security of Radioactive Sources in September 2003. We urge all states to implement the Code and recognize it as a global standard.

We have agreed to export and import control guidance for high-risk radioactive sources, which should only be supplied to authorized end-users in states that can control them. States should ensure that no sources are diverted for illicit use. We seek prompt IAEA approval of this guidance to ensure that effective controls are operational by the end of 2005 and applied in a harmonized and consistent manner. We support the IAEA’s program for assistance to ensure that all countries can meet the new standards.

8. Nuclear Safety and Security
Since the horrific 1986 accident at Chornobil, we have worked with Ukraine to improve the safety and security of the site. We have already made a large financial contribution to build a safe confinement over the remnants of the Chornobil reactor. We are grateful for the participation and contributions made by 21 other states in this effort. Today, we endorse international efforts to raise the remaining funds necessary to complete the project. We urge Ukraine to support and work closely with us to complete the confinement’s construction by 2008 in a way that contributes to radiological safety, in particular in Ukraine and neighboring regions.

An effective, efficient nuclear regulatory system is essential for our safety and security. We affirm the importance for national regulators to have sufficient authority, independence, and competence.

The Japan-EU Joint Declaration on Disarmament and Non-Proliferation [22 June 2004]
The proliferation of weapons of mass destruction (WMD) and their means of delivery poses a serious threat to the peace and stability of the international community. In particular, the possibility of the proliferation of WMD, and their means of delivery as well as related materials and technology, to terrorists and other non-state actors adds a new dimension to this threat. Non-proliferation, disarmament, and arms control measures can make an essential contribution to the fight against terrorism.

The illicit trade related to WMD and in particular in highly sensitive nuclear equipment and technology, the reality of which became clear with the revelation of the Khan network, is a matter of serious concern for Japan and the European Union. The international community must be united in its endeavor to close existing loopholes in order to strengthen the non-proliferation regimes. The active and positive engagement and cooperation of as many countries as possible are indispensable in this regard. We must reinforce our efforts to tackle illicit trafficking in WMD and their means of delivery and their procurement network. We will address the issue of the involvement of non-state actors in this field.

At the same time, continuous efforts must be made to undertake measures to further advance disarmament, including of nuclear weapons, in order to build a truly peaceful and secure world. Positive and active efforts must also be made to strengthen controls over conventional weapons, which cause damage, injury, and death in many countries and threaten to destabilize the international community.

Guided by the common concern and aims described above, we will work together to achieve our common goals of disarmament and non-proliferation, collectively and individually through the identification of concrete measures, including the following:

a. Recognizing each other as a major partner in the area of disarmament and non-proliferation, we will deepen our cooperation in these pursuits and promote close policy dialogues at opportunities presented by the major international conferences and other fora.

b. We will reaffirm our commitment to the 2001 Japan-EU Action Plan and the 2002 Joint Press Statement, which call for cooperation on the issue of disarmament and non-proliferation on the basis of mutual understanding of each other’s security concerns.

c. We reaffirm our commitment to the international treaty system and will promote the universalization, implementation, and strengthening of the treaties and norms in the area of disarmament and non-proliferation, such as the NPT, BTWC, CWC, CTBT, CCW, MBT, HOCOC, and the IAEA Comprehensive Safeguard Agreements and Additional Protocols.

d. We will promote dialogue and cooperation with other countries for disarmament and non-proliferation and will intensify regional activities to this end. Through this process, we will establish “best practices” to be followed by other regions and countries.

e. We reaffirm our readiness to provide concrete assistance, as the need arises, to countries to enable them to fully implement the requirements and obligations under the relevant disarmament and non-proliferation treaties, as well as to help them upgrade their technical capacities.

f. We will work together to ensure strict compliance with the obligations under disarmament and non-proliferation treaties. We stress our determination to support international institutions charged with the verification and upholding of compliance with these treaties and agreements.

g. We consider it of critical importance to duly address the root causes underlying proliferation problems, while reaffirming that no cause should be construed as legitimizing WMD proliferation. In this regard, we reaffirm the importance of combined political and diplomatic efforts in support of shared non-proliferation objectives.

h. Fully aware that disarmament and non-proliferation education is an effective means for promoting both aims, we will place great importance on efforts related to such education.

i. We identified priority areas for specific cooperation in the list attached hereto. This list will be revised, as necessary, through consultations at the Japan-EU Troika WG or other designated channel.

Priority areas for specific cooperation
With respect of paragraph (i) in the Joint Declaration, the priority areas for specific cooperation are identified as follows.

- Nuclear disarmament and non-proliferation
  - Early entry into force of the CTBT
  - Early commencement of negotiations on the Fissile Material Cut-off Treaty
  - Universalization of the IAEA Comprehensive Safeguard Agreements and Additional Protocols

- Biological and chemical weapons
  - Universalization of the BTWC and strengthening of the functioning of the BTWC through active participation in the BTWC programme of work
  - Universalization of the CWC and cooperating to help strengthen national implementation of the Convention

- Missiles
  - Universalization of the HOCOC
Conventional weapons
- Acceleration of the implementation of the UN Small Arms Action Plan and assistance by Japan and the EU to this end
- Expansion of the number of countries adhering to the UN Register of Conventional Arms
- Sustaining international political will and financial assistance for mine action including victim assistance in mine affected countries
- Promotion of universal adherence to the principles and goals of the Mine Ban Treaty

Assistance to the countries in need
- Promotion of capacity building assistance for the establishment of legal systems and the strengthening of law enforcement in countries needing such assistance to ensure the domestic implementation of treaties related to disarmament and non-proliferation as well as of the UN Security Council Resolutions 1540
- Enhanced collaboration with those countries which commit to dismantle their WMD, their means of delivery and related arsenals and the provision of necessary assistance to that end

Non-compliance with the obligations under disarmament and non-proliferation treaties
- Cooperation for the peaceful resolution of non-compliance cases
- Working jointly to strengthen the role of the Security Council with respect to non-compliance issues

Others
- Intensification of consultation to resolve the current CD stalemate
- Promotion of disarmament and non-proliferation education
- Common assessment of global proliferation threats

Abbreviation
- **NPT:** Treaty on the Non-proliferation of Nuclear Weapons
- **BTWC:** Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
- **CWC:** Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
- **CTBT:** Comprehensive Nuclear-Test-Ban Treaty
- **CCW:** Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
- **MBT:** Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction
- **HCOC:** Hague Code of Conduct against Ballistic Missile Proliferation

The US-EU Declaration on the Non-Proliferation of Weapons of Mass Destruction

[Issued at US-EU Summit, Dromoland Castle, Shannon, Ireland, 26 June 2004]

The United States and the European Union reiterate that the proliferation of weapons of mass destruction (WMD) and their delivery systems is a major threat to international peace and security. The risk that terrorists might acquire such weapons adds a new dimension to this threat. This global challenge requires a long-term strategy and a multifaceted solution. We need to tackle it individually and collectively, working together and with other partners, including through relevant international institutions, in particular those of the United Nations system. We are committed to strengthening the consensus among nations that proliferation is unacceptable. We call attention to our 2003 Joint Statement and our individual and collective joint efforts since then. We have identified the following joint actions to express our continuing determination to prevent, contain, and reverse proliferation:

We applaud the adoption of United Nations Security Council Resolution 1540 and urge all States to implement all of its provisions in full. The Resolution states that proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Terrorism and illicit trafficking add new dimensions to this threat. The Resolution identifies additional steps that States should take to counter these threats. We will meet our obligations under this Resolution and are prepared to assist States in doing the same. We will adopt, where needed, and enforce effective laws to prohibit the manufacture, acquisition, possession, development, transport, or transfer of weapons of mass destruction by non-state actors. We will adopt, where needed, and enforce domestic controls to prevent proliferation, including physical protection, border, export, and transhipment controls.

We welcome the G8 Action Plan on Non-Proliferation announced at Sea Island on 9 June 2004.

- To allow the world to safely enjoy the benefits of peaceful nuclear energy without adding to the danger of weapons proliferation, we have agreed to work to establish new measures so that sensitive nuclear items with proliferation potential will not be exported to States that may seek to use them for weapons purposes or allow them to fall into terrorist hands. The export of such items should only occur pursuant to criteria consistent with global non-proliferation norms and to States rigorously committed to those norms. We shall work to amend appropriately the Nuclear Suppliers Group (NSG) guidelines and to gain the widest possible support for such measures in the future. In aid of this process, for the intervening year we agree that it would be prudent not to inaugurate new initiatives involving transfer of enrichment and reprocessing equipment and technologies to other States. We call on all States to adopt this strategy of prudence. We will also develop new measures to ensure reliable access to nuclear materials, equipment, and technology, including nuclear fuel and related services, at market conditions, for all States, consistent with maintaining non-proliferation commitments and standards.
  - The International Atomic Energy Agency's (IAEA) Additional Protocol must become an essential new standard, alongside the IAEA's comprehensive safeguards agreements, in the field of nuclear supply arrangements. We will work to strengthen the NSG guidelines accordingly. We call on all States to implement these standards by the end of 2005.
  - To enhance the IAEA's integrity and effectiveness and strengthen its ability to ensure that nations comply with their NPT obligations and safeguards agreements, we will work together to establish a new special committee of the IAEA Board of Governors. This committee would be responsible for preparing a comprehensive plan for strengthened safeguards and verification. We believe this committee should be made up of Member States in compliance with their NPT and IAEA commitments.
  - We support the suspension of nuclear fuel cycle cooperation with States that violate their nuclear non-proliferation and safeguards obligations.
  - It is our view that States under IAEA investigation for non-technical violations of their nuclear non-proliferation and safeguards obligations should not participate in decisions taken by the IAEA Board of Governors or the proposed special committee regarding their own case or other compliance cases reviewed by the Board.
  - We fully subscribe to the Proliferation Security Initiative Statement of Interdiction Principles and support efforts to interdict WMD shipments and enhance cooperation against...
proliferation networks, including in intelligence and law enforcement.

- We will continue to support the important non-proliferation activities carried out under the Global Partnership Programme.
- We will take concrete steps to expand and improve our capabilities to prevent and respond to terrorism.

Proliferation is a global threat which requires an effective global response. We reaffirm our willingness to work together to strengthen and universalise the disarmament and non-proliferation treaties and regimes that ban the proliferation of weapons of mass destruction and their delivery systems. In particular, we underline the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Biological and Toxin Weapons Convention, and the Chemical Weapons Convention.

- We call on States to fulfill their arms control, disarmament, and non-proliferation commitments under the relevant multilateral treaty regimes. We support universal adherence to, and compliance with, these commitments.

- We will seek to ensure strict implementation and compliance with these instruments and will support the multilateral institutions charged with verification and upholding compliance with these treaties and agreements.

- We are committed to overcome the stalemate in the Conference on Disarmament.

- We will seek universal adherence to the Hague Code of Conduct against the proliferation of ballistic missiles.

- We recognise the NPT as the cornerstone of the global non-proliferation regime. We emphasise our commitment to preserve the integrity of the Treaty in all its aspects. We pledge to work together to achieve a successful outcome at the 2005 Review Conference of the Treaty and have agreed to the following steps to strengthen the NPT:
  - We will stress the importance of strict compliance with the NPT and continue to promote its universalisation. We recall our decision last year to make the International Atomic Energy Agency’s safeguards agreements and Additional Protocols a standard for nuclear cooperation and non-proliferation. We seek universal adherence to comprehensive IAEA safeguards agreements and the Additional Protocol.
  - We will provide the IAEA with the necessary political and financial support, in particular for the rigorous implementation of safeguards and will insist on full transparency by all States, including by States that are subject to safeguards investigations considered by the IAEA Board of Governors.
  - We remain concerned by the risks posed by the potential use of radioactive sources for terrorist purposes. We have resolved to enhance coordination of our efforts to promote radioactive source security and prevent the misuse of sources.
  - In this context, we will encourage every country to work forwards following the guidance contained in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as revised last year, in order to strengthen the protection and improvement of management of radioactive sources.
  - We have agreed to import and export control guidance for radioactive sources and will work towards putting adequate export controls in place by the end of 2005 and apply them in a harmonised and consistent manner. We share the view that high-risk radioactive sources should only be supplied to authorised end-users in States that can control them and that States should take measures to prevent sources from being diverted for illicit use.
  - We are of the same view on the importance of legal and regulatory controls on radioactive sources and will support IAEA efforts to assist countries that need such assistance to establish effective and sustainable controls.
  - We support the IAEA Model Project to Upgrade National Radiation Protection Infrastructures and the recent IAEA draft Action Plan to expand and accelerate Model Project efforts, which will help the ability of participating countries to follow the guidance in the revised Code.
  - We will coordinate our assistance efforts in these areas.

- We support amending the Convention on the Physical Protection of Nuclear Materials to cover domestic storage, transport, and use of nuclear material for peaceful purposes. We will examine ways to strengthen existing source controls and guidelines on weapons useable nuclear materials and nuclear facilities used for peaceful purposes.

- Since last year, we have made significant progress in the area of export control cooperation.

- We will continue to promote, with others, the importance of effective export controls, backed up by criminal sanctions for illicit export and trafficking of sensitive materials for WMD programmes and work for a more efficient sharing of relevant information, in order to prevent illicit transfers. We will undertake additional efforts to identify, control, and interdict illegal shipments of WMD and missile-related materials. We will also explore ways to implement appropriate measures in the area of export controls and law enforcement that would contribute to the prevention of the illicit transfer of sensitive equipment and technology. We will work together to further strengthen the export control regimes.

- Underlining the importance of effective export control systems and in the context of UNSCR 1540, we will work to widen international use of the control lists of the existing international control regimes.

- We welcome recent developments which have seen all remaining EU Member States gain full membership of the Nuclear Suppliers Group and the Australia Group. We are working together to ensure that application for membership by the new EU Member States to the Wassenaar Arrangement and the Missile Technology Control Regime are actively considered in accordance with the respective procedures of those two Groups.

- We remain committed to cooperating on specific proliferation challenges.

- The DPRK’s (Democratic People's Republic of Korea) announced withdrawal from the NPT is unprecedented and of serious concern to us all. The DPRK’s pursuit of nuclear weapons, in violation of its international obligations, represents a threat to peace and security, as does the danger that the DPRK might export fissile material or nuclear weapons to dangerous States and terrorist groups. We support the Six-Party Process and call upon the DPRK to return to full compliance with the NPT and completely, verifiably, and irreversibly dismantle its nuclear programme, including nuclear enrichment and plutonium.

- We remain united in our determination to see the proliferation implications of Iran’s advanced nuclear program resolved. We are disturbed by Iran’s recent announcement of its intention to resume manufacturing and assembly of centrifuges and urge Iran to rethink its decision. We reiterate that Iran must be in full compliance with its NPT obligations and its safeguards agreements. To this end, we reaffirm the IAEA Board of Governors’ Iran resolutions, which deplore Iran’s insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities.

- We welcome Libya’s decision to abandon, under international verification, its WMD and longer-range missile programs. We note Libya’s cooperation with the IAEA, the Organisation for the Prohibition of Chemical Weapons and others, its signature of the Additional Protocol, and accession to the Chemical Weapons Convention and Comprehensive Test Ban Treaty. We will work with Libya to implement these and other non-proliferation commitments.

- We resolve to continue our work to prevent proliferation activity by both State and non-State actors and to address existing areas of proliferation concern.

---

**Implementation of the NPT Safeguards Agreement in the Republic of Korea**

[Report by the Director General, GOV/2004/B4, 11 November 2004]

**A. Background**

1. The Agreement between the Republic of Korea (ROK) and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement)\(^1\) entered into force on 14 November 1975. The Additional Protocol to the Safeguards Agreement (the

\(^{1}\) The Safeguards Agreement is reproduced in document INFCIRC/236.
2 The Additional Protocol is reproduced in document INF/CIRC/236/Add.1.

11. On 10 December 2002 and again on 1 April 2003, the Agency requested permission from the ROK as a transparency measure to visit KAERI’s Laser Technology R&D Centre in Daejeon, in order to confirm the nature of activities undertaken at the Centre. Both requests were refused by the ROK. Following the entry into force of the ROK’s Additional Protocol, the Agency was allowed to visit the Centre in March 2004, but the ROK did not permit the Agency to take environmental samples. The ROK stated that samples could be taken only after it had submitted the Article 2.a declaration under the Additional Protocol. At the same time, the ROK continued to affirm that its laser enrichment technology R&D programme did not involve the use of any nuclear material.

12. Contrary to its earlier statements, the ROK informed the Agency on 23 August 2004, in its initial declaration pursuant to its Additional Protocol, that past activities had involved laser isotope separation of uranium. The ROK provided a summary of the experiments and the results on 23 August 2004, and informed the Agency that:

a. The ROK had enriched uranium in three separate experiments between January and February 2000 using laser isotope separation (AVLIS) technology developed by KAERI at Daejeon;

b. The amount of nuclear material used as feedstock in the enrichment experiments was 3.5 kg of natural uranium (NU) metal;

c. The AVLIS experiments had achieved an average enrichment level of 10.2% U-235 and up to 77% U-235, and had produced 200 mg of enriched uranium;

d. The laser equipment used for the uranium enrichment experiments had been dismantled, and this equipment, together with the associated material, was available for verification by the Agency; and

e. The laser enrichment activities carried out at KAERI in Daejeon had only recently come to the attention of the Government of the ROK.

Assessment of AVLIS

13. Based on the information provided by the ROK to the Agency during its recent verification mission, elementary laser research at KAERI began in the mid-1960s and continued with the development of molecular laser isotope separation (MLIS) in the 1970s and 1980s, and AVLIS technologies in the 1990s. The ROK’s laser technology development involved foreign assistance. The ROK continues to develop AVLIS technologies for the separation of stable isotopes, and this programme involves the development of small, high power, solid state lasers that could be suitable for uranium enrichment. The Agency has confirmed that the declared laser equipment involved in the undeclared enrichment experiments has been dismantled and the major components of the separation system have been placed under Agency seal.3

14. The ROK declared during the last Agency verification mission that spectroscopy work with uranium started in 1990. After reviewing information provided by the ROK, the Agency has assessed that in 1993 and 1994, the ROK carried out a uranium evaporation test involving the use of exempted DU, followed by further spectroscopy experiments during the period from 1994 to 1996 involving exempted DU and imported NU metal. The AVLIS experiments were conducted during January, February and May 2000 using indigenously produced, undeclared NU metal.

15. According to the information provided by the ROK, it appears
that at least ten AVLIS related experiments involving exempted DU and undeclared NU were carried out at KAERI facilities between 1993 and 2000. The sequencing of these experiments was: uranium conversion; evaporation; spectroscopy; and uranium isotope separation. The ROK has stated that these experiments were authorized only by the President of KAERI in Daejeon, involved some 14 KAERI scientists, and were conducted in the broader context of a stable isotope separation project. The Agency will investigate this matter further.

16. As a result of its verification activities at the KAERI site in Daejeon since August 2004, the Agency's assessment confirms the statement by the ROK that: (i) the AVLIS experiments were laboratory-scale; and (ii) the amounts of uranium involved and the enriched uranium produced were relatively small. The levels of enrichment reported by the ROK are consistent with the Agency's calculations based on computational modelling of the experimental configuration declared by the ROK. The Agency's preliminary sample results, from the product provided by the ROK, show that the average uranium enrichment level was about 10%. The Agency is continuing to assess the results of samples taken from the AVLIS equipment (i.e. the chamber and the collector plates) and the associated products.

17. The nuclear material involved in the experiments (DU and NU metal) was required to be reported to the ROK in the development of AVLIS technology, and will continue its investigation with a view to assessing the information provided by the ROK.

C. Uranium Conversion

19. The ROK informed the Agency during its recent verification missions that it had acquired source material from two separate origins: (a) uranium ore from a former coal mine in Goesan that was processed into about 25 kg of uranium in yellowcake at a pilot milling plant at KAERI in Daejeon; and (b) uranium bearing phosphate ore imported from abroad that was processed at the Youngnam Chemical Plant in Ulsan. The ROK stated that the uranium used in the AVLIS related experiments came from the Youngnam Chemical Plant.

Assessment of Conversion Activities

20. The declaration submitted by the ROK on 23 August 2004 did not include all its conversion activities. Some of the ROK's activities involving conversion of natural UF4 to uranium metal were revealed only as a result of the Agency's verification activities.

21. The approximately 2500 kg of ammonium uranyl tricarbonate (AUT) and the approximately 100 kg of U3O8 recovered from uranium bearing phosphate ore, as declared by the ROK, were consistent with the records provided to the Agency. However, it is not possible for the Agency to confirm the amount of uranium that was produced either indigenously from the ore or from the imported phosphate because the ROK has dismantled the relevant plant. The Agency's results of the samples taken from the material stated by the ROK to have been produced either indigenously from the ore or from the imported phosphate was obtained for analysis. Quantity of the imported phosphate was obtained for analysis. Quantity of the imported uranium metal was required to be reported by the ROK to the Agency and submitted the required Inventory Change Report (ICR) to the Agency.

22. During the Agency's recent verification missions, the ROK stated that it previously had three laboratories capable of producing uranium metal. Two of these laboratories were involved in the production of about 154 kg of NU metal. The third laboratory, the largest of the three, was stated by the ROK not to have been used in the production of NU metal but only for the production of DU metal. The Agency will continue to assess the total amount of the material produced in these laboratories. According to the ROK, all three laboratories were dismantled in 1994. Although the records provided by the ROK are consistent with the ROK declaration, the Agency is unable to confirm the scale of NU metal production because the laboratories no longer exist. The Agency's analysis and assessment of the relatively high losses reported by the ROK in the purification and metal reduction processes are ongoing.

24. The Agency has verified the declared yellowcake and the remaining 133 kg NU metal. When the Agency has access to the dismantled conversion equipment, it will assess the capability of this equipment. In addition, the Agency is currently assessing whether the uranium recovered from phosphate ore had, upon purification to UO2 or UF4, a composition and purity suitable for fuel fabrication or for being isotope enriched, before it was converted to metal.

25. The ROK was required, pursuant to its Safeguards Agreement, to report the NU converted to metal and to submit updated design information for the two facilities where the NU metal was processed. The ROK was also required to submit updated design information for the facility that was used for DU metal production. The main outstanding issues regarding the ROK's previously undeclared conversion activities include the examination and assessment by the Agency of the dismantled equipment stored as waste and the presence of DU in yellowcake samples said to be originating from the former Goesan mine.

D. Plutonium Separation

26. In November 1997, the Agency detected two particles of slightly irradiated DU with plutonium in environmental samples taken from hot cells associated with the TRIGA III reactor in Seoul. As this finding was not consistent with any declared activities by the ROK, the Agency began to investigate whether the ROK had conducted undeclared plutonium separation activities, but since at that time the routine use of environmental sampling at hot cells was a relatively new technique at the Agency, the results were treated with some caution. In December 1999, the Agency initiated consultations with the ROK, but the ROK did not acknowledge at that time having conducted any plutonium separation activity.

27. In October 2003, the results of a subsequent set of samples from the TRIGA III hot cell collected earlier confirmed the previous findings. In December 2003, the Agency requested the ROK to provide an explanation. On 31 March 2004, the ROK stated, in a letter to the Agency, that a plutonium separation experiment had been conducted at the TRIGA III hot cell. The ROK explained that, during the period from July to December 1981, a 5-pin mini fuel assembly (mini-assembly) containing about 2.5 kg of DU had been irradiated for 82 days in the TRIGA III research reactor. The laboratory scale experiments were said to be conducted to study the separation of uranium and plutonium. The ROK elaborated that the mini-assembly had been subsequently dismantled and dissolved, between April and May 1982, as part of a basic study on the chemical characteristics of irradiated nuclear material, and that, on 30 September 1983, it reported the “test specimen” (i.e. the mini-assembly) to the Agency as a measured discard of an unirradiated assembly.

Assessment of Plutonium Separation

28. The mini-assembly fabricated at KAERI in Daejeon was transferred to the TRIGA III reactor in Seoul on 20 July 1981, at which time the Agency was notified of its transfer. The ROK submitted the required Inventory Change Report (ICR) to the Agency on 31 July 1981.

29. The ROK has stated that the mini-assembly was irradiated in the TRIGA III reactor core, and then transferred to a hot cell for heavy metal separation based on the PUREX process. After dissolution of the mini-assembly, a basic solvent extraction procedure was performed on a portion of the dissolved solution, and ion exchange used in an attempt to recover a purified plutonium product. According to the ROK declaration, “Only an aqueous solution mixed with uranium, plutonium and supposedly other fission products was obtained for analysis. Quantity of the plutonium in the solution is not known," but is expected by the ROK to be less than 40 mg.

30. The plutonium separation experiment was performed in April and May 1982, contrary to the ROK's Physical Inventory Listing report, dated 31 May 1982, that the mini-assembly was still in the TRIGA III reactor core at that time. While the ROK reported to the Agency the irradiation of the mini-assembly it did not report the
uranium–plutonium solution as required by the Safeguards Agreement.

31. During the recent verification missions, the ROK provided documentation regarding the irradiation history of the mini-assembly in the TRIGA III reactor. ROK officials have stated that no operating records or technical reports remain for the plutonium separation experiment.

32. In July 1984, the equipment used for the plutonium separation experiment was dismantled and, together with the product and waste solutions, transported in 1987 to KAERI in Daejeon for storage. The uranium–plutonium solution obtained in the separation experiment was not recorded by the ROK in the material accountancy records of the TRIGA III reactor nor was it reported to the Agency.

33. On 5 November 2004, the ROK stated that 0.7 g of plutonium was produced in the irradiated mini-assembly. The Agency’s assessment is that the amount of plutonium produced would have been of the same order of magnitude with an isotopic content of about 98% of Pu-239.

34. The Agency has confirmed from sample analyses that the plutonium separation experiment could not have been conducted later than 1982. The Agency has assessed that although the separation equipment used in the experiment was rudimentary, it could have been capable of recovering pure plutonium in small amounts. The dismantled equipment and the uranium–plutonium solution have been placed under Agency seals. Based on the information available, the Agency’s preliminary assessment is that only one plutonium separation experiment was carried out at the KAERI site in Seoul. The ROK has stated that the experiment was conducted solely to satisfy the scientific interest of the scientists involved.

35. The plutonium separation experiment was carried out by the ROK in a safeguarded facility and was not declared to the Agency. The ROK has not provided to the Agency updated design information of the process, including the general layout of important items of equipment used in the plutonium separation experiment, as required by the ROK Safeguards Agreement. The separation experiments, the uranium–plutonium solution and the associated waste were not reported to the Agency as required by the Safeguards Agreement. Moreover, the ROK incorrectly reported the mini-assembly as a measured discard of an unirradiated fuel assembly.

36. The open issues regarding the ROK’s previously undeclared plutonium separation experiment include provision by the ROK to the Agency of relevant operating records of the plutonium separation experiment and/or detailed information about the process; and information on the results of the plutonium separation experiment and on whether any use was made of those results.

E. Chemical Enrichment Experiment

37. In response to an enquiry by the Agency based on open source information, the declaration submitted by the ROK on 21 October 2004 included information on a chemical enrichment experiment that had not been previously declared to the Agency pursuant to the Safeguards Agreement. The experiment was carried out during the period from 1979 through 1981, and was designed to assess a chemical exchange process to confirm the feasibility of producing low enriched uranium (3% U-235) for pressurized water reactor (PWR) fuel. As stated by the ROK, the experiment was carried out using 700 g of NU (UC2) powder, and utilized an ion exchange column process to produce a very small quantity of very slightly enriched uranium (0.72% U-235). The ROK stated that the project was terminated in 1981, and the equipment subsequently dismantled in 1982. During the Agency’s 3–6 November verification mission, swipe samples were taken in the room where the ROK stated that the experiment was performed. During this mission the ROK also stated that the UC2 was under safeguards; however, the use of 700 g of NU (UC2) powder in the experiment was not reported to the Agency. The Agency is in the process of assessing the ROK’s declaration regarding this matter.

F. Findings

38. On a number of occasions, starting in 1982 and continuing until 2000, the ROK conducted experiments and activities involving uranium conversion, uranium enrichment and plutonium separation, which it failed to report to the Agency in accordance with its obligations under its Safeguards Agreement. These failures are as follows:

a. Failure to report nuclear material used in evaporation, spectroscopy and enrichment experiments (AVLIS and chemical exchange) and the associated products;

b. Failure to report the production, storage and use of NU metal and associated process loss of nuclear material, and the production and transfer of waste resulting therefrom;

c. Failure to report the dissolution of an irradiated mini-assembly and the resulting uranium–plutonium solution, including the production and transfer of waste; and

d. Failure to report initial design information for the enrichment facilities and updated design information for the facilities involved in the plutonium separation experiment and the conversion to NU and DU metal.

39. The ROK has taken corrective actions by providing relevant ICRs.

40. Following the information provided by the ROK on its previously undeclared nuclear experiments, the ROK has provided active cooperation to the Agency in providing timely information, and access to personnel and locations, and has permitted the collection of environmental and other samples for Agency analysis and assessment. The ROK should make every effort, however, to provide the operating records for the plutonium separation and uranium spectroscopy experiments and/or detailed information regarding these experiments.

41. Although the quantities of nuclear material involved have not been significant, the nature of the activities — uranium enrichment and plutonium separation — and the failures by the ROK to report these activities in a timely manner, in accordance with its obligations under its Safeguards Agreement, is (as stated by the Director General at the Board of Governors meeting on 13 September 2004) a matter of serious concern. However, based on the information provided by the ROK and the verification activities carried out by the Agency to date, there is no indication that the undeclared experiments have continued. The Agency is continuing the process of verifying the correctness and completeness of the ROK’s declarations pursuant to the Safeguards Agreement and Additional Protocol.

42. The Director General will continue to report to the Board of Governors as appropriate.

Excerpts from ‘A More Secured World: Our Shared Responsibility’, the Report of the UN Secretary-General’s High Level Panel on Threats, Challenges and Change

[Excerpts reproduced from A/59/565, 2 December 2004]

[...].eds.)

V. Nuclear, radiological, chemical and biological weapons

A. The threats we face

1. Nuclear weapons

107. Any use of nuclear weapons, by accident or design, risks human casualties and economic dislocation on a catastrophic scale. Stopping the proliferation of such weapons — and their potential use, by either State or non-State actors — must remain an urgent priority for collective security.

108. The threat posed by nuclear proliferation — the spread of nuclear weapons among States — arises in two ways. The first and most immediate concern is that some countries, under cover of their current Treaty on the Non-Proliferation of Nuclear Weapons membership, will covertly and illegally develop full-scale weapons programmes, or that — acting within the letter but perhaps not the spirit of the Treaty — they will acquire all the materials and expertise needed for weapons programmes with the option of withdrawing from the Treaty at the point when they are ready to proceed with weaponization.

109. The second longer-term, concern is about the erosion and possible collapse of the whole Treaty regime. Almost 60 States currently operate or are constructing nuclear power or research
reactors, and at least 40 possess the industrial and scientific infrastructure which would enable them, if they chose, to build nuclear weapons at relatively short notice if the legal and normative constraints of the Treaty regime no longer apply.

110. Both concerns are now very real: the Treaty on the Non- Proliferation of Nuclear Weapons is not as effective a constraint as it was. In 1963, when only four States had nuclear arsenals, the United States Government predicted that the following decade would see the emergence of 15 to 25 nuclear-weapon States; others predicted the number would be as high as 50. As of 2004, only eight States are known to have nuclear arsenals. The strong non-proliferation regime — embodied in IAEA and the Treaty itself — helped dramatically to slow the predicted rate of proliferation. It made three critical contributions: it bolstered a normative prohibition against the ownership, use and proliferation of these weapons; it ensured that States could benefit from nuclear technologies, but with oversight; and it reassured States about the capacities of neighbors and potential rivals, allowing them to avoid unnecessary arms races.

111. But the nuclear non-proliferation regime is now at risk because of lack of compliance with existing commitments, withdrawal or threats of withdrawal from the Treaty on the Non- Proliferation of Nuclear Weapons to escape those commitments, a changing international security environment and the diffusion of technology. We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation.

112. Regardless of whether more States acquire nuclear weapons, there are also grave risks posed by the existence of large stockpiles of nuclear and radiological materials. Today 1,300 kilograms of highly enriched uranium exist in research reactors in 27 countries. The total volume of HEU stockpiles is far greater, and many HEU storage sites in the world are inadequately secured. States have publicly confirmed 20 cases of nuclear material diversion and more than 200 incidents involving illicit trafficking in nuclear materials have been documented over the past decade. Scientists have repeatedly warned of the ease with which terrorists could, with parts from the open market, assemble a simple “gun- type” nuclear device that simply collides two quantities of HEU. Experts suggest that if a simple nuclear device were detonated in a major city, the number of deaths would range from tens of thousands to more than one million. The shock to international commerce, employment and travel would amount to at least one trillion dollars. Such an attack could have further, far-reaching implications for international security, democratic governance and civil rights.

2. Radiological weapons

113. A different threat is posed by radiological weapons, which are more weapons of mass disruption than mass destruction. Radiological weapons can use plutonium or highly enriched uranium but can rely simply on radioactive materials, of which there are millions of sources used in medical and industrial facilities worldwide. The immediate destructive effect of a radiological or “dirty” bomb is only as great as its conventional explosive, and even the radiation effects of such a bomb are likely to be limited. The more harmful effects of disruption and economic damage would be prompted by public alarm and the necessity of evacuating and decontaminating affected areas. The ubiquity of radiological materials and the crude requirements for detonating such a device suggest a high likelihood of use. This puts a premium on educating the public about the limited consequences of radiological weapons in order to mitigate some of the alarm and uncertainty that would be unleashed in the event of an attack.

[...](eds.)

B. Meeting the challenge of prevention

117. Multilayered action is required. The first layer of an effective strategy to prevent the proliferation of nuclear, radiological, chemical and biological weapons should feature global instruments that reduce the demand for them. The second layer should contain global instruments that operate on the supply side — to limit the capacity of both States and non-State actors to acquire weapons and the materials and expertise needed to build them. The third layer must consist of Security Council enforcement activity underpinned by credible, shared information and analysis. The fourth layer must comprise national and international civilian and public health defence.

1. Better strategies to reduce demand

118. Lacklustre disarmament by the nuclear-weapon States weakens the diplomatic force of the non-proliferation regime and thus its ability to constrain proliferation. Despite Security Council commitment to the contrary (resolution 984 (1995)), these nuclear-weapon States are increasingly unwilling to pledge assurances of non-use (negative security assurances) and they maintain the right to retaliate with nuclear weapons against chemical or biological attack.

119. Despite the end of the cold war, nuclear-weapon States earn only a mixed grade in fulfilling their disarmament commitments. While the United States and the Russian Federation have dismantled roughly half of their nuclear weapons, committed to large reductions in deployed strategic warheads and eliminated most of their non-strategic nuclear weapons, such progress has been overshadowed by recent reversals. In 2000, the nuclear-weapon States committed to 13 practical steps towards nuclear disarmament, which were all renounced by them at the 2004 meeting of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

120. The nuclear-weapon States must take several steps to restart disarmament:

(a) They must honour their commitments under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to move towards disarmament and be ready to undertake specific measures in fulfillment of those commitments;

(b) They should reaffirm their previous commitments not to use nuclear weapons against non-nuclear-weapon States, to further diminish the perceived value of nuclear weapons, and secure robust international cooperation to staunch proliferation, formalizing such commitments in pending and future nuclear-weapon-free zones agreements.

121. The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons.

122. In addition, we believe it would be valuable if the Security Council explicitly pledged to take collective action in response to a nuclear attack or the threat of such attack on a non-nuclear-weapon State.

123. Given the challenge to the nuclear non-proliferation regime posed by States not party to the Treaty on the Non-Proliferation of Nuclear Weapons, and recognizing the impact of that challenge on regional insecurity, we recommend that negotiations to resolve regional conflicts include confidence-building measures and steps towards disarmament.

124. States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should pledge a commitment to non-proliferation and disarmament, demonstrating their commitment by ratifying the Comprehensive Nuclear-Test-Ban Treaty and supporting negotiations for a fissile material cut-off treaty, both of which are open to nuclear-weapon and non-nuclear-weapon States alike. We recommend that peace efforts in the Middle East and South Asia launch nuclear disarmament talks that could lead to the establishment of nuclear-weapon-free zones in those regions similar to those established for Latin America and the Caribbean, Africa, the South Pacific and South-East Asia.

[...](eds.)

2. Better strategies to reduce supply

127. We recognize that nuclear energy, in the view of many, is an important source of power for civilian uses and may become even more crucial in the context of a worldwide effort to reduce dependency on fossil fuels and emissions of greenhouse gases. At the same time, the mounting tension between the goals of
achieving a more effective non-proliferation regime and the right of all signatories of the Treaty on the Non-Proliferation of Nuclear Weapons to develop civilian nuclear industries needs to be addressed.

128. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons guarantees States parties’ rights to develop the research, production and use of nuclear energy for peaceful purposes; this right must be preserved. The Treaty also specifies that this right must be used in conformity with its articles I and II; this obligation also must be respected. In recent years, it has become clear that the proliferation risks from the enrichment of uranium and from the reprocessing of spent fuel are great and increasing. These two processes in particular provide a route by which Treaty signatories can (and in some cases have) clandestinely pursued activities not in conformity with the Treaty and designed to give them the option of acquiring a nuclear-weapon capability.

129. Two remedies are required. First, the inspection and verification rules that have governed IAEA through the mid-1990s have proven increasingly inadequate. IAEA initiated more stringent inspection rules in the Model Additional Protocol, but as yet only one third of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons have ratified the Protocol. The IAEA Board of Governors should recognize the Model Additional Protocol as today’s standard for IAEA safeguards, and the Security Council should be prepared to act in cases of serious concern over non-compliance with non-proliferation and safeguards standards.

130. Second, we urge that negotiations be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users. Such an arrangement would need to put the Agency in a position to meet, through suppliers it authorized, demands for nuclear fuel supplies of low enriched uranium and for the reprocessing of spent fuel at market rates and to provide a guarantee of uninterrupted supply of these services, as long as there was no breach of safeguard or inspection procedures at the facilities in question.

131. While that arrangement is being negotiated, States should, without surrendering the right under the Treaty on the Non-Proliferation of Nuclear Weapons to construct such facilities, voluntarily institute a time-limited moratorium on the construction of any further enrichment or reprocessing facilities, with a commitment to the moratorium matched by a guarantee of the supply of fissile materials by the current suppliers at market rates.

132. Recent experience of the activities of the A.Q. Khan network has demonstrated the need for and the value of measures taken to interdict the illicit and clandestine trade in components for nuclear programmes. This problem is currently being addressed on a voluntary basis by the Proliferation Security Initiative. We believe that all States should be encouraged to join this voluntary initiative.

133. In order to reinforce international legal provisions against the illicit trafficking of nuclear, biological and chemical weapons and materials, ongoing negotiations at the International Maritime Organization (IMO) to amend the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation should be completed in a timely manner. The Security Council may need to be prepared to consider mandatory action if progress in the Convention negotiations is unsatisfactory.

134. While the Treaty on the Non-Proliferation of Nuclear Weapons provides the right of withdrawal from the Treaty, States should be urged not to do so. Those who withdraw should be held responsible for violations committed while still a party to the Treaty. A State’s notice of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council. The IAEA Board of Governors should resolve that, in the event of violations, all assistance provided by IAEA should be withdrawn.

135. Urgent short-term action is needed to defend against the possible terrorist use of nuclear, radiological, chemical and biological weapons. High priority must be accorded to consolidating, securing, and when possible eliminating potentially hazardous materials, and implementing effective export controls. To that end, we welcome the Global Threat Reduction Initiative, which facilitates (a) the reduction of global highly enriched uranium stockpiles, (b) the conversion of HEU research reactors to “proliferation-resistant” reactors, and (c) the “downblending” of existing HEU. The proposed timeline for implementing the Global Threat Reduction Initiative should be halved from 10 to 5 years.


137. IAEA member States should increase funding for its programmes that help to locate and secure radioactive sources and that assist States in establishing pertinent domestic legislation. Moreover, the Conference on Disarmament should move without further delay to negotiate a verifiable fissile material cut-off treaty that, on a designated schedule, ends the production of highly enriched uranium for non-weapon as well as weapons purposes.

3. Better enforcement capability

138. The Security Council today has few arrows in its quiver other than sanctions and military force to enforce non-proliferation agreements. Moreover, a special referral to the Security Council that results in no action is worse than no referral. The ability of the Security Council to generate credible information about potential instances of proliferation should be strengthened.

140. To that end, links between IAEA and OPCW and the Security Council must also be strengthened. The Directors-General of IAEA and OPCW should be invited by the Security Council to report to it twice-yearly on the status of safeguards and verification processes, as well as on any serious concerns they have which might fall short of an actual breach of the Treaty on the Non-Proliferation of Nuclear Weapons and the Chemical Weapons Convention.

141. The Security Council should also be prepared to deploy inspection capacities for suspected nuclear and chemical violations, drawing on the capacities of IAEA and OPCW. Until multilateral negotiations yield a Biological and Toxin Weapons Convention verification mechanism, the Security Council should avail itself of the Secretary-General’s roster of inspectors for biological weapons, who should remain independent and work under United Nations staff codes. This roster of inspectors should also be available to advise the Council and liaise with WHO authorities in the event of a suspicious disease outbreak, as discussed below.

VI. Terrorism

A. The threat we face

145. Terrorism attacks the values that lie at the heart of the Charter of the United Nations: respect for human rights; the rule of law; rules of war that protect civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. Terrorism flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse; it also flourishes in contexts of regional conflict and foreign occupation; and it profits from weak State capacity to maintain law and order.

146. Two new dynamics give the terrorist threat greater urgency. Al-Qaeda is the first instance — not likely to be the last — of an armed non-State network with global reach and sophisticated capacity. Attacks against more than 10 Member States on four continents in the past five years have demonstrated that Al-Qaeda and associated entities pose a universal threat to the membership of the United Nations and the United Nations itself. In public statements, Al-Qaeda has singed out the United Nations as a
major obstacle to its goals and defined it as one of its enemies. Second, the threat that terrorists — of whatever type, with whatever motivation — will seek to cause mass casualties creates unprecedented dangers. Our recommendations provided above on controlling the supply of nuclear, radiological, chemical and biological materials and building robust global public health systems are central to a strategy to prevent this threat.

[...](eds.)

**Annex I: Summary of Recommendations**

[...](eds.)

**Nuclear, radiological, chemical and biological weapons**

21. The nuclear-weapon States must take several steps to restart disarmament:
   
   (a) They must honour their commitments under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to move towards disarmament and be ready to undertake specific measures in fulfillment of those commitments;
   
   (b) They should reaffirm their previous commitments not to use nuclear weapons against non-nuclear-weapon States. (120)

22. The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons. (121)

23. The Security Council should explicitly pledge to take collective action in response to a nuclear attack or the threat of such attack on a non-nuclear weapon State. (122)

24. Negotiations to resolve regional conflicts should include confidence-building measures and steps towards disarmament. (123)

25. States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should pledge a commitment to non-proliferation and disarmament, demonstrating their commitment by ratifying the Comprehensive Nuclear-Test-Ban Treaty and supporting negotiations for a fissile material cut-off treaty, both of which are open to nuclear-weapon and non-nuclear-weapon States alike. We recommend that peace efforts in the Middle East and South Asia launch nuclear disarmament talks that could lead to the establishment of nuclear-weapon-free zones in those regions, similar to those established for Latin America and the Caribbean, Africa, the South Pacific and South-East Asia. (124)

26. All chemical-weapon States should expedite the scheduled destruction of all existing chemical weapons stockpiles by the agreed target date of 2012. (125)

27. States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of such agents. (137)

28. The Board of Governors of the International Atomic Energy Agency (IAEA) should recognize the Model Additional Protocol as today’s standard for IAEA safeguards, and the Security Council should resolve that, in the event of violations, all assistance provided by IAEA should be withdrawn. (134)

29. Negotiations should be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of Articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users. (130)

30. While that arrangement is being negotiated, States should, without surrendering the right under the Treaty on the Non-Proliferation of Nuclear Weapons to construct uranium enrichment and reprocessing facilities, voluntarily institute a time-limited moratorium on the construction of any further such facilities, with a commitment to the moratorium matched by a guarantee of the supply of fissile materials by the current suppliers at market rates. (131)

31. All States should be encouraged to join the voluntary Proliferation Security Initiative. (132)

32. A State’s notice of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council. The IAEA Board of Governors should resolve that, in the event of violations, all assistance provided by IAEA should be withdrawn. (134)

33. The proposed timeline for the Global Threat Reduction Initiative to convert highly enriched uranium reactors and reduce HEU stockpiles should be halved from 10 to five years. (135)

34. States parties to the Biological and Toxin Weapons Convention should negotiate a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of such agents. (138)

35. The Conference on Disarmament should move without further delay to negotiate a verifiable fissile material cut-off treaty that, on a designated schedule, ends the production of highly enriched uranium for non-weapons as well as weapons purposes. (139)

36. The Directors-General of IAEA and the Organization for the Prohibition of Chemical Weapons (OPCW) should be invited by the Security Council to report to it twice-yearly on the status of safeguards and verification processes, as well as on any serious concerns they have which might fall short of an actual breach of the Treaty on the Non-Proliferation of Nuclear Weapons and the Chemical Weapons Convention. (140)

“Seven Steps to Raise World Security”

Statement by Mohamed ElBaradei

[Posted on the IAEA website, 2 February 2005]

Four months from now, in New York, the world will have a rare opportunity to make significant improvements in international security. The question is whether we will be smart enough to use it.

In recent years, three phenomena have radically altered the security landscape. They are the emergence of a nuclear black market, the determined efforts by more countries to acquire technology to produce the fissile material useable in nuclear weapons and the clear desire of terrorists to acquire weapons of mass destruction.

We have been trying to solve these new problems with existing tools. But for every step forward, we have exposed vulnerabilities in the system. The system itself - the regime that implements the treaty on the non-proliferation of nuclear weapons (NPT) - needs reinforcement. Some of the necessary remedies can be taken in May, but only if governments are ready to act.

The opportunity in New York will come in the form of a conference. If that sounds like yet more bureaucracy - addressing nightmarish nuclear security scenarios with more meetings - I sympathise. But this is no ordinary conference. Every five years, the NPT Review Conference brings world leaders together to focus on combating the threat of nuclear weapons. All but four countries will participate as treaty members. Given the global nature of the threats, these four - India, Pakistan, Israel and North Korea - should also be encouraged to contribute their insights and concerns.

With seven straightforward steps, and without amending the treaty, this conference could reach a milestone in strengthening world security. The first step: put a five-year hold on additional facilities for uranium enrichment and plutonium separation. There is no compelling reason to build more of these facilities; the nuclear industry has more than enough capacity to fuel its power plants and research centres. To make this holding period acceptable for everyone, commit the countries that already have the facilities to guarantee an economic supply of nuclear fuel for bona fide users. Then use the hiatus to develop better long-term options for managing the technologies (for example, in regional centres under multinational control). To advance these ideas, I have engaged a group of international nuclear experts, and their proposals will be put forward at the conference.

Second, speed up existing efforts, led by the US global threat reduction initiative and others, to modify the research reactors worldwide operating with highly enriched uranium - particularly...
those with metal fuel that could be readily employed as bomb material. Convert these reactors to use low-enriched uranium, and accelerate research on how to make highly enriched uranium unnecessary for all peaceful nuclear applications.

Third, raise the bar for inspection standards by establishing the “additional protocol” as the norm for verifying compliance with the NPT. Without the expanded authority of this protocol, the International Atomic Energy Agency’s rights of inspection are limited. It has proven its value recently in Iran and Libya and should be brought into force for all countries.

Fourth, call on the United Nations Security Council to act swiftly and decisively in the case of any country that withdraws from the NPT, in terms of the threat the withdrawal poses to international peace and security.

Fifth, urge states to act on the Security Council’s recent resolution 1540, to pursue and prosecute any illicit trading in nuclear material and technology.

Sixth, call on the five nuclear weapon states party to the NPT to accelerate implementation of their “unequivocal commitment” to nuclear disarmament, building on efforts such as the 2002 Moscow treaty between Russia and the US. Negotiating a treaty to ban irreversibly the production of fissile material for nuclear weapons programmes would be a welcome start.

Last, acknowledge the volatility of longstanding tensions that give rise to proliferation, in regions such as the Middle East and the Korean peninsula, and take action to resolve existing security problems and, where needed, provide security assurances. In the Middle East, urge all parties to pursue a dialogue on regional security as part of the peace process. One goal of this dialogue would be to make the Middle East a nuclear-weapons-free zone.

None of these steps will work in isolation. Each requires a concession from someone. But with leadership from all sides, this package of proposals will create gains for everyone. This opportunity will come again - in 2010. But given current trends, we cannot afford to wait another five years. As a UN panel put it recently: “We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation.” The stakes are too high to risk inaction.

---

**Press Statement by the Permanent Mission of the Arab Republic of Egypt Concerning Implementation of the NPT Safeguards Agreement of Egypt (UN Official Translation; Statement Contained in Communication to the IAEA Director General, dated 1 February 2005)**

[Excerpts reproduced from INFCIRC 638, 8 February 2005]

**UN OFFICIAL TRANSLATION PRESS STATEMENT**

1. Egypt is fully committed to its undertakings and obligations in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Safeguards Agreement concluded with the International Atomic Energy Agency.

2. Egypt's nuclear activities are strictly for peaceful purposes in accordance with the Non-Proliferation Treaty, and are subject to the IAEA inspections in accordance with the Safeguards Agreement. Related research experiments and their results have been regularly published in Egyptian and international scientific journals.

3. Differing interpretations of some aspects of the Comprehensive Safeguards Agreement, especially with regard to the developments that have occurred in the Safeguards System since the mid 1990's, have resulted in not reporting to the Agency, in an appropriate and timely manner, a number of research experiments and activities. Such activities, most of which took place in the distant past, are consistent with the NPT.

4. Egypt is cooperating with the IAEA, in a full, transparent and forthcoming manner, to rectify this situation. In this regard, Egypt understands that the Agency is aware of the limited scope of the issue. Likewise, we note that throughout our discussion the Agency values the level of cooperation Egypt is extending and its desire to bring the issue, in all its aspects, to a speedy conclusion.

5. Egypt is availing itself of the expertise of the Agency in enhancing the capabilities of national agencies responsible for the implementation of its Comprehensive Safeguards Agreement, especially with regard to the developments that occurred during the past years in the Safeguards System. This process will continue in the future in a way that ensures Egypt's continued implementation of its commitments in accordance with its Safeguards Agreement.

6. Egypt reaffirms its position of principle, which calls for the universality of the NPT and for all nuclear installations in the Middle East be placed under the IAEA Safeguards System.

---

**Implementation of the NPT Safeguards Agreement in the Arab Republic of Egypt**, [Reproduced from Report by the Director General GOV/2005/9, 14 February 2005]

1. The Agreement between the Arab Republic of Egypt (Egypt) and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement) entered into force on 30 June 1982. Egypt agreed on 1 April 1997 to modify the Subsidiary Arrangements to the Agreement by including an undertaking to comply with the Board’s decision on the early provision of design information.

2. As of September 2004, Egypt had declared to the Agency three facilities, and five locations outside facilities that customarily use nuclear material (LOFs). The three facilities (the 2 MW Egyptian Atomic Research Reactor, the 22.5 MW Multi-Purpose Reactor and the Fuel Manufacturing Pilot Plant) and one of the LOFs (the Nuclear Fuel Research Laboratory) are collocated on the site of the Inshas Nuclear Centre.

3. As part of its ongoing assessment of the correctness and completeness of States’ declarations under comprehensive safeguards agreements, the Agency regularly reviews publications available from open sources that may be relevant to the nuclear activities of a State. During the preparation of the updated State Evaluation Report for Egypt for 2004, the Agency concluded that it was necessary to follow up with Egypt indications derived from a number of open source documents published by the Egyptian Atomic Energy Authority (AEA) and by former and current staff of the AEA suggesting the possibility of nuclear material, activities and facilities in Egypt relating to uranium extraction and conversion, irradiation of uranium targets and reprocessing that had not been reported to the Agency.

4. On 21 September 2004, the Deputy Director General for Safeguards met with the Chairman of the AEA and other senior Egyptian officials to discuss a number of issues related to the implementation of safeguards that the Agency had identified. During these discussions, the Agency provided examples of the open source publications that had given rise to concerns that Egypt may have carried out some nuclear activities that it had not declared to the Agency. At that meeting, the Egyptian officials agreed to permit an Agency visit to the Inshas site with a view to enabling the Agency to assess the situation.

5. A team of Agency inspectors visited Egypt between 9 and 13 October 2004, at which time they were provided access to a number of locations on the Inshas site. As a follow-on to that visit, another meeting between Agency and Egyptian representatives was held in Vienna on 22-23 November 2004.

6. Between 11 and 15 December 2004, the Agency carried out inspections in Egypt, which were followed by further discussions with Egyptian officials in Vienna on 17 January 2005 on the safeguards issues. The Agency visited the Inshas site again between 29 January and 2 February 2005.

7. On 11 February 2005, in another meeting held in Vienna, Egypt provided additional information on the previously undeclared material and activities, and submitted modified and new design information.

8. This report describes the nature of the safeguards issues involved and the Agency's verification activities to date, as well as
the corrective actions taken by Egypt, and summarizes the initial findings of the Agency and next steps.

A. Verification Activities

A.1. Uranium conversion experiments

9. In the course of the meetings and visits referred to above, Egypt informed the Agency that, prior to the entry into force of its Safeguards Agreement, Egypt had imported nuclear material and had carried out uranium conversion activities using some of that material. In response to the Agency’s request in September 2004 for a complete list of nuclear material in Egypt and a chronology of Egypt’s past nuclear activities, Egypt provided in December 2004 a preliminary list of nuclear material which it had not included in its initial report in 1982, or which had been subsequently produced from that material and not reported to the Agency.

10. During the Agency’s December 2004 inspections and January 2005 visit to Inshas, Egypt presented the material for Agency verification, and provided the Agency with access to the laboratories in the Inshas Nuclear Chemistry Building where the uranium conversion experiments had been carried out. Egypt explained that these experiments had been carried out within the framework of staff development for the front end of the fuel cycle, and that some of the equipment involved had been dismantled and the contaminated parts stored at a disposal site at Inshas. The Agency has taken samples of the nuclear material. Preliminary findings indicate that Egypt failed to include in its initial report in 1982 approximately 67 kg of imported UF₄, 3 kg of uranium metal (some of which had been imported, and some of which had been produced from imported UF₄), and small amounts of domestically produced UO₂, UC₀₃ and UF₆. The Agency’s verification of Egypt’s declarations concerning these experiments is on-going.

11. Egypt also informed the Agency that it had had a project, carried out by the Nuclear Material Authority (NMA) of Egypt, to recover uranium ore concentrate as a by-product of activities at a Phosphoric Acid Purification Plant located on the Inshas site, which Agency inspectors visited during the December 2004 inspections. Egypt indicated that, although the plant is operational, it was never able to work as designed for the separation of uranium. In addition, Egypt provided information to the Agency about an on-going NNP programme for heap leaching of uranium ore in the Sinai and Eastern deserts. Egypt has informed the Agency that none of the uranium ore concentrate produced as a result of its leaching activities has been of a purity and composition that required it to be reported to the Agency. Egypt has transferred some of the material to NMA headquarters in Cairo and provided the Agency with access to it. The Agency intends to take samples from the material with a view to assessing its status.

12. Egypt has agreed to submit corrections to its initial report on nuclear material. The Agency has asked Egypt to submit design information for the Nuclear Chemistry Building, including the nuclear storage area in the basement where the recently declared nuclear material is now located.

A.2. Uranium and thorium irradiation experiments

13. In December 2004, Egypt acknowledged that, between 1990 and 2003, it had conducted experiments involving the irradiation of small amounts of natural uranium in its reactors to test the production of fission product isotopes for medical purposes, and that it had not reported these experiments to the Agency. These activities are said to have involved 12 experiments using a total of 11.5 g of natural uranium, with production rates of about 0.0001 g of uranium product per MW reactor (between 1990 and 2003), and four experiments using a total of 0.24 g of natural uranium compounds irradiated at the 225 MW reactor (between 1999 and 2000). In addition, Egypt informed the Agency that nine thorium samples had been irradiated in the 2 MW research reactor. Egypt also informed the Agency that the irradiated targets had been dissolved in three laboratories located in the Nuclear Chemistry Building, but that no plutonium or U-233 was separated during these experiments. Egypt explained that the laboratories had not been declared to the Agency because they had been intended only to be used for radiopharmaceutical production.

14. In December 2004, the Agency took environmental samples from the Nuclear Chemistry Building laboratories said to have been involved in these experiments with a view to confirming the information provided by Egypt. Egypt also provided for Agency examination documentation relevant to the irradiation experiments. In February 2005, Egypt provided modified design information for the two reactors. Egypt has also agreed to submit relevant inventory change reports (ICRs).

A.3. Preparatory activities related to reprocessing

15. In March 2001 and July 2002, the Agency wrote to Egypt concerning the results of the analysis of environmental samples taken from the hot cells at the 2 MW research reactor which indicated the presence of traces of actinides and fission products. In July 2003, Egypt replied, attributing the presence of the particles to the fact that damaged fuel cladding had resulted in contamination of the reactor water, and the contaminated water had infiltrated the hot cells from irradiated sample cans. The Agency has taken additional environmental samples to confirm this statement, and is awaiting the results of their analysis.

16. In December 2004, Egypt acknowledged that it had also failed to include in its initial report imported unirradiated fuel rods containing uranium enriched to 10% U-235, some of which had been used in experiments, said to have been carried out at the Nuclear Chemistry Building prior to entry into force of Egypt’s Safeguards Agreement. These experiments reportedly involved laboratory scale testing of fuel dissolution in anticipation of the development of a reprocessing laboratory (see below). Egypt has presented for Agency verification one intact fuel rod (said to contain uranium enriched to 10% U-235), a number of pieces of other fuel rods (natural and enriched uranium), and unirayl nitrate solution with uranium enriched to 10% U-235. It is not possible at this stage to ascertain precisely how much uranium these materials contain, but their total gross weight (including cladding and containers) is estimated to be about a kilogram. The results of destructive analysis sampling are being assessed. Egypt has agreed to correct its initial report to include these materials.

17. In addition to the above experiments, Egypt informed the Agency that, at the end of the 1970s, motivated by its plans at that time to build some eight nuclear power plants for electricity generation, and with a view to developing expertise in the nuclear fuel cycle, it had concluded several contracts with a foreign company to build a laboratory (the Hydrometallurgy Pilot Plant) for carrying out “bench scale radiochemistry experiments” involving the separation of plutonium and uranium from irradiated fuel elements of the 2 MW research reactor. The first of the laboratories of the Pilot Plant consists of Modules 1 through 3 containing three hot cells: the first cell is a shielded alpha cell designed for mechanical shearing of research reactor fuel, which Egypt has said was never finished due to the fact that the foreign vendor had been unable to secure the necessary export licence for the shearing equipment; the second cell contains a completed dissolver and mixer settlers for first stage fission product separation; the third cell was designed for waste vitrification but no essential equipment has been installed. The second laboratory consists of Module 4, a lead shielded glove box for second stage fission product separation using mixer settlers, and Module 5, an unshielded glove box for the separation of plutonium from uranium. The third laboratory consists of two connected glove box lines suitable for plutonium chemistry but which contain no equipment.

18. In November 2004, Egypt acknowledged that, in 1987, it had conducted in the Hydrometallurgy Pilot Plant acceptance tests using unirradiated unirayl nitrate in chemical reagents purchased on the local market. In the more detailed information provided by it in January 2005, Egypt indicated that the unirayl nitrate had been mixed with a solution obtained from the dissolution of domestically produced scrap UO₂ pellets (with an estimated total weight of approximately 1.9 kg of uranium compounds), and that Egypt had reported to the Agency neither the materials nor their use in the tests. Egypt explained to the Agency that, owing to its inability to complete the facility, a decision had been taken thereafter to use one cell of the Pilot Plant within the framework of a project for the management of unused and orphan radioactive sealed sources.

19. According to Egypt, at the time its Safeguards Agreement entered into force in 1982, it did not include the Hydrometallurgy Pilot Plant in its initial declaration of existing facilities because Egypt
had not considered it to be a facility since it was being constructed only to carry out bench scale radiochemistry experiments. In the view of the Agency, however, given its intended purpose and design capabilities, the Hydrometallurgy Pilot Plant was a nuclear facility, as defined in the Safeguards Agreement, and, as required pursuant to Article 42 of the Agreement, Egypt should have declared the Pilot Plant to the Agency as early as possible prior to the introduction of nuclear material into the facility.

20. The Agency has taken environmental samples from the hot cells and laboratories involved in the acceptance tests. Egypt has provided the Agency with documentation relevant to the contracts and information on their implementation. Egypt has submitted design information for the Hydrometallurgy Pilot Plant and has agreed to provide ICRs with respect to the acceptance tests.

21. In the course of the Agency’s recent visits, the Egyptian authorities also showed the inspectors a new Radioisotope Production Facility under construction at Inshas. Egypt has indicated that the facility is intended for the separation of radioisotopes from uranium enriched to 19.7% in U-235 to be irradiated at the 22.5 MW reactor, but that no relevant equipment has yet been procured for it. In accordance with its undertaking to provide early design information on new facilities, Egypt should have reported the decision to construct the new facility no later than 1997 when it undertook to provide early design information for new facilities. As a corrective measure, Egypt has provided the Agency with design information for the facility.

B. Findings and Next Steps

22. To date, the Agency has identified a number of failures by Egypt to report to the Agency in accordance with its obligations under its Safeguards Agreement, which can be summarized as follows:

a. Failure to report on its initial inventory imported UF₄, imported and domestically produced uranium metal, imported thorium compounds, small quantities of domestically produced UO₂, UO₃ and UF₆, and a number of unirradiated low enriched and natural uranium fuel rods;

b. Failure to report the uranium nitrate and scrap UO₂ pallets, and their use for acceptance testing of the Hydrometallurgy Pilot Plant;

c. Failure to report the irradiation of small amounts of natural uranium and thorium and their subsequent dissolution in the Nuclear Chemistry Building laboratories, including the production and transfer of waste;

d. Failure to provide initial design information for the Hydrometallurgy Pilot Plant and the Radioisotope Production Facility, and modified design information for the two reactors.

23. As indicated above, the research and development activities referred to in this report were the subject of AEA and other scientific publications. Notwithstanding, and irrespective of the current status of the previously undeclared activities and the small amounts of nuclear material involved, the repeated failures by Egypt to report nuclear material and facilities to the Agency in a timely manner are a matter of concern. Egypt has explained that its past failure to report was attributable to a lack of clarity about its obligations under its Safeguards Agreement, particularly as regards small quantities of nuclear material used in research and development activities. Egypt has indicated that it will report any such material and activities in the future. As corrective measures, Egypt has provided modified design information for the two reactors and new design information for the Hydrometallurgy Pilot Plant and the Radioisotope Production Facility. In addition, following up on a previously discussed proposal by the Agency, Egypt agreed to recategorize the Nuclear Fuel Research Laboratory at Inshas as a facility, and has submitted design information for it.

24. The nuclear material and facilities seen by the Agency to date are consistent with the activities described by Egypt. The conversion equipment has been largely dismantled, and the Hydrometallurgy Pilot Plant is being used for radiological protection purposes, not for its originally planned purpose of reprocessing. The continuing small scale irradiation experiments in the two reactors will now be declared to the Agency and subject to verification. The Agency’s verification of the correctness and completeness of Egypt’s declarations is ongoing, pending further results of environmental and destructive sampling analyses and the Agency’s analysis of the additional information provided by Egypt.

25. The cooperation extended by Egypt since the September 2004 meeting in clarifying these issues and in granting the Agency access to the facilities for the purposes of addressing the correctness and completeness of Egypt’s declarations has been welcome. Egypt has also cooperated in searching for and providing access to relevant documentation, although this effort is complicated by the fact that some of the activities involved were carried out between 15 and 40 years ago. The Agency has requested Egypt to continue to provide such cooperation.

26. The Director General will continue to report to the Board of Governors on the implementation of safeguards in Egypt as appropriate.

1. Published as document INFCIRC/302.
3. The other LOFs are situated outside the Inshas site, and include a university, two hospitals, and a laboratory.
4. Article 34(c) of the Safeguards Agreement provides that “When any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or the process stage in which it has been produced … the nuclear material shall become subject to the other safeguards procedures specified in this Agreement.” In accordance with paragraphs (a) and (b) of Article 34, the Agency need not be informed of the domestic production of any material containing uranium or thorium which has not reached the stage described in Article 34(c).

Executive Summary of ‘Multilateral Approaches to the Nuclear Fuel Cycle’: Expert Group Report Submitted to the Director General of the International Atomic Energy Agency

[Reproduced from INFCIRC 640, 22 February 2005]


Multilateral Nuclear Approaches (MNAs)

Executive Summary

1. The global nuclear non-proliferation regime has been successful in limiting, albeit not entirely preventing, the further spread of nuclear weapons. The vast majority of States have legally pledged to forego the manufacture and acquisition of nuclear weapons and have abided by that commitment. Nonetheless, the past few years have been a tumultuous and difficult period.

2. The decades long nuclear non-proliferation effort is under threat: from regional arms races; from actions by non-nuclear weapon States (NNWS) that have been found to be in fundamental breach of, or in non-compliance with their safeguards agreement, and which have not taken full corrective measures; from the incomplete manner in which export controls required by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) have been applied; from by-passing and alarmingly well-organised nuclear supply networks; and from the increasing risk of acquisition of nuclear or other radioactive materials by terrorist and other non-State entities.

3. A different significant factor is that the civilian nuclear industry appears to be poised for worldwide expansion. Rapidly growing global demand for electricity, the uncertainty of supply and price of natural gas, soaring prices for oil, concerns about air pollution and the immense challenge of lowering greenhouse gas emissions, are all forcing a fresh look at nuclear power. As the technical and organisational foundations of nuclear safety improve, there is increasing confidence in the safety of nuclear power plants. In light of existing, new and reawakened interest in many regions of the world, the prospect of new nuclear power stations on a large scale is therefore real. A greater number of States will consider developing their own fuel cycle facilities and nuclear know-how, and will seek assurances of supply in materials, services and technologies.
4. In response to the growing emphasis being placed on international cooperation to cope with non-proliferation and security concerns, the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, appointed in June 2004 an international group of experts (participating in their personal capacity) to consider possible multilateral approaches to the civilian nuclear fuel cycle.

5. The mandate of the Expert Group was three-fold:
   - To identify and provide an analysis of issues and options relevant to multilateral approaches to the front and back ends of the nuclear fuel cycle;
   - To provide an overview of the policy, legal, security, economic, institutional and technological incentives and disincentives for cooperation in multilateral arrangements for the front and back ends of the nuclear fuel cycle; and
   - To provide a brief review of the historical and current experiences and analyses relating to multilateral fuel cycle arrangements relevant to the work of the expert group.

6. Two primary deciding factors dominate all assessments of multilateral nuclear approaches, namely “Assurance of non-proliferation” and “Assurance of supply and services.” Both are recognised overall objectives for governments, and for the NPT community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time. As a matter of fact, multilateral approaches could be a way to satisfy both objectives.

7. The non-proliferation value of a multilateral arrangement is measured by the various proliferation risks associated with a nuclear facility, whether national or multinational. These include the diversion of materials from an MNA (reduced through the presence of a multinational team), the theft of fissile materials, the diffusion of proscribed or sensitive technologies from MNAs to unauthorised entities, the development of clandestine parallel programmes and the breakout scenario. The latter refers to the case of the host country “breaking out”, for example, by expelling multinational staff, withdrawing from the NPT (and thereby terminating its safeguards agreement), and operating the multinational facility without international control.

8. The “Assurance of supply” value of a multilateral arrangement is measured by the associated incentives, such as the guarantees of supply of material and services, which are the most critical steps is to devise effective mechanisms for assurances of supply of material and services, which are commercially competitive, free of monopolies and accountable to the community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time. As a matter of fact, multilateral approaches could be a way to satisfy both objectives.

9. Whether for uranium enrichment, spent fuel reprocessing, or spent fuel disposal and storage, multilateral options span the entire field between existing market mechanisms and a complete co-ownership of fuel cycle facilities. The following pattern reflects this diversity:

   **Type I: Assurances of services not involving ownership of facilities.**
   - Suppliers provide additional assurances of supply;
   - International consortia of governments broaden the assurances;
   - IAEA-related arrangements provide even broader assurances.

   **Type II: Conversion of existing national facilities to multinational facilities.**
   - Construction of new joint facilities.

   **Type III: Construction of new joint facilities.**

10. On the basis of this pattern, the Group has reviewed the pros and cons associated with each type and option. Pros and cons were defined relative to a “non-MNA choice”, namely that of a national facility under current safeguards.

11. A healthy market exists at the front end of the fuel cycle. In the course of only two years, a nuclear power plant operating in Finland has bought uranium originating from mines in seven different countries. For example, conversion has been done in three different countries. Enrichment services have been bought from three different companies. Therefore, the legitimate objective of assurances of supply can be fulfilled to a large extent by the market. Nevertheless, this assessment may not be valid for all countries that have concerns about assurances of supply. Mechanisms or measures, under which existing suppliers or international consortia of governments or IAEA-related arrangements may be appropriate in such cases.

12. At first, suppliers could provide additional assurances of supply. This would correspond to enrichment plant operators, individually or collectively, guaranteeing to provide enrichment capacity to a State whose government had in turn agreed to forego building its own capacity, but which then found itself denied service by its intended enrichment provider for unspecified reasons. The pros include the avoidance of know-how dissemination, the reliance on a well-functioning market and the ease of implementation. The cons refer for example to the cost of maintaining idle capacity on reserve, and the lack of perceived diversity on the supplier side.

13. At a second level, international consortia of governments could step in, that is they would guarantee access to enrichment services, the suppliers being simply executive agents. The arrangement would be a kind of “intergovernmental fuel bank”, e.g. a contract under which a government would buy guaranteed capacity under specified circumstances. Different States might use different mechanisms. Most pros and cons are shared with the preceding case.

14. Then, there are IAEA-related arrangements, a variation of the preceding option, with the IAEA acting as the anchor of the arrangement. Essentially, the Agency would function as a kind of “guarantor” of supply to States in good standing and that were willing to accept the requisite conditionality (which would need to be defined, but would likely need to include foreswearing a parallel path to enrichment/reprocessing plus acceptance of the Additional Protocol for NNWS). The IAEA might either hold title to the material to be supplied or, more likely, act as facilitator, with back-up agreements between the IAEA and supplier countries to fulfil commitments made by the IAEA effectively on their behalf. In effect, the IAEA would be establishing a default mechanism, only to be activated in instances where a normal supply contract had broken down for reasons other than commercial reasons. The suggested pros and cons are therefore similar, with the added value of broad international assurances. Several questions can be raised with respect to the IAEA and its special status as an international organisation subject to the control of its Member-States. Any guarantee provided by the IAEA would in fact require approval by its Board of Governors.

15. Where an MNA would take the form of a joint facility, there are two ready-made predecessors, the Anglo-Dutch-German company Urenco and the French EURIDIF. The experience of Urenco, with its commercial/industrial management on the one hand and the governmental Joint Committee on the other hand, has shown that the multinational concept can be made to work successfully. Under this model, strong oversight of technology and staffing, as well as effective safeguards and proper international division of expertise can reduce the risk of proliferation and even make a unilateral breakout extremely difficult. EURIDIF on the other hand has a successful multinational record as well, by enriching uranium only in one country, while providing enriched uranium to its co-financing international partners, hence restricting all proliferation risks, diversion, clandestine parallel programme, breakout and the spread of technology.

16. Taking into account present capacities to reprocess spent fuel for light water reactors and those under construction, there will be sufficient reprocessing capacity globally for all expected demands in plutonium-recycled fuel during some two decades. Therefore, objectives of assurances of supply can be fulfilled to a large extent without new reprocessing facilities involving ownership (Types II and III).
17. Currently all reprocessing plants are essentially State-owned. By the very nature of the nuclear business worldwide, any guarantee from a supplier would have the implicit or explicit arrangements, agreement of the corresponding government. As to the very nature of the nuclear business worldwide, any arrangement outlined above is the weak part in the arrangement. Any lease-back take-back could be sent to a third party State or to a multinational or a multinational.

18. Converting a national facility to international ownership and management would involve the creation of a new international entity that would operate as a new competitor in the reprocessing market. The pros reflect the advantages of bringing together international expertise, while the cons include non-proliferation disadvantages related to know-how dissemination and to the return of the separated plutonium. Other cons deal with the fact that, of the existing facilities, all except two Japanese facilities are in NWS or in non-NPT States. In many of those cases, appropriate safeguards will have to be introduced if they had not been applied before.

19. As noted above, the construction of new joint facilities will not be needed for a long time. Therefore, a prerequisite for the construction of new facilities is the demand for additional reprocessing and for recycled-plutonium fabrication. In the future such reprocessing and fabrication would be done on the same location.

Spent fuel disposal

20. At present there is no international market for spent fuel disposal services, as all undertakings are strictly national. The final disposal of spent fuel is thus a candidate for multilateral approaches. It offers major economic benefits and substantial non-proliferation benefits, although it presents legal, political and public acceptance challenges in many countries. The Agency should continue its efforts in that direction by working on all the underlying factors, and by assuming political leadership to encourage such undertakings.

21. The final disposal of spent fuel (and radioactive waste as well) in shared repositories must be looked at as only one element of a broader strategy of parallel options. National solutions will remain a first priority in many countries. This is the only approach for States with many nuclear power plants in operation or in past operation. For others with smaller civilian nuclear programmes, a dual-track approach is needed in which both national and international solutions are pursued. Small countries should keep options open (national, regional or international), be it only to maintain a minimum national technical competence necessary to act in an international context.

Spent fuel storage

22. Storage facilities for spent fuel are in operation and are being built in several countries. There is no international market for services in this area, except for the readiness of the Russian Federation to receive Russian-supplied fuel, and with a possible offer to do so for other spent fuel. The storage of spent fuel is also a candidate for multilateral approaches, primarily at the regional level. Storage of special nuclear materials in a few safe and secure facilities would enhance safeguards and physical protection. The IAEA should continue investigations in that field and encourage such undertakings. Various countries with state-of-the-art storage facilities in operation should step forward and accept spent fuel from others for interim storage.

Combined option: fuel-leasing/fuel take-back

23. In this model, the leasing State provides the fuel through an arrangement with its own nuclear fuel “vendors”. At the time the government of the leasing State issues an export license to its fuel “vendor” corporation to send fresh fuel to a client reactor, that government would also announce its plan for the management of that fuel once discharged. Without a specific spent fuel management scheme by the leasing State, the lease deal will of course not take place. The leased fuel once removed from the reactor and cooled down, could either be returned to its country of origin which owns title to it, or, through an IAEA-brokered deal could be sent to a third party State or to a multinational or a regional fuel cycle centre located elsewhere for storage and ultimate disposal.

24. The weak part in the arrangement outlined above is the willingness, indeed the political capability, of the leasing State to take-back the spent fuel it has provided under the lease contract. It could well be politically difficult for any State to accept spent fuel not coming from its own reactors (that is, reactors producing electricity for the direct benefit of its own citizens). Yet, to make any lease-back take-back deal credible, an ironclad guarantee of spent fuel removal from the country where it was used must be provided, otherwise the entire arrangement is moot. In this respect, States with suitable disposal sites, and with grave concerns about proliferation risks, ought to be proactive in putting forward solutions. Of course, commitment of client States to forego enrichment and reprocessing would make such undertakings politically more tolerable.

25. As an alternative, the IAEA could broker the creation of multinational or regional spent fuel storage facilities, where spent fuel owned by leasing States and burned elsewhere could be sent. The IAEA could thus become an active participant in regional spent fuel storage facilities, or third party spent fuel disposal schemes, thereby making lease-back take-back fuel supply arrangements more credible propositions.

Overarching issues

26. Apart from the cross-cutting factors related to the implementation of MNAs, such as the technical, legal and safeguards ones, there are a number of overarching issues, primarily of a broad political nature, which may have a bearing upon perceptions of the feasibility and desirability of MNAs. These issues may be decisive in any future endeavour to develop, assess and implement such approaches at the national and international level.

Relevant articles of the NPT

27. The NPT incorporates a political bargain with respect to peaceful uses and nuclear disarmament without which the Treaty would not have been adopted nor received the widespread adherence it obtained afterwards. The promise by all States parties to cooperate in the further development of nuclear energy and for the NWS to work towards disarmament provided the basis for NNWS to abstain from acquiring nuclear weapons.

28. Cooperation in the peaceful uses of nuclear energy, which had earlier provided the basis for the foundation of the IAEA, is embodied in Article IV, which stipulates that nothing shall be interpreted as affecting the “inalienable right of all Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II” (that specify the non-proliferation objectives of the Treaty). Furthermore, that same article specifies that all Parties to the NPT shall 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”, and moreover to “cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes...” Article IV was specifically crafted to preclude any attempt to reinterpret the NPT so as to inhibit a country’s right to nuclear technologies - so long as the technology is used for peaceful purposes.

29. NNWS have expressed dissatisfaction about what they increasingly view as a growing imbalance in the NPT: that, through the imposition of restrictions on the supply of materials and equipment of the nuclear fuel cycle by the NWS and the advanced industrial NNWS, those States have backed away from their original guarantee to facilitate the fullest possible exchange referred to in Article IV and to assist all NNWS in the development of the applications of nuclear energy. There are also concerns that additional constraints on Article IV might be imposed.

30. Article VI of the Treaty obliges NNWS Parties “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.” Many NNWS deem the implementation of Article VI of the NPT by NWS as unsatisfactory, as are the non-entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the stalemate in the negotiations on a verifiable Fissile Material (Cut-off) Treaty (FM(C)T). Such concerns have fostered a conviction among many NNWS that the NPT bargain is being corroded.
Safeguards and export controls

31. Some States have argued that, if the objective of MNAs is merely to strengthen the nuclear non-proliferation regime then, rather than focussing on MNAs, it may be better to concentrate on nuclear controls to prevent the spread of weapons of mass destruction and to accept safeguards of the highest current standards including comprehensive safeguards and the Additional Protocol. Where the demarcation line between permitted R&D activities and renounced development and construction activities has to be drawn is a matter for further consideration. In voluntary MNAs involving facilities, the participating countries would presumably commit to carry out the related activities solely under the common MNA framework.

32. The risks involved in the spread of sensitive nuclear technologies should primarily be addressed by an efficient and cost-effective safeguards system. The IAEA and regional safeguards systems have done an outstanding job in these matters. Safeguards, rationally and well applied, have been the most efficient way to detect and deter further proliferation and to provide States Parties with an opportunity to assure others that they are in conformity with their safeguards commitments. Of course, advances in technologies require safeguards to be strengthened and updated, while protecting commercial, technological and industrial secrets. The adoption of the Additional Protocol, and its judicious implementation based on State-level analysis, are essential steps against further nuclear proliferation. The Additional Protocol has proven to provide additional, necessary and effective verification tools, while protecting legitimate interests in security and confidentiality.

33. The above notwithstanding, the IAEA should endeavour to provide States Parties with an opportunity to assure others that they are in conformity with their safeguards commitments. Of course, advances in technologies require safeguards to be strengthened and updated, while protecting commercial, technological and industrial secrets. The adoption of the Additional Protocol, and its judicious implementation based on State-level analysis, are essential steps against further nuclear proliferation. The Additional Protocol has proven to provide additional, necessary and effective verification tools, while protecting legitimate interests in security and confidentiality.

34. Export guidelines and their implementation are an important line of defense for preventing proliferation. Recent events have shown that criminal networks can find ways around existing controls to supply clandestine activities. Yet, one should remember that all States party to the NPT are obliged, pursuant to Article III.2 thereof, to implement export controls. This obligation was reinforced by United Nations Security Council Resolution 1540 (2004) that requires all States to enact and implement export controls to prevent the spread of weapons of mass destruction and related materials to non-State actors. The participation in the development and implementation of export controls should be broadened, and multilaterally-agreed export controls should be developed in a transparent manner, engaging all States.

35. In fact, the primary technical barriers against proliferation remain the effective and universal implementation of IAEA safeguards under comprehensive safeguards agreements and additional protocols, and effective export controls. Both must be as strong as possible on their own merits. MNAs will be complementary mechanisms for strengthening the existing non-proliferation regime.

Voluntary participation in MNAs versus a binding norm

36. The present legal framework does not oblige countries to participate in MNAs, as the political environment makes it unlikely that such a norm can be established any time soon. Establishing MNAs resting on voluntary participation is thus the more promising way to proceed. In a voluntary arrangement covering assurances of supply, recipient countries would, at least for the duration of the respective supply contract, renounce the construction and operation of sensitive fuel cycle facilities and accept safeguards of the highest current standards including comprehensive safeguards and the Additional Protocol. Where the demarcation line between permitted R&D activities and renounced development and construction activities has to be drawn is a matter for further consideration. In voluntary MNAs involving facilities, the participating countries would presumably commit to carry out the related activities solely under the common MNA framework.

37. In reality, countries will enter into such multilateral arrangements according to the economic and political incentives and disincentives offered by these arrangements. A political environment of mutual trust and consensus among the partners - based on full compliance with the agreed nuclear non-proliferation obligations of the partners - will be necessary to the successful negotiation, creation and operation of an MNA.

38. Beyond this, a new binding international norm stipulating that sensitive fuel cycle activities are to be conducted exclusively in the context of MNAs and no longer as a national undertaking would amount to a change in the scope of Article IV of the NPT. The wording and negotiation history of this article emphasise the right of each party in good standing in the nuclear non-proliferation regime to maintain its national fuel cycle on the basis of its sovereign consideration. This right is not independent of the faithful abiding by the undertakings under Articles I and II. But if this condition is met, no legal barrier stands in the way of each State party to pursue all fuel cycle activities on a national basis. Waiving this right would thus change the "bargain" of the NPT.

39. Such a fundamental change is not impossible if the parties were to agree on it in a broader negotiating frame. For NNWS, such a new bargain can probably only be realised through universal principles applying to all States and after additional steps by the NWS regarding nuclear disarmament. In addition, a verifiable FM(G)T might also be one of the preconditions for binding multilateral obligations; such a treaty would terminate the right of any participating nuclear weapon States and non-NPT States to run reprocessing and enrichment facilities for nuclear explosive purposes and it would bring them to the same level - with regard to such activities - as non-nuclear weapon States. The new restrictions would apply to all States and facilities related to the technologies involved, without exception. At that time, multilateral arrangements could become a universal, binding principle. The question may also be raised as to what might be the conditions required by NWS and non-NPT States to commit to binding MNAs involving them.

Nuclear-weapon States and non-NPT States

40. Weapon-usable material (stocks and flows) and sensitive facilities that are capable of producing such material are located predominantly in the NWS and non-NPT States. The concerns raised previously for MNAs in NNWS do not all apply when an MNA would involve NNWS or non-NPT States. Yet, one of the questions here relates to the possibility that the nuclear material produced in an MNA could contribute to such a State's nuclear non-peaceful programme. This shows again the relevance of a FM(G)T.

41. The feasibility of bringing NNWS and non-NPT States into MNAs should indeed be considered at an early stage. As long as MNAs remain voluntary, nothing would preclude such States from participating in an MNA. In fact, France (in connection with the EURODIF arrangement) and the United Kingdom (in connection with Urenco) are examples of such participation. In transforming existing civilian facilities into MNAs subject to safeguards and security requirements, such States would demonstrate their support for non-proliferation and for peaceful international nuclear collaboration.

Enforcement

42. Eventually, the success of all efforts to improve the nuclear non-proliferation regime depends upon the effectiveness of compliance and enforcement mechanisms. Enforcement measures in case of non-compliance can be partially improved by MNAs' legal provisions, which will carefully specify a definition of what constitutes a violation, by whom such violations will be ruled on, and enforcement measures that could be directly applied by
the partners in addition to broader political tools.

43. Nevertheless, enhanced safeguards, MNAs, or new undertakings by States will not serve their full purpose if the international community does not respond with determination to serious cases of non-compliance, be it diversion, clandestine activities, or breakout. Responses are needed at all four levels, depending upon the specific case: the MNA partners of the non-compliant State; the IAEA; the States Parties to the NPT; and the UN Security Council. Where these do not currently exist, appropriate procedures and measures must be available and must be made use of at all four levels to cope with breaches and non-compliance instances, in order to unequivocally make clear that States violating treaties and arrangements should not be permitted to do so unimpeded.

Multilateral nuclear approaches: the future

44. Past initiatives for multilateral nuclear cooperation did not result in any tangible results. Proliferation concerns were perceived as not serious enough. Economic incentives were seldom strong enough. Concerns about assurances of supply were paramount. National pride also played a role, alongside expectations about the technological and economic spin-offs to be derived from nuclear activities. Many of those considerations may still be pertinent. However, the result of balancing those considerations today, in the face of a latent multiplication of nuclear facilities over the next decades and the possible increase in proliferation dangers may well produce a political environment more conducive to MNAs in the 21st century.

45. The potential benefits of MNAs for the non-proliferation regime are both symbolic and practical. As a confidence-building measure, multilateral approaches can provide enhanced assurance to the partners and to the international community that the most sensitive parts of the civilian nuclear fuel cycle are less vulnerable to misuse for weapon purposes. Joint facilities with multinational staff put all MNA participants under a greater degree of scrutiny from peers and partners and may also constitute an obstacle against a breakout by the host partner. They also reduce the number of sites where sensitive facilities are operated, thereby curbing proliferation risks, and diminishing the number of locations subject to potential thefts of sensitive material. Moreover, these approaches can even help in creating a better acceptance for the continued use of nuclear power and for nuclear applications, and enhance the prospects for the safe and environmentally sound storage and disposal of spent nuclear fuel and radioactive waste.

46. As far as assurances of supply are concerned, multilateral approaches could also provide the benefits of cost-effectiveness and economies of scale for whole regions, for smaller countries or for those with limited resources. Similar benefits have been derived in the context of other technology sectors, such as aviation and aerospace. However, the case to be made in favour of MNAs is not entirely straightforward. States with differing levels of technology, different degrees of institutionalisation, economic development and resources and competing political considerations may not all reach the same conclusions as to the benefits, convenience and desirability of MNAs. Some might argue that multilateral approaches point to the loss or limitation of State sovereignty and independent ownership and control of a key technology sector, leaving unfairly the commercial benefits of these technologies to just a few countries. Others might argue that multilateral approaches could lead to further dissemination of, or loss of control over, sensitive nuclear technologies, and result in higher proliferation risks.

47. In summary, the Expert Group on Multilateral Approaches for the Nuclear Fuel Cycle has reviewed the various aspects of the fuel cycle, identified a number of options for MNAs deserving further consideration, and noted a number of pros and cons for each of the options. It is hoped that the report of the Expert Group will serve as a building block, or as a milestone. It is not intended to mark the end of the road. MNAs offer a potentially useful contribution to meeting prevailing concerns about assurances of supply and non-proliferation.

48. The Group recommends that steps be taken to strengthen overall controls on the nuclear fuel cycle and the transfer of technology, including safeguards and export controls; the former by promoting universal adherence to Additional Protocols, the latter through a more stringent implementation of guidelines and a universal participation in their development.

49. In order to maintain momentum, the Group recommends that attention be given - by the IAEA Member States, by the IAEA itself, by the nuclear industry and by other nuclear organisations - to multilateral nuclear approaches in general and to the five approaches suggested below.

Five suggested approaches

The objective of increasing non-proliferation assurances associated with the civilian nuclear fuel cycle, while preserving assurances of supply and services around the world could be achieved through a set of gradually introduced multilateral nuclear approaches (MNA):

1. Reinforcing existing commercial market mechanisms on a case-by-case basis through long-term contracts and transparent suppliers’ arrangements with government backing. Examples would be: fuel leasing and fuel take-back offers, commercial offers to store and dispose of spent fuel, as well as commercial fuel banks.

2. Developing and implementing international supply guarantees with IAEA participation. Different models should be investigated, notably with the IAEA as guarantor of service supplies, e.g. as administrator of a fuel bank.

3. Promoting voluntary conversion of existing facilities to MNAs, and pursuing them as confidence-building measures, with the participation of NPT non-nuclear-weapon States and nuclear-weapon States, and non-NPT States.

4. Creating, through voluntary agreements and contracts, multinational, and in particular regional, MNAs for new facilities based on joint ownership, drawing rights or co-management for front-end and back-end nuclear facilities, such as uranium enrichment; fuel reprocessing; disposal and storage of spent fuel (and combinations thereof). Integrated nuclear power parks would also serve this objective.

5. The scenario of a further expansion of nuclear energy around the world might call for the development of a nuclear fuel cycle with stronger multilateral arrangements – by region or by continent - and for broader cooperation, involving the IAEA and the international community.

Excerpts from ‘In Larger Freedom: Towards Development, Security and Human Rights for All’: Report of the UN Secretary-General

[Reproduced from A/59/2005, 21 March 2005]

III. Freedom from fear

[... (eds.)

A. A vision of collective security

[...] (eds.)

80. In our globalized world, the threats we face are interconnected. The rich are vulnerable to the threats that attack the poor and the strong are vulnerable to the weak, as well as vice versa. A nuclear terrorist attack on the United States or Europe would have devastating effects on the whole world. But so would the appearance of a new virulent pandemic disease in a poor country with no effective health-care system.

[... (eds.)

82. We need to ensure that States abide by the security treaties they have signed so that all can continue to reap the benefit. More consistent monitoring, more effective implementation and, where necessary, firmer enforcement are essential if States are to have confidence in multilateral mechanisms and use them to avoid conflict.

[... (eds.)

84. We must act to ensure that catastrophic terrorism never becomes a reality. This will require a new global strategy, which begins with Member States agreeing on a definition of terrorism and including it in a comprehensive convention. It will also require all States to sign, ratify, implement and comply with comprehensive conventions against organized crime and corruption. And it will
require from them a commitment to take urgent steps to prevent nuclear, chemical and biological weapons getting into the hands of terrorist groups.

85. We must revitalize our multilateral frameworks for handling threats from nuclear, biological and chemical weapons. The threat posed by these weapons is not limited to terrorist use. The existence of multilateral instruments to promote disarmament and prevent proliferation among States has been central to the maintenance of international peace and security ever since those instruments were agreed. But they are now in danger of erosion. They must be revitalized to ensure continued progress on disarmament and to address the growing risk of a cascade of proliferation, especially in the nuclear field.

[..] (eds.)

B. Preventing catastrophic terrorism Transnational terrorism

87. Terrorism is a threat to all that the United Nations stands for: respect for human rights, the rule of law, the protection of civilians, tolerance among peoples and nations, and the peaceful resolution of conflict. It is a threat that has grown more urgent in the last five years. Transnational networks of terrorist groups have global reach and make common cause to pose a universal threat. Such groups profess a desire to acquire nuclear, biological and chemical weapons and to inflict mass casualties. Even one such attack and the chain of events it might set off could change our world forever.

[..] (eds.)

92. It is vital that we deny terrorists access to nuclear materials. This means consolidating, securing and, when possible, eliminating hazardous materials and implementing effective export controls. While the Group of Eight Major Industrialized Countries (G8) and the Security Council have taken important steps to do this, we need to make sure that these measures are fully enforced and that they reinforce each other. I urge Member States to cooperate, without delay, an international convention for the suppression of acts of nuclear terrorism.

[..] (eds.)

C. Nuclear, biological and chemical weapons

97. Multilateral efforts to bridle the dangers of nuclear technology while harnessing its promise are nearly as old as the United Nations itself. The Treaty on the Non-Proliferation of Nuclear Weapons, 35 years old this month, has proved indispensable; it has not only diminished nuclear peril but has also demonstrated the value of multilateral agreements in safeguarding international peace and security. But today, the Treaty has suffered the first withdrawal of a party to the Treaty and faces a crisis of confidence and compliance born of a growing strain on verification and enforcement. The Conference on Disarmament, for its part, faces a crisis of relevance resulting in part from dysfunctional decision-making procedures and the paralysis that accompanies them.

98. Progress in both disarmament and non-proliferation is essential and neither should be held hostage to the other. Recent moves towards disarmament by the nuclear-weapon States should be recognized. Bilateral agreements, including the 2002 Strategic Offensive Reductions Treaty signed by the United States and the Russian Federation, have led to the dismantlement of thousands of nuclear weapons, accompanied by commitments to further sharp reductions in stockpiles. However, the unique status of nuclear-weapon States also entails a unique responsibility, and they must do more, including but not limited to further reductions in their arsenals of non-strategic nuclear weapons and pursuing arms control agreements that entail not just dismantlement but irreversibility. They should also reaffirm their commitment to negative security assurances. Swift negotiation of a fissile material cut-off treaty is essential. The moratorium on nuclear test explosions must also be upheld until we can achieve the entry into force of the Comprehensive Nuclear Test-Ban Treaty. I strongly encourage States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to endorse these measures at the 2005 Review Conference.

99. The spread of nuclear technology has exacerbated a long-standing tension within the nuclear regime, arising from the simple fact that the technology required for civilian nuclear fuel can also be used to develop nuclear weapons. Measures to mitigate this tension must confront the dangers of nuclear proliferation but must also take into account the important environmental, energy, economic and research applications of nuclear technology. First, the verification authority of the International Atomic Energy Agency (IAEA) must be strengthened through universal adoption of the Model Additional Protocol. Second, while the access of non-nuclear weapon States to the benefits of nuclear technology should not be curtailed, we should focus on creating incentives for States to voluntarily forego the development of domestic uranium enrichment and plutonium separation capacities, while guaranteeing their supply of the fuel necessary to develop peaceful uses. One option is an arrangement in which IAEA would act as a guarantor for the supply of fissile material to civilian nuclear users at market rates.

100. While the Treaty on the Non-Proliferation of Nuclear Weapons remains the foundation of the non-proliferation regime, we should welcome recent efforts to supplement it. These include Security Council resolution 1540 (2004), designed to prevent non-State actors from gaining access to nuclear, chemical and biological weapons, technology and materials, and their means of delivery; and the voluntary Proliferation Security Initiative, under which more and more States are cooperating to prevent illicit trafficking in nuclear, biological and chemical weapons.

101. The availability of ballistic missiles with extended range and greater accuracy is of growing concern to many States, as is the spread of shoulder-fired missiles which could be used by terrorists. Member States should adopt effective national export controls covering missiles and other means of delivery for nuclear, biological and chemical weapons, rockets and shoulder-fired missiles, as well as a ban on transferring any of them to non-State actors. The Security Council should also consider adopting a resolution aimed at making it harder for terrorists to acquire or use shoulder-fired missiles.

[..] (eds.)

105. Indeed, the Security Council must be better informed on all matters relevant to nuclear, chemical and biological threats. I encourage the Council to regularly invite the Director-General of IAEA and the Director-General of the Organization for the Prohibition of Chemical Weapons to brief the Council on the status of safeguards and verification processes. And I myself stand ready, in consultation with the Director-General of the World Health Organization, to use my powers under Article 99 of the Charter of the United Nations to call to the attention of the Security Council any overwhelming outbreak of infectious disease that threatens international peace and security.

[..] (eds.)

Annex

For decision by Heads of State and Government

[..] (eds.)

II. Freedom from fear

6. In order to provide effective collective security in the twenty-first century, I urge Heads of State and Government to pledge concerted action against the whole range of threats to international peace and security, and in particular to:

(a) Affirm and commit themselves to implementing a new security consensus based on the recognition that threats are interlinked, that development, security and human rights are mutually interdependent, that no State can protect itself acting entirely alone and that all States need an equitable, efficient and effective collective security system; and therefore commit themselves to agreeing on, and implementing, comprehensive strategies for confronting the whole range of threats, from international war through weapons of mass destruction, terrorism, State collapse and civil conflict to deadly infectious disease, extreme poverty and the destruction of the environment;
(b) Pledge full compliance with all articles of the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological and

[Luxembourg, 25 April 2005]

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) The European Union continues to regard the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI of the NPT and an important element in the further development of nuclear energy applications for peaceful purposes.


(3) The United Nations Security Council unanimously adopted Resolution 1540 (2004), describing the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security.

(4) The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons with the task of examining the Treaty and the question of its extension adopted decisions on the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for that Treaty and a resolution on the Middle East.


(7) The Preparatory Committee for the 2005 NPT Review Conference held three sessions, from 8 to 19 April 2002 in New York; 28 April to 9 May 2003 in Geneva and 26 April to 7 May 2004 in New York.


(9) On 17 May 2004 the Council adopted Joint Action 2004/495/CFSP on support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.


(12) In the light of the outcome of the 2000 Review Conference and of the discussions at the three sessions of the Preparatory Committee for the NPT 2005 Review Conference, and bearing in mind the current situation, it is appropriate to update and develop further the objectives set out in Common Position 2000/297/CFSP, and the initiatives carried out under its terms, L 106/32 EN Official Journal of the European Union 27.4.2005

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the European Union shall be to strengthen the international nuclear non-proliferation regime by promoting the successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Article 2

For the purposes of the objective laid down in Article 1, the European Union shall:

(a) contribute to a structured and balanced review of the operation of the NPT at the 2005 Review Conference, including the implementation of undertakings of the States Parties under the said Treaty, as well as the identification of areas in which, and of means through which, further progress should be sought in future;

(b) help build a consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference, and shall bear in mind the current situation and shall promote inter alia the following essential issues, including:

1. undertaking efforts to preserve the integrity of the NPT and strengthen its implementation;

2. recognising that the NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing increased proliferation of nuclear weapons and for developing further a verification system guaranteeing that non-nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI thereof;

3. working towards universal access to the NPT;

4. stressing the absolute necessity of full compliance with all the provisions of the NPT by all States Parties;

5. calling on all States not party to the NPT to pledge commitments to non-proliferation and disarmament and calling on those States to become States Parties to the NPT as non-nuclear weapon States.

6. recognising that serious nuclear proliferation events have occurred since the end of the 2000 Review Conference;

7. stressing the need to strengthen the role of the UN Security Council, as final arbiter, in order that it can take appropriate action in the event of non-compliance with NPT obligations, in keeping with the Statute of the International Atomic Energy Agency (IAEA), including the application of safeguards;

8. drawing attention to the potential implications for international peace and security of withdrawal from the NPT. Urging the adoption of measures to discourage withdrawal from the said Treaty;

9. calling for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances;

10. calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the Resolution on the Middle East adopted at the 1995 Review and Extension Conference;

11. since security in Europe is linked to security in the Mediterranean, giving top priority to implementation of the nuclear non-proliferation regime in that region;

12. acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;

13. stressing the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the context of terrorism, and calling on States to become States Parties to the NPT as non-nuclear weapon States.

14. recognising the right of States Parties to the NPT to use nuclear energy for peaceful purposes, in accordance with Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture;

15. calling for universal access to the Comprehensive Safeguards Agreements and Additional Protocols;

16. recognising that Comprehensive Safeguards Agreements and Additional Protocols have a deterrent effect on nuclear proliferation and form today's verification standard, and continuing to work for increased detectability of any violations of Treaty obligations;

17. working for recognition by the IAEA Board of Governors that the conclusion of a Comprehensive Safeguards Agreement and an Additional Protocol is today's verification standard;

18. highlighting the IAEA's unique role in verifying States' compliance with their nuclear Non-proliferation commitments and helping them, on request, to tighten up the security of nuclear materials and installations, and calling on States to support the Agency;

19. recognising the importance of appropriate effective export controls, in compliance with Security Council Resolution 1540 (2004) and in accordance with Article 311.2 of the NPT;

20. implementing, at national level, effective export, transit, transshipment and re-export controls, including appropriate laws and regulations for that purpose;

21. enacting effective criminal sanctions to deter illegal export, transit, brokering, trafficking and related financing, in compliance with UNSC Resolution 1540 (2004);

22. urging the Zangger Committee and the Nuclear Suppliers Group to share their experience on export controls, so that all States can draw on the arrangements of the Zangger Committee and the Nuclear Suppliers Group (NSG) guidelines;

23. pointing out the need to strengthen the (NSG) Guidelines at an early date, to adapt them to new non-proliferation challenges;

24. calling on the States Parties to the Convention on the Physical Protection of Nuclear Material to work for rapid conclusion of an amended Convention;

25. recognising the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty;

26. underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calling upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments;

27. noting that the States Parties to the NPT, may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture;

28. urging the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions;

29. noting the report of the IAEA's expert group on national approaches to the nuclear fuel cycle and promoting an early start to its scrutiny by the IAEA;

30. stressing, while acknowledging the nuclear arms reductions which have taken place since the end of the cold war, the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT and welcoming, in this context, the ratification of the Moscow Treaty by the Russian Federation and the United States of America in 2002, while stressing the need for more progress in reducing their arsenals;

31. stressing the need to implement the declarations made by the Presidents of Russia and America in 1991 and 1992 on unilateral reductions in their stocks of nonstrategic nuclear weapons and calling on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination;

32. recognising application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;

33. recognising the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G8 World Partnership;
34. pursuing efforts to secure transparency, as a voluntary Confidence Building Measure to support further progress in disarmament;

35. since the Comprehensive Nuclear Test Ban Treaty (CTBT) forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, without conditions, calling on States, particularly those listed in Annex II, to sign and ratify the said Treaty without delay and without conditions and, pending the entry into force of the said Treaty, calling on all States to abstain by a moratorium and to refrain from any action contrary to the obligations and provisions of the said Treaty. Highlighting the importance of the work of the CTBT Organisation Preparatory Committee and actively supporting the work of the Special Representative of the States which have ratified the Treaty charged with promoting universal accession to the Treaty;

36. appealing again to the Disarmament Conference for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without pre-conditions, and bearing in mind the special coordinator's report and the mandate included therein and, pending entry into force of the said Treaty, calling on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU welcomes the action of those of the five nuclear-weapon States which have decreed the relevant moratorium;

37. calling on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war;

38. pursuing consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the NPT;

39. calling on nuclear-weapon States to reaffirm existing security assurances noted by the United Nations Security Council in Resolution 984(1995) and to sign and ratify the relevant protocols on nuclear-weaponfree zones, drawn up following the requisite consultations, recognising that Treaty-based security assurances are available to such zones;

40. stressing the need for general disarmament;

41. highlighting the importance of universal accession and implementation of the Biological and Toxins Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the conventions, measures and initiatives contributing to conventional arms control;

42. calling for universal accession to and effective implementation of the Hague Code of Conduct against Ballistic Missile Proliferation;

43. working for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes.

Article 3
Action taken by the European Union for the purposes of Article 2 shall comprise:

(a) where appropriate, demarches by the Presidency, pursuant to Article 18 of the Treaty on European Union, with a view to promoting the universality of the NPT;

(b) demarches by the Presidency, pursuant to Article 18 of the Treaty on European Union, with regard to States Parties to the NPT, in order to urge their support for the objectives set out in Article 2 of this Common Position;

(c) the pursuit of agreement by Member States on draft proposals on substantive issues for submission on behalf of the European Union for consideration by States Parties to the NPT which may form the basis for decisions of the NPT 2005 Review Conference;

(d) Statements by the European Union delivered by the Presidency in the General Debate and in the debates in the three Main Committees.

Declaration on Behalf of the European Union on the Priorities of the Union in View of Strengthening the International Nuclear Non-Proliferation Regime

[Nicolas Schmit, Minister Delegate of Foreign Affairs and Immigration, 2 May 2005]

Mr President,

I have the honour of speaking here today on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro, align themselves with this declaration.

Mr President,

I want first of all to congratulate you on behalf of the European Union on your unanimous election to the Chairmanship of the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Allow me to say how happy we are to see you chair this important conference. The EU is convinced that you will be able to bring this conference to a successful conclusion.

In the performance of this important and difficult task, the support, the cooperation, the confidence and the gratitude of the European Union are entirely yours.

Mr President,

The 2000 Review Conference was a success, and consensus was reached in spite of the fact that the Preparatory Committee, which met in 1999, did not reach an agreement on even the most basic questions, not even recommending the implementation of ancillary bodies to the 2000 Review Conference. The same situation came about during the 2004 Preparatory Committee, which was unable to formulate fundamental recommendations for the 2005 Review Conference.

As this was the case during the 2000 Review Conference, the European Union will do everything possible, in cooperation with all the partners, to ensure the success of the 2005 Review Conference.

Our conference coincides with the 60th anniversary of the nuclear bombings of Hiroshima and Nagasaki. The European Union recalls in this regard the preamble of the NPT, which states, and I quote, “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 addition, the European Union hopes that this Conference will help strengthen the framework of collective security established by the NPT. It is our utmost responsibility to put everything into place to attain this objective and make our world safer. Let us rise to this noble challenge!”

To guarantee and strengthen peace, security and stability at the international level, the NPT is an irreplaceable legally binding instrument. The EU emphasises that the Treaty remains both the cornerstone of the global nuclear non-proliferation regime and the essential foundation for pursuing nuclear disarmament under
Article VI, as well as being crucial to the development of peaceful applications for nuclear energy. We must not do anything that would risk damaging the integrity of the Treaty or that would compromise the essential balance it expresses. This is in our common interest and in the interest of peace, security and stability.

The EU wishes to contribute to the building of a consensus based on the established framework of the Treaty by supporting the decisions and the resolution adopted during the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference and by taking into account the current situation. In addition, the European Union considers that the recommendations made in the report of the Secretary General of the UN, and those in the report presented by the high-level panel on threats, challenges and change are useful and should be subjected to a detailed review, which should be taken into account in the framework of this conference.

Mr President,

The Heads of State and Government of the European Union adopted on December 2003 an EU strategy against the proliferation of weapons of mass destruction. This strategy is in line with the common position that the Council of the EU approved in November 2003 regarding the universalisation and the strengthening of the multilateral agreements in the area of non-proliferation of weapons of mass destruction and their delivery systems. We are convinced that the best means of guaranteeing peace and stability are to adopt a multilateral approach to international security, including disarmament and non-proliferation. This conviction is at the heart of the strategy I just mentioned.

Multilateralism is based on the principle of engagement and shared obligations, laid down in binding legal instruments, and on respect for obligations undertaken in the framework of multilateral agreements. It follows that all the states that are party to the NPT should honour their commitments and their obligations. The EU considers it to be of the utmost importance to bring about a policy that will create more respect for the Treaty. One such policy should be based on a system of effective guarantees that ensures that violations of the Treaty will be detected, thus discouraging the misuse of nuclear materials for the manufacture of nuclear weapons, and which is a credible instrument regarding missing materials and undeclared nuclear activities. In this context, the EU calls on the states that have not yet concluded a Full Scope Safeguards Agreement with the IAEA to do so without delay in order to meet their obligations under the Treaty.

Mr President,

A system of effective guarantees has been in place since 1997. It is a combination of Full Scope Safeguards Agreements and of the Additional Protocol to this agreement. For the EU, these two instruments are the current verification standard.

When the discovery of the clandestine military nuclear programme in Iraq during the 1991 Gulf War exposed the limits of the capacity of the IAEA in a country that has only a Full Scope Safeguards Agreement, the international community took the initiative to establish a new binding legal instrument to strengthen the system of guarantees. This initiative resulted in the adoption of the Additional Protocol in 1997.

It is a fact that the implementation of the Additional Protocol in a given country is an imperative element for allowing the IAEA to provide credible assurance that that country is not engaged in undeclared nuclear activities.

Currently 106 States Parties have not implemented any additional protocol. The EU calls on all the States Parties that have not put into effect an additional protocol to do so without delay in order to greatly strengthen confidence in respect for non-proliferation commitments. The EU requests that this conference recognise the Full Scope Safeguards Agreements and the Additional Protocols as the current verification standard for all States Parties.

Mr President,

The EU is determined to fight terrorism. This fight is both important and urgent, as we are tragically reminded by the terrorist attacks of the past few years. The EU strongly supports all measures to prevent terrorists from acquiring or developing nuclear, biological or chemical weapons and their delivery systems. This is why we have supported and viewed favourably the inclusion of an anti-terrorism provision in each export control regime. In addition, the EU firmly supports the action of the IAEA to counter this danger. We thus welcome the efforts made in other areas, such as the G8, to prevent terrorists and those who support them from acquiring or developing weapons of mass destruction, missiles and related equipment and technology. Effective measures must be taken to control the problem of misuse of the trafficking in materials that can be used to design, develop, manufacture or use nuclear, chemical and biological weapons and their delivery systems, as well as the participation of non-state actors in the proliferation of WMD. In this context, the EU recalls the important non-proliferation of WMD measures by which the member states of the United Nations are bound in accordance with resolution 1540 of the Security Council. The EU welcomes the unanimous adoption by the General Assembly of the United Nations of the International Convention for the Suppression of Acts of Nuclear Terrorism. The EU hopes that this Convention will be signed and ratified as quickly as possible by all the states.

Mr President,

As regards security, it is not just the risk of regional conflict that is aggravated, but the threat of the proliferation of weapons of mass destruction and their delivery systems is also increased. In this context, the EU notes with great concern that certain non-nuclear States Parties to the Treaty do not always respect their non-proliferation obligations.

The European Union deplores that the Democratic People's Republic of Korea announced in January 2003 its intention to withdraw from the NPT. We continue to encourage it to again fully respect its international obligations regarding non-proliferation incumbent upon it under the Treaty and in accordance with its guarantees with the IAEA. All clandestine nuclear weapons programmes must be completely, verifiably and irreversibly dismantled. The EU reiterates that it is firmly resolved to contribute to finding a peaceful, negotiated solution to the North Korean nuclear problem; it hopes that the dialogue undertaken in the framework of the six-party talks will be restarted without delay. North Korea's announcement of its intention to withdraw from the Treaty is an unprecedented challenge. This event has provoked debate on the implementation of article X of the Treaty, on which the High-Level Panel of the United Nations and the Director General of the IAEA have made themselves heard. The EU considers that the review conference must seriously address the question of withdrawal.

The European Union is united in its determination to prevent Iran from gaining access to military nuclear capabilities and to see the proliferating implications of its nuclear programme resolved. It fully supports the negotiations underway between France, the United Kingdom and Germany, with the full participation of the Secretary General of the Council, the High Representative of the CFSP, and Iran, on the basis of the Paris Convention of 15 November 2004. The European Union notes that Iran signed the Additional Protocol, especially for resolving pending questions. The European Union welcomes Iran's commitment to suspend all activities related to the enrichment and reprocessing of uranium, under the control of the IAEA. The European Union calls on Iran to fully and in good faith respect all of its international commitments, as well as to furnish the international community with objective guarantees that its nuclear programme is exclusively for peaceful use by stopping development and operation of its fissile materials production capacities. It is up to Iran to rebuild confidence. The European Union calls on Iran to strictly respect the Paris Convention of 15 November 2004 and the relevant resolutions of the IAEA Board of Governors, in particular the suspension of all enrichment and reprocessing activities, as provided for in the Paris Convention.

On 19 December 2003, Libya announced its decision to eliminate all materials, equipment and programmes involved in the production of weapons of mass destruction and their delivery systems. All the states welcome the fact that Libya has opened its nuclear weapons programme to IAEA inspections, that it has undertaken to cooperate with the Agency, that it has ratified the Comprehensive Nuclear Test Ban Treaty (CTBT), that it has signed an Additional Protocol with the IAEA and that it has decided to implement it. The international community views with approval the dismantling of Libya's programme as a particularly positive precedent and as an example to be followed by others.
The EU emphasises the importance of continuing international cooperation in the implementation of the Treaty. These countries can use nuclear energy for the peaceful uses of nuclear energy and cooperation in that area. We call on these states to adopt and implement all measures necessary to honour these commitments. We are also pleased with the fact that the planned global dialogue announced between India and Pakistan will also address confidence-building measures in nuclear matters. The EU calls on India and Pakistan to apply a moratorium on the production of fissile material used for the manufacture of nuclear weapons, and to sign and ratify the CTBT, which would prove to be a vitally important confidence-building measure.

The EU continues to be committed to the implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We are also calling on all the states in the region that have not yet done so to join the NPT, but to also join the Chemical Weapons Convention and the Biological Weapons Convention. The EU is asking the states of the region to make a commitment to create a zone free of weapons of mass destruction and their delivery systems, as outlined by United Nations Security Council Resolution 687, including an effective verification system. In seeking to achieve this objective, and after the recent revelations, it is essential that the states of the region comply strictly with the commitments they have made. We consider that the entire international community should place priority on having all the States of the region conclude general guarantees with the IAEA and additional protocols, which would be a decisive contribution to a general strengthening of security and confidence in the Middle East.

The EU is pleased that, since the end of the Cold War, the arms race between the former USSR and the United States has ended. There have been major reductions in strategic and non-strategic nuclear arsenals and their delivery systems, so that the EU is expecting further systematic and gradual efforts toward nuclear disarmament.

The EU is also pleased that many production facilities for nuclear material to be used in nuclear weapons have been closed and dismantled. Four of the five states that possess nuclear weapons have moratoria in effect on the production of these fissile materials. The EU is asking China to join the other states with nuclear weapons to decree a moratorium on the production of fissile material to be used for nuclear weapons and other nuclear explosive devices and to refrain from expanding its nuclear arsenal.

In terms of nuclear disarmament, the EU recognises the importance of programmes to destroy and eliminate nuclear weapons and to eliminate fissile material that exceed defence needs in the context of the G8 Global Partnership.

The EU welcomes the conclusion of the Moscow Treaty, which entered into force on 1 June 2003. According to this Treaty, the United States and the Russian Federation will reduce the number of their strategic nuclear warheads deployed under operational conditions to a number between 1,700 and 2,200 by 31 December 2012. This is an important step in the context of international security and a contribution to the international community’s nuclear disarmament and non-proliferation efforts. In this context, the principles of irreversibility, transparency and verifiability retain their full importance. The EU expects further reductions in the Russian and American arsenals.

The subject of non-strategic nuclear weapons appears in the final document of the 2000 Review Conference, and the reduction in the number of these weapons is an integral part of control and nuclear disarmament measures. We await expectantly the honouring of the declarations made by the U.S. and Russian presidents in 1991-1992 regarding the unilateral reduction of their inventories of tactical, nuclear weapons and the commitments made by the respective states at the 2000 Review Conference. We encourage all these states to open negotiations that aim to conclude an agreement that is effectively verifiable with regard to successfully reducing the number of these weapons as much as possible.

Mr President,

We are pleased with the adherence of Cuba to the Treaty in 2002 and East Timor in 2003. Cuba’s adherence to the NPT and the Tlatelolco Treaty has made it possible to complete the nuclear-weapon-free zone in Latin America and the Caribbean. The EU Member States continue to place great importance on making the NPT universal and on the universal observance of the Treaty’s provisions. In this respect, we regret that three countries, namely India, Israel and Pakistan, remain outside the Treaty. In accordance with the EU common position on universalisation and strengthening multilateral agreements in the area of the non-proliferation of weapons of mass destruction and their delivery systems, adopted in November 2003, we continue to call on them to join the NPT without reservation as states not in possession of nuclear weapons.

The EU continues to monitor developments in the situation in South-East Asia. We note that India and Pakistan have decreed a moratorium on nuclear testing and that they have agreed to participate in the negotiation of a Treaty banning the production of fissile material for the manufacture of nuclear weapons and other nuclear explosive devices. We call on these states to adopt and implement all measures necessary to honour these promises. We are also pleased with the fact that the planned global dialogue announced between India and Pakistan will also address confidence-building measures in nuclear matters. The EU calls on India and Pakistan to apply a moratorium on the production of fissile material used for the manufacture of nuclear weapons, and to sign and ratify the CTBT, which would prove to be a vitally important confidence-building measure.

The EU continues to be committed to the implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We are also calling on all the states in the region that have not yet done so to join the NPT, but to also join the Chemical Weapons Convention and the Biological Weapons Convention. The EU is asking the states of the region to make a commitment to create a zone free of weapons of mass destruction and their delivery systems, as outlined by United Nations Security Council Resolution 687, including an effective verification system. In seeking to achieve this objective, and after the recent revelations, it is essential that the states of the region comply strictly with the commitments they have made. We consider that the entire international community should place priority on having all the States of the region conclude general guarantees with the IAEA and additional protocols, which would be a decisive contribution to a general strengthening of security and confidence in the Middle East.

The EU is pleased that, since the end of the Cold War, the arms race between the former USSR and the United States has ended. There have been major reductions in strategic and non-strategic nuclear arsenals and their delivery systems, so that the EU is expecting further systematic and gradual efforts toward nuclear disarmament.

The EU is also pleased that many production facilities for nuclear material to be used in nuclear weapons have been closed and dismantled. Four of the five states that possess nuclear weapons have moratoria in effect on the production of these fissile materials. The EU is asking China to join the other states with nuclear weapons to decree a moratorium on the production of fissile material to be used for nuclear weapons and other nuclear explosive devices and to refrain from expanding its nuclear arsenal.

In terms of nuclear disarmament, the EU recognises the importance of programmes to destroy and eliminate nuclear weapons and to eliminate fissile material that exceed defence needs in the context of the G8 Global Partnership.

The EU welcomes the conclusion of the Moscow Treaty, which entered into force on 1 June 2003. According to this Treaty, the United States and the Russian Federation will reduce the number of their strategic nuclear warheads deployed under operational conditions to a number between 1,700 and 2,200 by 31 December 2012. This is an important step in the context of international security and a contribution to the international community’s nuclear disarmament and non-proliferation efforts. In this context, the principles of irreversibility, transparency and verifiability retain their full importance. The EU expects further reductions in the Russian and American arsenals.

The subject of non-strategic nuclear weapons appears in the final document of the 2000 Review Conference, and the reduction in the number of these weapons is an integral part of control and nuclear disarmament measures. We await expectantly the honouring of the declarations made by the U.S. and Russian presidents in 1991-1992 regarding the unilateral reduction of their inventories of tactical, nuclear weapons and the commitments made by the respective states at the 2000 Review Conference. We encourage all these states to open negotiations that aim to conclude an agreement that is effectively verifiable with regard to successfully reducing the number of these weapons as much as possible.

Mr President,

We stress the importance of international cooperation to eliminate weapons of mass destruction. The EU and its Member States...
support the G8 global partnership without reservation and are
contributing actively to this partnership which works effectively to
promote disarmament and the non-proliferation of weapons of
mass destruction and their delivery systems. The European Union is
determined to pursue its cooperation programmes that strive for non-proliferation and disarmament. We consider that reducing the threat through cooperation is an effective instrument for nuclear disarmament and non-proliferation. At this time, we are seriously considering expanding the EU's programmes in this area.

Mr President,

The EU regrets the current deadlock in the Disarmament Conference and is convinced that, in view of the new threats to peace and security, this stalemate should end as quickly as possible. The EU intends to work actively to have consensus emerge on the work programme at the conference and, in this regard, is pleased that new ideas have been put forward over the past few years. We appreciate these efforts that aim to encourage consensus on a work programme. In the context of the NPT, the resumption of the conference's substantive work is particularly important with regard to the negotiations on a Treaty to ban the production of fissile material for nuclear weapons.

The EU's policy objective is to reach an international agreement on banning the production of fissile material for the manufacture of weapons and other nuclear explosive devices. The EU attaches special importance to the negotiation of a non-discrimination treaty, universal in scope, that bans the production of such fissile material with a precondition and that keeps in mind the report of the special coordinator, including the mandate, which would strengthen both nuclear non-proliferation and disarmament and, as a result, international security.

To date, 175 states have signed the Comprehensive nuclear Test Ban Treaty (CTBT), and 120 of them have ratified it. The EU notes that it places the utmost importance on having the CTBT enter into force as soon as possible. We ask all the states that have not yet done so, and in particular those listed in Appendix II of the Treaty, whose ratification is necessary for the Treaty to enter into force, to sign and ratify the Treaty without delay and without condition. In this respect, we are pleased that Algeria and the Democratic Republic of the Congo recently ratified the CTBT, which brings us closer to both its universalisation and its entry into force. Pending the entry into force of the CTBT, the EU strongly encourages all the states to observe a moratorium and to refrain from any measure that would be in conflict with the obligations and provisions of the CTBT. The EU, which is working vigorously to promote universal adherence to the CTBT, was actively involved in the work of the conference in Vienna in September 2003 to facilitate the entry into force of the Comprehensive Test Ban Treaty. We take advantage of this opportunity to praise the work done by the provisional secretariat of the CTBTO (Comprehensive Test Ban Treaty Organisation) under the direction of Mr Wolfgang Hoffmann, and to welcome the appointment of Mr Tibor Toth as Executive Secretary of the Preparatory Commission of the CTBTO.

Mr President,

The EU recognises the ongoing great value of the existing security guarantees that are legally binding and made in the context of the Protocols to the Treaties establishing nuclear-weapon-free zones and the unilateral statements made by the states that possess nuclear weapons to the NPT Member States that do not possess nuclear weapons, on the use and threat of use of nuclear weapons, outlined by Resolution 984/1995 of the Security Council and reaffirmed at the 2000 Review Conference. The EU's strategy for weapons of mass destruction indicates that security guarantees, positive and negative, can play an important role in the NPT regime. They can encourage countries to refrain from acquiring WMDs and can also have a deterrent effect. In the context of our strategy on WMDs, we are resolved to encourage the continuation of the review of the security guarantees.

Mr President,

To help achieve consensus at our Review Conference, the Council of the European Union has adopted a common position with regard to the 2005 NPT Review Conference. The Council of the EU has identified a number of items that seem fundamental to us and that cover the NPT's three pillars: non-proliferation, disarmament, and the peaceful use of nuclear energy. I will not read them aloud, but they are written out in full at the end of the written version of my address, which is being made available to you. I would ask you kindly to review them:

1. Make efforts to preserve the integrity of the NPT and to strengthen its implementation;
2. Recognise that the NPT is a unique and irreplaceable multilateral instrument for maintaining and strengthening international peace, security and stability, in that it sets forth the legal framework for preventing further proliferation of nuclear weapons, for further developing the verification system ensuring that nuclear energy is used exclusively for peaceful purposes by the states that do not possess nuclear weapons and that it is the essential basis for continuing nuclear disarmament in compliance with article VI of the NPT;
3. Work to promote the universalisation of the NPT;
4. Stress the absolute necessity of ensuring full compliance with all the NPT's provisions by all states party to the Treaty;
5. Call on all states that are not party to the NPT to make non-proliferation and disarmament commitments and to call on these states so that they become party to the NPT as states not in possession of nuclear weapons;
6. Recognise that since the conclusion of the 2000 Review Conference, serious events have occurred regarding nuclear proliferation;
7. Stress the necessity of strengthening the role of the United Nations Security Council as final arbiter so that it may take appropriate action for non-compliance with the obligations under the NPT in accordance with the statutes of the International Atomic Energy Agency (IAEA), including the application of guarantees;
8. Point out the possible implications of a withdrawal from the NPT for international peace and security. Urge the adoption of measures to discourage withdrawals from the Treaty;
9. Request the suspension of nuclear cooperation with a state when the IAEA is unable to give sufficient assurances that this state's nuclear programme is intended exclusively for peaceful purposes and continue the suspension until the agency is able to do so;
10. Call on the states of the region to establish a nuclear-weapon-free zone in the Middle East, including other weapons of mass destruction and their delivery systems, effectively verifiable, in accordance with the Middle East Resolution of the 1995 Review and Extension Conference;
11. Since security in Europe is linked to security in the Mediterranean, give priority to the implementation of the nuclear non-proliferation regime in this region;
12. Recognise the importance of nuclear-weapon-free zones for peace and security based on arrangements freely made among the states of the region in question;
13. Emphasise the necessity of doing everything to prevent the risk of nuclear terrorism linked to possible access by terrorists to nuclear weapons or nuclear material that could be used in the manufacture of devices for radiological dispersion and, in this context, underscore the necessity of observing the obligations arising from Security Council Resolution 1540 (2004). Call for bolstering the security of high-activity radioactive sources. In this respect, support the work of the G8 and the IAEA;
14. In light of the heightened threat of nuclear proliferation and terrorism, recognise that the global initiative to reduce threats and the G8's global partnership initiative are to be approved;
15. Call for the universalisation of general guarantee agreements and additional protocols;
16. Recognise that general guarantee agreements and additional protocols have a deterrent effect on nuclear proliferation and are
today’s verification standard, and continue to work for improved detectability of possible violations of NPT obligations;

17. Work to have the IAEA’s Council of Governors recognise that the conclusion of an agreement of general guarantees and an additional protocol is the verification standard today;

18. Emphasise the unique role that the IAEA plays in verifying the observance by states of their nuclear non-proliferation commitments and, upon request, help them strengthen the security of nuclear material and facilities and call on the states to support the agency;

19. Recognise the importance of effective and appropriate export controls in compliance with Security Council Resolution 1540 (2004) and in accordance with NPT article III, paragraph 2;

20. On the national level, implement effective controls for exports, transit, transshipment and re-export, as well as laws and regulations appropriate for this purpose;

21. Implement effective deterrent criminal sanctions to prevent illegal export, transit and brokerage, trafficking, and related financing in accordance with Security Council Resolution 1540 (2004);

22. Encourage the Zangger Committee and the Nuclear Supplier Group to share their experiences in the area of export control so that all the states may draw inspiration from the Zangger Committee’s arrangements and the Nuclear Supplier Group (NSG) guidelines;

23. Point out the necessity of promptly strengthening the NSG guidelines in order to adapt them to the new challenges of non-proliferation;

24. Call on the states that are party to the convention on the physical protection of nuclear material to work toward a rapid conclusion of the amended convention;

25. Recognise that the states that are party to the NPT have the right to nuclear energy for peaceful purposes in accordance with article IV of the Treaty and in observance of articles I, II and III of the Treaty;

26. Emphasise the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiation protection, and call on the states that have not already done so to adhere to all the relevant conventions as soon as possible and to fully implement their obligations arising from those conventions;

27. Note that the states party to the NPT, in accordance with article IV, may use nuclear energy for peaceful purposes, including the generation of electricity, industry, health and agriculture;

28. Encourage the formulation of guarantees for access to services related to nuclear fuel, or to this fuel itself, under appropriate conditions;

29. Make note of the report of the IAEA’s group of experts on multinational approaches to the nuclear fuel cycle and promote the prompt start of its review in the IAEA;

30. While recognising that there has been a reduction in nuclear weapons since the end of the Cold War, stress the necessity of an overall reduction of nuclear arsenals in the continuation of systematic and gradual efforts to achieve nuclear disarmament under article VI of the NPT and, in this context, salute the ratification in 2003 of the Moscow Treaty by the Russian Federation and the United States of America, while still emphasising the necessity of making further progress in the reduction of their arsenals;

31. Highlight the necessity of implementing the 1991-1992 statements of the presidents of Russia and the United States on the unilateral reductions of their inventories of non-strategic nuclear weapons and call on all the states that possess non-strategic nuclear weapons to include them, in order to reduce and eliminate them, in their general arms control and disarmament processes;

32. Recognise the application of the irreversibility principle to guide all measures in the area of nuclear disarmament and arms control as a contribution to keeping and strengthening international peace, security and stability, in view of these conditions;

33. From a nuclear disarmament standpoint, recognise the importance of programmes to destroy and eliminate nuclear weapons and to eliminate fissile material as set forth in the G8 global partnership;

34. Pursue transparency efforts which serve as voluntary confidence-building measures that foster the achievement of new progress in the area of disarmament;

35. Since the Comprehensive Test Ban Treaty (CTBT) comprises an essential share of the nuclear disarmament and non-proliferation regime, and for its entry into force as soon as possible and without condition, call on the states, in particular those listed in appendix II, to sign and ratify the treaty without delay and without condition and, pending the entry into force, call on all the states to apply a moratorium and to refrain from any action that conflicts with the treaty’s obligations and provisions. Emphasise the importance of the work done by the Preparatory Commission of the Comprehensive Test Ban Treaty Organisation and actively support the work of the Special Representative of the states that have ratified the Treaty, as the Representative has the task of promoting universal adherence to this Treaty;

36. Issue another appeal to the disarmament conference in order to immediately begin and conclude as quickly as possible a non-discriminating universally applicable treaty that bans the production of fissile material for the manufacture of nuclear weapons or other nuclear explosive devices, without preconditions, and keeping in mind the report of the special coordinator, including the mandate, pending the entry into force of treaty, call on all the states to declare and maintain a moratorium on the production of fissile material for the manufacture of nuclear weapons or other nuclear explosive devices. The EU applauds the action of the five states that possess nuclear weapons and that have decreed a moratorium in this regard;

37. Call on all the relevant states to take appropriate practical measures to reduce the risk of accidental nuclear war;

38. Continue the review of the issue of security assurances for states that do not have nuclear weapons but are party to the NPT;

39. Call on the states with nuclear weapons to reaffirm the existing security assurances outlined by the United Nations Security Council in Resolution 984 (1995) and to sign and ratify the relevant protocols on the nuclear-weapon-free-zones, prepared after the required consultations have been completed, recognising that these zones enjoy security assurances in the form of treaties;

40. Emphasise the necessity of general disarmament;

41. Highlight the importance of the universalisation and the implementation of the Biological and Toxins Weapons Convention (BTWC), the Chemical Weapons Convention (CWC), and conventions, measures and initiatives that contribute to the control of conventional weapons;

42. Call for the universalisation and effective application of The Hague Code of Conduct against ballistic missile proliferation;

43. Work to solve regional problems of instability and insecurity as well as conflict situations that are often the source of many weapons programmes.

Mr President,

In conclusion, the EU is convinced that by giving a framework of security and stability to all the states, the NPT is making a decisive contribution to the cause of peace. Compliance by all the Parties with the obligations incumbent on them in the Treaty is the essential condition for preserving collective security over the coming decades.

Thank you, Mr President.

*Croatia continues to participate in the stabilisation and association process.*
The proliferation of weapons of mass destruction, their means of delivery and related materials constitutes a threat to international peace and security. This global threat has been addressed by the international community through multilateral legal instruments such as the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention. However, the elaboration of, adherence to, and the national implementation of such instruments is far from providing a universal and fool-proof net for preventing the proliferation of nuclear, biological and chemical weapons, their means of delivery and related materials.

With resolution 1540 (2004), the Security Council adopted the first international instrument that deals with weapons of mass destruction, their means of delivery and related materials in an integrated and comprehensive manner. It establishes binding obligations for all States regarding non-proliferation and is aimed at preventing and deterring illicit access to such weapons and weapon-related materials. The resolution requests all States to report on measures they have taken or intend to take to implement the obligations under the resolution.

As at 20 April 2006, 129 States Members of the United Nations and one organization* have submitted first national reports to the Committee established pursuant to resolution 1540 (2004); 62 Member States have yet to submit their first report. In response to the examination of the first national reports by the Committee, 79 States provided additional information.

The present report builds on the examination of data submitted in the national reports, the additional information provided by States and the information available in a legislative database developed by the Committee containing national laws and regulations. It provides detailed recommendations with a view to enabling the Security Council to further monitor the implementation of resolution 1540 (2004), as well as enabling States to continue fulfilling the requirements under the resolution.

**Monitoring the implementation**

Developing, updating and enacting national laws and other measures to prevent the proliferation of and to prohibit access to weapons of mass destruction, their means of delivery and related materials, as well as to prohibit access of non-State actors to such items is an ongoing process that may not always have immediate results. The reasons may lie in the lack of capacity, different national priorities and time-consuming inter-agency and parliamentary procedures. Monitoring the implementation of resolution 1540 (2004), however, is a prerequisite to identifying the gaps that exist and to assisting States in meeting the implementation requirements under the resolution. To address this:

1. The mandate of the Committee should be extended for another two years.
2. If its mandate is extended, the Committee should pursue a work programme covering a 12-month period, which would include all of the elements detailed in paragraph 136 of the present report, as opposed to the 3-month period its work programmes have covered in the past.
3. States should provide additional information on national implementation as an ongoing process.

**Outreach activities**

Taking into account the fact that 62 States have yet to submit their first national report, of which 55 are in three geographical areas, and the gaps in the national reports that follow certain regional patterns, activities to assist States in meeting the implementation requirements of the resolution should concentrate on regions and areas where specific needs were identified. To address this:

Regional and subregional outreach activities should be widened and intensified with a view to providing in a structured manner guidance to States for implementing the obligations under the resolution.

Assistance

The reasons for not submitting national reports as well as for the gaps in national implementation result in part from insufficient understanding, lack of capacity, and different national priorities. Without counting the non-submitting States, 32 States requested assistance in their national reports for implementing resolution 1540 (2004) and 46 States offered assistance in that regard. To address this:

1. Both States making offers of and States making requests for assistance should take a proactive approach on a bilateral basis, including making use of offers by international organizations.
2. States should be encouraged to make use of background information provided through the legislative database developed by the Committee as well as legislative advice provided by international organizations, when enacting national laws and measures.
3. National practices in implementing resolution 1540 (2004) should continue to be identified with a view to providing further general guidance, upon request, to States that are seeking legislative assistance in implementing the resolution.

**Implementation plans**

States might not have the full capacity or might at present consider that they do not have a need to enact specific legislation controlling all or some of the weapons of mass destruction, their means of delivery and related materials covered by the resolution on the grounds that they do not now have such materials within their territories. However, inasmuch as this is a direct and binding requirement of the resolution, all States must take steps to enact and enforce the appropriate legislative measures. This is also prudent since States may not possess materials, but their territories may still be used as part of the proliferation pathway. To address this:

States should be encouraged to provide additional information on national implementation as an ongoing process, including for instance a road map or an action plan for addressing remaining measures to be taken to fully implement the resolution, taking into account the analysis provided by the Committee.

* European Union.
materials related to weapons of mass destruction. Although there exist distinct challenges for controlling the peaceful use of each type of hazardous material, United Nations organizations like the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons have been working with Member States to address these challenges. That vital work must be strengthened.

49. Equally, States should reinforce existing non-proliferation mechanisms and create effective tools to prevent the proliferation of weapons of mass destruction and missiles, consistent with relevant international treaties. As stressed, inter alia, in the Riyadh Declaration adopted at the Counter-Terrorism International Conference held in February 2005, there is, inter alia, a need to strengthen international measures to prevent terrorists from acquiring weapons of mass destruction and to support the role of the United Nations in this respect. States must fully implement Security Council resolution 1540 (2004) by enacting and enforcing effective national legal and regulatory measures to prevent non-State actors from acquiring weapons of mass destruction. I also urge Member States to take steps specified in General Assembly resolution 60/78 on measures to prevent terrorists from acquiring weapons of mass destruction and resolution 60/73 on preventing the risk of radiological terrorism.

50. A majority of States have reported to the Security Council Committee established pursuant to resolution 1540 (2004) on the status of their planned steps in fulfilling the resolution’s requirements, including those pertaining to domestic and export controls and contributions to international cooperation. Yet, as at 19 April 2006, 62 States had not yet reported to the Committee. I urge them to do so without delay. Those reports help to identify and close gaps in the system that terrorists might exploit.

51. The recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which aims to assist States in thwarting terrorist groups possessing nuclear material and in post-crisis situations by rendering the nuclear material safe in accordance with safeguards provided by IAEA, is a major advance in multilateral efforts to prevent nuclear terrorism. I call on all States to become parties to it and implement it fully. The same applies to the amended Convention on the Physical Protection of Nuclear Material. I also commend the Global Threat Reduction Initiative and the beneficial work that it has brought about.

[...eds.]

7. Strengthening State capacity to prevent terrorists from acquiring nuclear, biological, chemical, or radiological materials, and ensuring better preparedness for an attack with such materials

87. The International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons have been active in helping States to build capacity to prevent terrorists from accessing nuclear, biological, chemical or radiological materials, and to respond effectively in the event of an attack using such materials. I urge them to work together to identify and address any gaps in this area.

88. In addition, I suggest that Member States examine the possibility of asking the Security Council to promote facilitation of technical assistance to counter terrorist development, acquisition, and use of weapons of mass destruction, through the Counter-Terrorism Committee Executive Directorate and the group of experts who assist the Committee established pursuant to resolution 1540 (2004). In addition, the General Assembly and the Security Council may wish to consider adopting a resolution calling on all States to provide the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction. It may also be necessary to develop or review guidelines for Member States on their response to such an attack, in particular steps to report it and to request international assistance

[...eds.]

91. Overall, the United Nations must improve coordination in planning a response to a terrorist attack using weapons of mass destruction. In particular, it will be necessary to review and improve the effectiveness of the existing inter-agency coordination mechanism for assistance delivery and relief operations, including risk assessment, emergency response and crisis management, and victim support, as well as emergency recovery plans, so that all States can receive adequate assistance. The United Nations humanitarian response mechanisms are available in case terrorist attacks have major humanitarian implications and international assistance is required. Several reform initiatives are already under way that would strengthen the ability of the humanitarian community to respond rapidly and effectively to humanitarian emergencies in general.

[...] eds.)

UN Security Council Resolution 1673
[Reproduced from S/RES/1673 (2006), adopted 27 April 2006]

The Security Council,

Having considered the report of the Security Council Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee (S/2006/257), and reaffirming its resolution 1540 (2004) of 28 April 2004,

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Endorsing the work already carried out by the 1540 Committee, particularly in its consideration of the national reports submitted by States pursuant to resolution 1540 (2004),

Recalling that not all States have presented to the 1540 Committee their reports on the steps they have taken or intend to take to implement resolution 1540 (2004),

Reaffirming its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

Noting that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure the implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

Acting under Chapter VII of the Charter of the United Nations,

1. Reiterates its decisions in and the requirements of resolution 1540 (2004) and emphasizes the importance for all States to implement fully that resolution;

2. Calls upon all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the 1540 Committee without delay;

3. Encourages all States that have submitted such reports to provide, at any time or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004);

4. Decides to extend the mandate of the 1540 Committee for a period of two years, with the continued assistance of experts, until 27 April 2008;

5. Decides that the 1540 Committee shall intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through a work programme which shall include the compilation of information on the status of States’ implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation, and which shall address in particular all aspects of paragraphs 1 and 2 of that resolution, as well as of paragraph 3 which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such export and trans-shipment, and in that regard:

(a) encourages the pursuit of the ongoing dialogue between the 1540 Committee and States on the full implementation of
resolution 1540 (2004), including on further actions needed from States to that end and on technical assistance needed and offered;

(b) invites the 1540 Committee to explore with States and international, regional and subregional organizations experience-sharing and lessons learned in the areas covered by resolution 1540 (2004), and the availability of programmes which might facilitate the implementation of resolution 1540 (2004);

6. Decides that the 1540 Committee will submit to the Security Council a report no later than 27 April 2008 on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements;

7. Decides to remain seized of the matter.


[Stockholm, Sweden, 1 June 2006]

WHY ACTION IS NECESSARY

- Nuclear, biological and chemical arms are the most inhumane of all weapons. Designed to terrify as well as destroy, they can, in the hands of either states or non-state actors, cause destruction on a vastly greater scale than any conventional weapons, and their impact is far more indiscriminate and long-lasting.

- So long as any state has such weapons – especially nuclear arms – others will want them. So long as any such weapons remain in any state’s arsenal, there is a high risk that they will one day be used, by design or accident. Any such use would be catastrophic.

- Notwithstanding the end of the Cold War balance of terror, stocks of such weapons remain extraordinarily and alarmingly high: some 27,000 in the case of nuclear weapons, of which around 12,000 are still actively deployed.

- Weapons of mass destruction cannot be uninvented. But they can be outlawed, as biological and chemical weapons already have been, and their use made unthinkable. Compliance, verification and enforcement rules can, with the requisite will, be effectively applied. And with that will, even the eventual elimination of nuclear weapons is not beyond the world’s reach.

- Over the past decade, there has been a serious, and dangerous, loss of momentum and direction in disarmament and non-proliferation efforts. Treaty making and implementation have stalled and, as a new wave of proliferation has threatened, unilateral enforcement action has been increasingly advocated.

- In 2005 there were two loud wake-up calls in the failure of the NPT Review Conference and in the inability of the World Summit to agree on a single line about any WMD issue. It is critical for those calls to be heeded now.

WHAT MUST BE DONE

The Weapons of Mass Destruction Commission makes many specific and detailed recommendations throughout its report (see Annex 1 for a consolidated list). The most important of them are summarized below.

1 Agree on general principles of action

- Disarmament and non-proliferation are best pursued through a cooperative rule-based international order, applied and enforced through effective multilateral institutions, with the UN Security Council as the ultimate global authority.

- There is an urgent need to revive meaningful negotiations, through all available intergovernmental mechanisms, on the three main objectives of reducing the danger of present arsenals, preventing proliferation, and outlawing all weapons of mass destruction once and for all.

- States, individually and collectively, should consistently pursue policies designed to ensure that no state feels a need to acquire weapons of mass destruction.

- Governments and relevant intergovernmental organizations and nongovernment actors should commence preparations for a World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction to generate new momentum for concerted international action.

2 Reduce the danger of present arsenals: no use by states – no access by terrorists

- Secure all weapons of mass destruction and all WMD-related material and equipment from theft or other acquisition by terrorists.

- Take nuclear weapons off high-alert status to reduce the risk of launching by error; make deep reductions in strategic nuclear weapons; place all non-strategic nuclear weapons in centralized storage; and withdraw all such weapons from foreign soil.

- Prohibit the production of fissile material for nuclear weapons, and phase out the production of highly enriched uranium.

- Diminish the role of nuclear weapons by making no-first-use pledges, by giving assurances not to use them against non-nuclear-weapon states, and by not developing nuclear weapons for new tasks.

3 Prevent proliferation: no new weapon systems – no new possessors

- Prohibit any nuclear-weapon tests by bringing the Comprehensive Nuclear-Test-Ban Treaty into force.

- Revive the fundamental commitments of all NPT parties: the five nuclear-weapon states to negotiate towards nuclear disarmament and the non-nuclear-weapon states to refrain from developing nuclear weapons.

- Recognize that countries that are not party to the NPT also have a duty to participate in the disarmament process.

- Continue negotiations with Iran and North Korea to achieve their effective and verified rejection of the nuclear-weapon option, while assuring their security and acknowledging the right of all NPT parties to peaceful uses of nuclear energy.

- Explore international arrangements for an assurance of supply of enriched uranium fuel, and for the disposal of spent fuel, to reduce incentives for national facilities and to diminish proliferation risks.

4 Work towards outlawing all weapons of mass destruction once and for all

- Accept the principle that nuclear weapons should be outlawed, as are biological and chemical weapons, and explore the political, legal, technical and procedural options for achieving this within a reasonable time.

- Complete the implementation of existing regional nuclear-weaponfree zones and work actively to establish zones free of WMD in other regions, particularly and most urgently in the Middle East.

- Achieve universal compliance with, and effective implementation of, the Chemical Weapons Convention, and speed up the destruction of chemical weapon stocks.

- Achieve universal compliance with, and effective implementation of, the Biological and Toxin Weapons Convention, and improve cooperation between industry, scientists and governments to reinforce the ban on the development and production of biological weapons and to keep abreast of developments in biotechnology.

- Prevent an arms race in space by prohibiting any stationing or use of weapons in outer space.
Proliferation Security Initiative, Chairman’s Statement

[Warsaw, 23 June 2006]

Members of the international community from around the globe gathered on 23rd June, 2006 in Warsaw at the invitation of the Government of Poland to reaffirm publicly their strong commitment to the Proliferation Security Initiative (Cracow PSI), the PSI Statement of Interdiction Principles, and the goal of proactively combating WMD-related trafficking.

This gathering of nations is a resounding testament to the combined will and cooperative spirit of the international community of nations to work together to prevent the proliferation of weapons of mass destruction, their delivery systems, and related materials to states and non-state actors of proliferation concern. This gathering further demonstrates the consensus of the international community that the nexus of the proliferation of weapons of mass destruction and terrorism constitutes one of the gravest dangers to the global community and demands constant vigilance. This gathering supports enhanced cooperation against proliferation networks and implementation of innovative measures, which will not only stop the transfer of these dangerous items but also act as a deterrent against those who would seek to facilitate such proliferation activities.

The Proliferation Security Initiative was announced on May 31st, 2003 in Cracow. Today, a few short weeks after only the third anniversary of the initiative, participants noted that much has been accomplished, and that PSI is globally recognized as making an important contribution to international efforts to address the security threats posed by WMD and missile proliferation.

First, the Proliferation Security Initiative and the Statement on Interdiction Principles have provided an effective platform, consistent with national legal authorities and relevant international law and frameworks, for impeding and stopping the trafficking in weapons of mass destruction and their means of delivery. The PSI Participants note in this context, that UN Security Council resolution 1540 (2004) calls upon all states, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

Second, the network of PSI participating states is constantly expanding across the globe. In just three years, the number of states that have expressed support for the PSI Principles and have committed to actively supporting interdiction efforts whenever necessary has increased to more than 75. PSI participating states now hail from every region of the world and, most importantly, from the regions of greatest concern for WMD-related trafficking. This is a vital accomplishment, because the national legal authorities and operational capabilities of PSI participating states serve as the basis for successful interdictions.

Third, PSI participating states have greatly improved their national capacities to interdict shipments of proliferation concern. Over the last three years, countries have undertaken robust efforts to:

- Proactively identify and use existing laws to conduct interdictions, and strengthen laws where necessary,
- Improve interdiction capabilities through multinational training efforts such as live exercises and gaming exercises,
- Improve their national organization for decision-making and operational execution in support of PSI interdictions,
- Establish relationships with key industries to facilitate their cooperation on PSI interdictions, and
- Continue to reach out to those states that have not yet endorsed the PSI Statement of Interdiction Principles and to ensure that all PSI participating states can achieve the full benefits of involvement in the Initiative.

Finally, PSI is achieving results. Like-minded nations, working cooperatively, have utilized their national legal authorities and international legal frameworks to successfully stop shipments of WMD- and missile-related materials that, had they reached their destination and end-use, would have aided states and possibly non-state actors of proliferation concern in the development of weapons of mass destruction.

During this meeting, PSI participating states focused on deepening their on-going efforts in all these regards. They stressed the importance of maintaining the operational focus and nature of the PSI Operational Experts process and further developing its regional dimension. They also discussed the efforts of several PSI participating states to disrupt the financial mechanisms that support proliferators. They concluded that each participant should consider how their own national laws and authorities might be utilized or strengthened to identify and freeze the assets and transactions of WMD proliferators and their supporters. In addition, the PSI participating states undertook to explore how PSI states can work cooperatively to prevent and disrupt proliferation finance, in furtherance of their obligations under UNSCR 1540 and 1673.

PSI partners will continue to work together toward the objective of stopping the trafficking in WMD, their delivery systems, and related materials. They will also continue to work with those nations that have yet to indicate their support for the PSI, to further broaden the reach of willing partners. PSI Participants recognized that their actions under the PSI in preventing the spread of WMD-related material are having a positive impact on the world in which we live.

The United Nations Global Counter-Terrorism Strategy

[Excerpts reproduced from A/RES/60/288, 8 September 2006]

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and reaffirming its role under the Charter, including on questions related to international peace and security,

Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome, in particular its section on terrorism,

Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

Recalling also that at the 2005 World Summit Outcome world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in our international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or humanitarian character and the fulfillment in good faith of the obligations assumed in accordance with the Charter,

Recalling further the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,
Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming further Member States’ determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

Continuing to acknowledge that the question of convening a high level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,

Bearing in mind the need to address the conditions conducive to the spread of terrorism,

Affirming Member States’ determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. Expresses its appreciation for the report “Uniting against terrorism: recommendations for a global counter-terrorism strategy” (doc. A/60/825), submitted by the Secretary-General to the General Assembly;

2. Adopts the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy (“the Strategy”);

3. Decides, without prejudice to the continuation of the discussion at its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:
   a. To launch the Strategy at a high-level segment of its sixty-first session;
   b. To examine in two years progress made in implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years, and some should be treated as long term objectives;
   c. To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;
   d. To encourage Member States, the United Nations and other appropriate international, regional and sub-regional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;
   e. To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy.

4. Decides to inscribe in the provisional agenda of its sixty-second session an item entitled “The United Nations Global Counter-Terrorism Strategy”.

ANNEX

Plan of Action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security.

2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
   a. To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
   b. To implement all General Assembly resolutions on measures to eliminate international terrorism, and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
   c. To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfillment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions.

3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism.

2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world.

3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations.

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct.

5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all.

6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists.
7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development.

8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms assistance to victims.

II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.

2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, safe haven and bring to justice, on the basis of the principle of with our obligations under international law, in order to find, deny access to and assist in the pursuit of terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.

3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements, and to strengthen cooperation between law enforcement agencies.

4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism.

5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological, radiological and other potentially deadly materials.

6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them.

7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in paragraph 1 of this section.

8. To encourage relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the United Nations Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing mandates, the United Nations Office of Drugs and Crime and the International Criminal Police Organization, to facilitate its provision.

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of the international efforts to enhance the fight against terrorism.

10. To encourage States to implement the comprehensive international standards embodied in the Financial Action Task Force's Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing, recognizing that States may require assistance in implementing them.

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the International Criminal Police Organization's contemplated Biocrimes Database. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, scientific community, civil society and governments, into a common programme aimed at ensuring that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good, with due respect to the basic international norms on intellectual property rights.

12. To work with the United Nations, with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to:

   a. Coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet.

   b. Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.

13. To step-up national efforts and bilateral, sub-regional, regional and international co-operation, as appropriate, to improve borders and customs controls, in order to prevent and detect the movement of terrorists and to prevent and detect the illicit traffic in, for example, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect.

14. To encourage the United Nations Counter Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations, and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization.

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization-United Nations Special Notices concerning people subject to this sanctions regime.

16. To step up efforts and co-operation at every level, as appropriate, to improve the security on manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool as appropriate, in particular by sharing relevant information.

17. To invite the United Nations to improve co-ordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency co-ordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary co-operation and assistance in the event of a terrorist attack using weapons of mass destruction.
18. To step up all efforts to improve the security and protection of particularly vulnerable targets such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to that effect.

III. Measures to build States’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security.

2. To take advantage of the framework provided by relevant international, regional and sub-regional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area.

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism.

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and sub-regional organizations, and the donor community, to develop States' capacities to implement relevant United Nations resolutions.

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the United Nations Counter-Terrorism Implementation Task Force within the Secretariat, in order to ensure overall co-ordination and coherence in the United Nations system's counter-terrorism efforts.

6. To encourage the United Nations Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and sub-regional organizations, and the donor community, to develop States' capacities to implement relevant United Nations resolutions.

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the United Nations Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions.

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and financing of terrorism.

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.

10. To encourage the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists.

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions, at the national, regional and international level.

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their co-operation, work with States to identify any national shortfalls in areas of transport security and provide assistance upon request to address them.

13. To encourage the United Nations to work with Member States and relevant international, regional and sub-national organizations to identify and share best practices to prevent terrorist attacks in particular vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism."

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law.

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies.

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts, or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice system, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime.

5. To reaffirm the United Nations system’s important role in strengthening the international legal architecture by promoting the rule of law, respect for human rights, and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism.

6. To support the Human Rights Council, and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism.

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on States’ human
rights obligations and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at States’ request.

8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support States’ efforts and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations, and reporting on these issues.


[Vienna, 22 September 2006]

Overview

At the outset of the 21st century, a discussion is taking place concerning two challenges: the need to meet increasing global energy demands through a possible expansion of the use of nuclear energy, while at the same time minimizing the proliferation risks created by the further spread of sensitive nuclear technology such as uranium enrichment and plutonium reprocessing. A number of useful suggestions have recently been put forward regarding new approaches to the nuclear fuel cycle, which aim to establish an assured supply of nuclear fuel, as a back-up measure to the commercial market, in certain situations. In general, these proposals are seen to be mutually compatible with, and supportive of, each other.

These recent proposals for assuring supplies of uranium-based nuclear fuel can be seen as one stage in a broader, longer-term development of a multilateral framework that could encompass assurance of supply mechanisms for both natural and low enriched uranium and nuclear fuel, as well as spent fuel management. Establishing a fully-developed, multilateral framework that is equitable and accessible to all users of nuclear energy, acting in accordance with agreed nuclear non-proliferation norms, will be a complex endeavour that would likely require a progressively phased approach. In general, it is the sense of the Event Chairman that the following could be a possible way forward:

1. a first – near term – phase focusing on establishing mechanisms for assurances of supply of nuclear fuel for nuclear power plants. Included for examination in the near term phase would be the proposal for an IAEA-owned low enriched uranium (LEU) fuel bank advanced by the Nuclear Threat Initiative (NTI), the proposal of the six major nuclear fuel supplier States (France, Germany, the Netherlands, the Russian Federation, the United Kingdom and the United States of America) and the proposal of the Russian Federation for international nuclear fuel cycle centres. This near-term phase examination should also include the proposals of Japan and the United Kingdom, described as “complementary” to the six major fuel-supplier State initiative, and the proposal of the German Foreign Minister (still under development), as well as any other such proposals that might be elaborated in the near term.

2. a second – mid and long term – phase, focusing on the possibilities of evolving a truly comprehensive multilateral system, integrated with commercial market mechanisms and designed to assure supply adequacy and responsible management and disposition of waste. Included for examination in the mid and longer term phase would be proposals for assured access to power reactor components and technologies and the possibilities for developing future enrichment and reprocessing operations on a multilateral basis and ultimately converting existing enrichment and reprocessing facilities from exclusively national to multinational operations.

The evolution of a fuel assurance framework, in the first phase, would likely entail a step-by-step approach, requiring the IAEA Secretariat, in consultation with Member States, industry and other expert parties, to present proposals to the IAEA Board of Governors, through the Director General, as they mature and as policy, technical and legal issues are worked out.

IAEA Special Event

To facilitate IAEA Member State discussion of recent proposals on assurance of supply mechanisms, with a view to formulating well-structured recommendations regarding the establishment of assurance of supply mechanisms for the consideration of the Board of Governors in 2007, and focusing in the first phase on assurances of supply of nuclear fuel for nuclear power plants, the Director General organized a Special Event entitled “New Framework for the Utilization of Nuclear Energy: Assurances of Supply and Non-Proliferation” during the 50th regular session of the IAEA General Conference, from 19 to 21 September 2006 in Vienna. More than 300 participants from 61 Member States and various industry and other organizations took part in the discussions.

The discussions at the Special Event indicated that, in order to move forward, a number of policy, legal and technical issues remain to be addressed in greater detail. It was not the purpose of the Special Event to judge or rank the feasibility of the current proposals put forward by the Director General, States and nongovernmental organizations. Instead, the objective was to constructively identify the possible strengths, weaknesses and opportunities presented, taking advantage of the full range of perspectives represented by the Event attendees.

A Way Forward

May I say from the outset that through the discussions that took place during the Event, great care was taken by all participants to make clear that assurance of supply mechanisms are not intended to alter the right of any State to take its own decision regarding fuel cycle choices. I should also note that a number of participants expressed concerns about implied or intended conditions as may be applied to fuel assurance mechanisms. Finally, I should also add that the ideas that were generated by those discussions constitute the views of the Event participants. From the discussions during the event, I believe the following issues would benefit from further elaboration.

Why is an assurance of supply mechanism needed?

Proponents of the establishment of an international back-up mechanism for assured supply of nuclear power reactor fuel assert that it would have a dual-objective, i.e. to address: (a) the possible consequences of interruptions of supply of nuclear fuel due to political considerations that might dissuade countries from initiating or expanding nuclear power programmes; and (b) the vulnerabilities that create incentives for building new national enrichment and reprocessing capabilities. Thus, an assurance of supply mechanism would be envisaged solely as a back-up measure to the operation of the commercial market, for those States that want to make use of it, in order to assure supply in instances of interruption for political reasons. It would neither be a substitute for the existing commercial market in nuclear fuels, nor would it deal with disruption of supply due to commercial, technical or other non-political reasons. While an assurance of supply mechanism would be designed to give supply assurance to States that voluntarily choose to rely on international fuel supply, rather than build their own indigenous fuel cycle capabilities, a State availing itself of such a mechanism would not be required to forfeit, or in any way abridge, its rights under Article IV of the NPT, in connection with peaceful uses of nuclear energy.

The path forward would benefit from a clear consensus judgment of the proliferation risks associated with increased diversification of enrichment and other fuel cycle capacities. Correspondingly, Board of Governors consideration would benefit from clarification, by each of the proposal sponsors, concerning any explicit or implicit conditionality applicable to eligible beneficiaries of the supply assurance mechanism.

What is to be assured?

From the discussions, it was clear that existing proposals dealt with assurances of supply in different but complementary ways. Some of the proposals focused on assuring supplies of natural uranium and low enriched uranium stocks, and still others focused on assurances of the supply of nuclear fuel itself, through the establishment of a series of interlocking arrangements among
The discussions involved the participation of representatives of the nuclear industry and showed that different roles for the nuclear industry can be envisaged or have been proposed and that there are many technical and other issues pertaining to nuclear fuel that need further discussion and consideration. It was recognised that for a well-functioning assurance of supply mechanism, whether for nuclear fuel or for reactors, the nuclear industry would be an essential partner. In this regard, further consultations would be useful with the nuclear industry, particularly on a framework under which the nuclear industry would provide the required goods and services in support of an assurance of supply mechanism, without negative effects on the diversity and stability of the existing commercial market in nuclear fuels.

Other key issues

The discussions also showed that several other important issues concerning assurance mechanisms require further consideration. These include, for instance, issues related to sustainable financing. Other unresolved key issues are how to structure assurance mechanisms in a manner that does not result in a real or perceived division between nuclear fuel/reactor technology haves and have-nots, and does not undermine existing multilateral, treaty-based nuclear non-proliferation norms or State sovereignty/rights.

Next Steps

Based on the discussions at the Special Event, it is the sense of the Event Chairman that the issues noted above require further detailed expert examination with a view to formulating well-structured recommendations regarding the establishment of assurance of supply mechanisms.

It is also the sense of the Event Chairman that such recommendations could usefully be structured in terms of policy, legal and technical issues, and that proposals could be formulated by the IAEA Secretariat working in parallel with and drawing upon Member States, nuclear industry and other appropriate expertise. This work would naturally take into account current as well as future proposals and other relevant ideas and studies, and this work can and should be undertaken to allow consideration of these matters by the Board of Governors in 2007. It is likely that these undertakings will evolve into an agenda for near- and mid-term actions. But it is important to begin.

I trust that these observations will be conveyed, along with any recommendations in this connection by the Director General, to the Agency’s Board of Governors.

1. A virtual reserve does not involve a separate physical storage of natural or low enriched uranium, but relies on its availability from suppliers that have agreed to be a part of the fuel assurance mechanism.
The threat has now changed – but the global context does not justly complete UK nuclear disarmament:
- significant nuclear arsenals remain, some of which are being modernised and expanded;
- the number of states possessing nuclear weapons has continued to grow, as demonstrated most recently by North Korea’s attempted nuclear test in October this year.

Ballistic missile technology has also continued to proliferate and most industrialised countries have the capability to develop chemical and biological weapons.

It is not possible accurately to predict the global security environment over the next 20 to 50 years. On our current analysis, we cannot rule out the risk either that a major direct nuclear threat to the UK’s vital interests will re-emerge or that new states will emerge that possess a more limited nuclear capability, but one that could pose a grave threat to our vital interests. Equally there is a risk that some countries might in future seek to sponsor nuclear terrorism from their soil. We must not allow such states to threaten our national security, or to deter us and the international community from taking the action required to maintain regional and global security.

We can only deter such threats in future through the continued possession of nuclear weapons. Conventional capabilities cannot have the same deterrent effect. We therefore see an enduring role for the UK’s nuclear forces as an essential part of our capability for deterring blackmail and acts of aggression against our vital interests by nuclear-armed opponents.

We have thus decided to take the steps necessary to sustain a credible deterrent capability in the 2020s and beyond.

How should we maintain our nuclear deterrent?

Our review of the available options has demonstrated that retaining a submarine based system provides the most effective deterrent; and that no credible alternative is cheaper. Submarines are far more difficult to detect and track and so are less vulnerable to attack than the other options. Ballistic missiles are more effective than cruise missiles because they have much greater range and payload, and are far harder to intercept.

We have therefore decided to maintain our nuclear deterrent by building a new class of submarines. Currently we require a fleet of four submarines to maintain one consistently on patrol and retaining this posture is essential to assure the invulnerability of the deterrent. We will investigate fully whether there is scope to make sufficiently radical changes to the design of the new submarines, and their operating, manning, training and support arrangements, to enable us to maintain these continuous deterrent patrols with a fleet of only three submarines. A final decision on whether we require five or four submarines will be taken when we know more about their detailed design.

We have also decided to participate in the US life extension programme for the Trident D5 missile, which will enable us to retain that missile in-service until the early 2040s. Our existing nuclear warhead design will last into the 2020s. We do not yet have sufficient information to know whether it can, with some refurbishment, be extended beyond that point or whether we will need to develop a replacement warhead: a decision is likely to be necessary in the next Parliament.

What will this cost?

The costs of this programme will be refined as we engage in detailed discussion with industry. Our current estimate is that the procurement costs of the new submarines and associated equipment and infrastructure will be in the region of £15-20 billion (at 2006/07 prices) for a four-boat fleet. The costs will fall principally in the period between 2012 and 2027. The investment required to maintain our deterrent will not come at the expense of the conventional capabilities our armed forces need. Decisions on the level of investments in nuclear and conventional capability will be taken in the Comprehensive Spending Review, the results of which will be announced next year. In-service costs for the deterrent over the period between 2020 and 2050 will remain broadly similar to the current position.

What are our international obligations?

Renewing our minimum nuclear deterrent capability is fully consistent with all our international obligations. It is also consistent with our continuing commitment to work towards a safer world in which there is no requirement for nuclear weapons. We have taken a leading role in a wide range of multilateral initiatives in support of the objectives of the Nuclear Non-Proliferation Treaty (NPT). We have also taken significant steps to reduce our nuclear capabilities. We have the smallest stockpile of nuclear warheads amongst the nuclear weapon States recognised under the NPT and are the only one to have reduced to a single deterrent system.

We have now decided that we can reduce our stockpile of operationally available warheads to fewer than 160. This will represent a 20% reduction on the figure set out in the 1998 Strategic Defence Review, and is almost a 50% reduction compared to the plans of the previous Government.

Summary

We are committed to retaining the minimum nuclear deterrent capability necessary to provide effective deterrence, whilst setting an example where possible by reducing our nuclear capabilities, and working multilaterally for nuclear disarmament and to counter nuclear proliferation. We believe this is the right balance between our commitment to a world in which there is no place for nuclear weapons and our responsibilities to protect the current and future citizens of the UK.

A World Free of Nuclear Weapons? Speech by UK Secretary of State for Foreign Affairs, Margaret Beckett

[Washington DC, 25 June 2007]

Thank you very much for that welcome and for those very kind words,

I expect that many – perhaps all – of you here today read an article which appeared in the Wall Street Journal at the start of this year. The writers would be as familiar to an audience in this country as they are respected across the globe: George Shultz, William Perry, Henry Kissinger, Sam Nunn.

The article made the case for, and I quote, “a bold initiative consistent with America’s moral heritage”. That initiative was to reignite the vision of a world free of nuclear weapons and to redouble effort on the practical measures towards it.

The need for such vision and action is all too apparent.

Last year, Kofi Annan said – and he was right – that the world risks becoming mired in a sterile stand-off between those who care most about disarmament and those who care most about proliferation.

The dangers of, what he termed, such mutually assured paralysis are dangers to us all. Weak action on disarmament, weak consensus on proliferation are in none of our interests. And any solution must be a dual one that sees movement on both proliferation and disarmament – a revitalisation, in other words, of the grand bargain struck in 1968, when the Non-Proliferation Treaty was established.

What makes this the time to break the stand-off?

Today the non-proliferation regime is under particular pressure. We have already seen the emergence of a mixture of further declared and undeclared nuclear powers. And now, two countries – Iran and North Korea, both signatories of the NPT – stand in open defiance of the international community. Their actions have profound and direct implications for global security. Each of them also raises the serious prospect of proliferation across their region.

In the case of Iran, in particular, if the regime is trying to acquire nuclear weapons – and there are very few either in that region or outside it who seriously doubt that that is the goal – then it is raising the spectre of a huge push for proliferation in what is already one of the most unstable parts of the world.

That alone makes the debate on disarmament and non-proliferation we have to have today different in degree: it has become more immediate and more urgent.

On top of that, we must respond to other underlying trends that are putting added pressure on the original non-proliferation regime. One of those, just one, is the emergence of Al Qaeda and its
offshoots – terrorists whom we know to be actively seeking nuclear materials.

Another thought is the anticipated drive towards civil, nuclear power as the twin imperatives of energy security and climate security are factored into energy policy across the world. How can we ensure this does not lead to either nuclear materials or particularly potentially dangerous nuclear know-how – particularly enrichment and reprocessing technologies – being diverted for military use or just falling into the wrong hands? How do we do so without prejudice to the economic development of countries that have every right under the NPT to develop a civil, nuclear capability.

And last there are some very specific triggers for action – key impending decisions – that are fast approaching. The START treaty will expire in 2009. We will need to start thinking about how we move from a bilateral disarmament framework built by the US and Russia to one more suited to our multi-polar world.

And then in 2010 we will have the NPT Review Conference itself. By the time that is held, we need the international community to be foursquare and united behind a global non-proliferation regime. We can’t afford for that conference to be a fractured or fractious one: rather we need to strengthen the NPT in all its aspects.

That may all sound quite challenging – I meant it to. But there is no reason to believe that we cannot rise to that challenge.

Let’s look at some of the facts. Despite the recent log-jam, the basic non-proliferation consensus is and has been remarkably resilient. The grand bargain of the NPT has, by and large, held for the past 40 years. The vast majority of states – including many that have the technology to do so if they chose – have decided not to develop nuclear weapons. And far fewer states than was once feared have acquired and retained nuclear weapons.

Even more encouragingly, and much less well known outside this room, many more states – South Africa, Libya, Ukraine, Kazakhstan, Belarus, Argentina, Brazil – have given up active nuclear weapons programmes, turned back from pursuing such programmes, or – as the case of the former Soviet Union countries – chosen to hand over weapons on their territory.

And of course the Nuclear Weapons States themselves have made significant reductions in their nuclear arsenals, which will come to later.

So we have grounds for optimism; but we have none for complacency. The successes we have had in the past have not come about by accident but by applied effort. And we will need much more of the same in the months and years to come. That will mean continued momentum and consensus on non-proliferation, certainly. But, and this is my main argument today, the chances of achieving that are greatly increased if we can also point to genuine commitment and to concrete action on nuclear disarmament.

Given the proliferation challenges we face, it is not surprising that so much of our focus should be on non-proliferation itself.

For the reasons I gave a moment ago, stopping and reversing nuclear proliferation in North Korea and Iran has to remain a key priority for the whole international community.

With North Korea the best hope to reverse their nuclear programme remains patient multilateral diplomacy underpinned by sanctions regimes.

As for Iran, the generous offer the E3+3 made in June 2006 is still on the table. Sadly Iran has chosen not to comply with its international legal obligations, thereby enabling negotiations to resume. That forced us to seek a further Security Council Resolution. And we will do so again if necessary.

The US contribution on Iran has, naturally, been critical. It made the Vienna offer both attractive and credible – showing that the entire international community was willing to welcome Iran back into its ranks provided that it conformed to international norms on the nuclear file and elsewhere. And I have no doubt that the close cooperation between the US, Europe, Russia and China has been a powerful point of leverage on the Iranians. We must hope that it succeeds.

The US has also taken the lead on much of the vital work that is going on to prevent existing nuclear material falling into the hands of terrorists and rogue states. That framework is perhaps more robust than ever before – the Global Threat Reduction Initiative, the Proliferation Security Initiative, the Global Initiative to Combat Nuclear Terrorism and efforts to prevent the financing of proliferation.

Meanwhile, there is some imaginative work going on aimed at persuading states that they can have guaranteed supplies of electricity from nuclear power without the need to acquire enrichment and reprocessing technologies. For example, the work on fuel supply assurances following the report of the IAEA expert group; the US’s own Global Nuclear Energy Partnership initiative on more proliferation-resistant technologies; and the UK’s own proposal for advanced export approval of nuclear fuel that cannot subsequently be revoked – the so-called “enrichment bond”.

But the important point is this: in none of these areas will we stand a chance of success unless the international community is united in purpose and in action.

And what that Wall Street Journal article, and for that matter Kofi Annan, have been quite right to identify is that our efforts on non-proliferation will be dangerously undermined if others believe – however unfairly – that the terms of the grand bargain have changed, that nuclear weapon states have abandoned any commitment to disarmament.

The point of doing more on disarmament, therefore, is not to convince the Iranians or the North Koreans. I do not believe for a second that further reductions in our nuclear weapons would have a material effect on their nuclear ambitions.

Rather the point of doing more is this: because the moderate majority of states – our natural and vital allies on non-proliferation – want us to do more. And if we do not, we risk helping Iran and North Korea in their efforts to muddy the water, to turn the blame for their own nuclear intransigence back onto us. They can undermine our arguments for strong international action in support of the NPT by painting us as doing too little too late to fulfil our own obligations.

And that need to appear consistent, incidentally, is just as true at the regional level. The international community’s clear commitment to a Middle East Nuclear Weapons Free Zone in successive UN resolutions has been vital in building regional support for a tough line against Iran.

So what does doing more – and indeed being seen to do more – on disarmament actually mean?

First, I think we need to be much more open about the disarmament steps we are already taking or have taken. Here in the long-standing, and perhaps understandable, culture of increased secrecy that surrounds the nuclear world we may be our own worst enemy. There is little public remembrance or recognition of the vast cuts in warheads – some 40 000 – made by the US and the former USSR since the end of the Cold War. Nor, for that matter, the cuts that France and the UK have made to our much smaller stocks. We all need to do much, much more, to address that. And I welcome the US State Department’s recent moves in that direction.

But we would be kidding ourselves if we thought that this was a problem only of perception – simply a failure to communicate, although that failure is very real. The sense of stagnation is real enough. The expiry of the remaining US-Russia arms control deals; the continued existence of large arsenals; the stalemate on a Comprehensive Test Ban Treaty and Fissile Material Cut-off Treaty. They all point to an absence of debate at the highest levels on disarmament and a collective inability thus far to come up with a clear, forward plan.

What we need is both vision – a scenario for a world free of nuclear weapons. And action – progressive steps to reduce warhead numbers and to limit the role of nuclear weapons in security policy. These two strands are separate but they are mutually reinforcing. Both are necessary, both at the moment are too weak.

Let me start with the vision because, perhaps, that is the harder case to make. After all, we all signed up to the goal of the eventual abolition of nuclear weapons back in 1968; so what does simply restating that goal achieve today?
More I think than you might imagine. Because, and I’ll be blunt, there are, I was going to say some, but I think many who are in danger of losing faith in the possibility of ever reaching that goal.

That would, I think, be a grave mistake. The judgement we made forty years ago, that the eventual abolition of nuclear weapons was in all of our interests – is just as true today as it was then. For more than sixty years, good management and good fortune have meant that nuclear arsenals have not been used. But we cannot rely just on history to repeat itself.

It would be a grave mistake for another reason, too. It underestimates the power that commitment and vision can have in driving action.

A parallel can be drawn with some of those other decades-long campaigns conducted as we’ve striven for a more civilised world.

When William Wilberforce began his famous campaign, the practice of one set of people enslaving another had existed for thousands of years. He had the courage to challenge that paradigm; and in so doing helped with many others to bring an end to the terrible evil of the transatlantic slave trade.

Would he have achieved half as much, would he have inspired the same fervour in others if he had set about to ‘regulate’ or ‘reduce’ the slave trade rather than abolish it? I doubt it.

Similarly the Millennium Development Goals, the cancellation of third-world debt, increased overseas aid were all motivated by the belief that one day, however far off it might seem, we could ‘Make Poverty History’.

So too with nuclear weapons. Believing that the eventual abolition of nuclear weapons is possible can act as a spur for action on disarmament. Believing, at whatever level, that it is not possible, is the surest path to inaction. If there will always be nuclear weapons, what does it matter if there are 1000 or 10 000?

And just as the vision gives rise to action, conversely so does action give meaning to the vision. As that Wall Street Journal article put it, and again I quote: ‘Without the bold vision, the actions will not be perceived as fair and urgent. Without the actions, the vision will not be perceived as realistic or possible’

By actions, I do not mean that the nuclear weapons states should be making immediate and unrealistic promises – committing to speedy abolition, setting a timetable to zero.

The truth is that I rather doubt – although I would wish it otherwise – that we will see the total elimination of nuclear weapons perhaps in my lifetime. To reach that point would require much more than disarmament diplomacy, convoluted enough though that is in itself. It would require a much more secure and predictable global political context.

That context does not exist today. Indeed it is why, only a few months ago, the UK took the decision to retain our ability to have an independent nuclear deterrent beyond the 2020s.

But acknowledging that the conditions for disarmament do not exist today does not mean resigning ourselves to the idea that nuclear weapons can never be abolished in the future. Nor does it prevent us from taking steps to reduce numbers now and to start thinking about how we would go about reaching that eventual goal of eliminating all nuclear weapons.

That is why in taking the decision to retain our ability to have nuclear weapons, the UK government was very clear about four things. First that we would be open and frank with our own citizens and with our international partners about what we were doing and why. It is all being done upfront and in public - not as in the past, behind the scenes. Second that we would be very clear and up front that when the political conditions existed, we would give up our remaining nuclear weapons. Third that we were not enhancing our nuclear capability in any way and would continue to act strictly in accordance with our NPT obligations. And fourth that we would reduce our stock of operationally available warheads by a further 20 per cent – to the very minimum we considered viable to maintain an independent nuclear deterrent.

This was our way – and I can assure you it was a difficult process – to resolve the dilemma between our genuine commitment to abolition and our considered judgement that sadly now was not the time to take a unilateral step to totally disarm.

It’s the same dilemma every nuclear weapons state faces. And we can all make the same choices in recommitting to the goal of abolition and taking practical steps towards achieving that goal.

Practical steps include further reductions in warhead numbers, particularly in the world's biggest arsenals. There are still over 20 000 warheads in the world. And the US and Russia hold about 96 per cent of them.

Almost no-one – politician, military strategist or scientist – thinks that warheads in those numbers are still necessary to guarantee international security. So it should not be controversial to suggest that there remains room for further significant reductions. So I hope that the Moscow Treaty will be succeeded by further clear commitments to significantly lower numbers of warheads – and include, if possible, tactical as well as strategic, nuclear weapons.

Since we no longer live in a bipolar world, those future commitments may no longer require such parity. They could be unilateral undertakings. Certainly the UK experience – and indeed the United States’ own experience with the reduction of its tactical weapons in Europe – is that substantial reductions can be achieved through independent re-examination of what is really needed to deter: that approach has allowed the UK to reduce our operationally available warheads by nearly half over the last ten years from what was already a comparatively low base. We have also reduced the readiness of the nuclear force that remains. We now only have one boat on patrol at any one time, carrying no more than 48 warheads – and our missiles are not targeted at any specific sites.

Commitments like these need not even be enshrined in formal treaties. The UK’s reductions, after all, are not. But clearly both the US and Russia will require sufficient assurance that their interests and their strategic stability will be safeguarded. Part of the solution may be provided by the extension of the most useful transparency and confidence building measures in the START framework, should the US and Russia agree to do so.

And I should make clear here again, that when it will be useful to include in any negotiations the one per cent of the world’s nuclear weapons that belong to the UK, we will willingly do so.

In addition to these further reductions, we need to press on with both the Comprehensive Test Ban Treaty and with the Fissile Material Cut-Off Treaty. Both limit – in real and practical ways – the ability of states party to develop new weapons and to expand their nuclear capabilities. And as such they therefore both play a very powerful symbolic role too – they signal to the rest of the world that the race for more and bigger weapons is over, and that the direction from now on will be downwards and not upwards. That is why we are so keen for those countries that have not yet done so to ratify the CTBT. The moratorium observed by all the nuclear weapon states is a great step forward; but by allowing the CTBT to enter into force – and, of course, US ratification would provide a great deal of impetus – we would be showing that this is a permanent decision, a permanent change and in the right direction.

At the same time, I believe that we will need to look again at how we manage global transparency and global verification. This will have to extend beyond the bilateral arrangements between Russia and the US. If we are serious about complete nuclear disarmament we should begin now to build deeper relationships on disarmament between nuclear weapon states.

For our part, the UK is ready and willing to engage with other members of the P5 on transparency and confidence building measures. Verification will be particularly key – any future verification regime for a world free of nuclear weapons will need to be tried and tested. In my opinion, it will need to place more emphasis on the warheads themselves than the current arrangement which focuses primarily on delivery systems. That will become particularly true as numbers of warheads drop.

And we have to keep doing the hard diplomatic work on the underlying political conditions – resolving the ongoing sources of tension in the world, not least in the Middle East and between Pakistan and India. We also need to build a more mature, balanced and stable relationship between ourselves and Russia.
And since I have the non-proliferation elite gathered in one room, let me emphasise the importance this and future UK governments will place on the agreement of an international and legally binding arms trade treaty. Conflicts across the globe are made more likely and more intense by those who trade all arms in an irresponsible and unregulated way. And an arms trade treaty would contribute to a focus on arms reduction and help build a safer world.

And when it comes to building this new impetus for global nuclear disarmament, I want the UK to be at the forefront of both the thinking and the practical work. To be, as it were, a “disarmament laboratory”.

As far as new thinking goes, the International Institute of Strategic Studies is planning an in-depth study to help determine the requirements for the eventual elimination of all nuclear weapons. We will participate in that study and provide funding for one of their workshops, focussing on some of the crucial technical questions in this area.

The study and subsequent workshops will offer a thorough and systematic analysis of what a commitment to a world free of nuclear weapons means in practice. What weapons and facilities will have to go before we can say that nuclear weapons are abolished? What safeguards will we have to put in place over civil nuclear facilities? How do we increase transparency and put in place a verification regime so that everyone can be confident that no-one else has or is developing nuclear weapons? And finally – and perhaps this is perhaps the greatest challenge of all – what path can we take to complete nuclear disarmament that avoids creating new instabilities themselves potentially damaging to global security.

And then we have these new areas of practical work. This will concentrate on the challenge of creating a robust, trusted and effective system of verification that does not give away national security or proliferation sensitive information.

Almost a decade ago, we asked the UK’s Atomic Weapons Establishment to begin developing our expertise in methods and techniques to verify the reduction and elimination of nuclear weapons. We reported on this work throughout the last Non-Proliferation Treaty review cycle. Now we intend to build on that work, looking more deeply at several key stages in the verification process – and again report our findings as soon as possible.

One area we will be looking at further is authentication – in other words confirming that an object presented for dismantlement as a warhead is indeed a warhead. There are profound security words confirming that an object presented for dismantlement as a weapons. We reported on this work throughout the last Non-Proliferation Treaty review cycle. Now we intend to build on that work, looking more deeply at several key stages in the verification process – and again report our findings as soon as possible.

And last we intend to examine how to provide confidence that the dismantled components of a nuclear warhead are not being returned to use in new warheads. This will have to involve some form of monitored storage, with a difficult balance once again to be struck between security concerns and verification requirements. We are currently working on the design concepts for building such a monitored store, so that we can more fully investigate these complex practical issues.

The initiatives I have announced today are only small ones. But they are, I hope you will agree, in the right direction – a signal of intent and purpose to ourselves and to others. We will talk more and do more with our international partners – those who have nuclear weapons, and those who do not – in the weeks and months to come.

CONCLUSION
I said earlier that I am not confident, cannot be confident, that I would live to see a world free of nuclear weapons. My sadness at such a thought is real. Mine, like yours, is a generation that has existed under the shadow of the bomb – knowing that weapons existed which could bring an end to humanity itself. We have become almost accustomed to that steady underlying dread, punctuated by the sharper fear of each new nuclear crisis: Cuba in 1962, the Able Archer scare of 1983, the stand-off between India and Pakistan in 2002.

But there is a danger in familiarity with something so terrible. If we allow our efforts on disarmament to slacken, if we allow ourselves to take the non-proliferation consensus for granted, the nuclear shadow that hangs over us will lengthen and it will deepen. And it may, one day, blot out the light for good.

So my commitment to that vision, truly visionary in its day, of a world free of nuclear weapons is undimmed. And although we in this room may never reach the end of that road, we can take those first further steps down it. For any generation, that would be a noble calling. For ours, it is a duty.

\[CD/1831, 13 September 2007\]

A. Cessation of the Nuclear Arms Race and Nuclear Disarmament

37. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item, including on nuclear disarmament. These positions are duly recorded in the plenary records of the session. CD/1831 page 11

38. The following documents dealing with this agenda item were submitted to the Conference:

(a) CD/1814, entitled Letter dated 13 February 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting a white paper entitled The Future of the United Kingdom’s Nuclear Deterrent, of December 2006.;

(b) CD/1816, entitled India: Working Paper: Nuclear Disarmament;

(c) CD/1817, entitled Note verbale dated 16 February 2007 from the Permanent Mission of Algeria addressed to the Secretariat of the Conference on Disarmament transmitting copies of the documents of the High Level African Regional Conference on the Contribution of Nuclear Energy to Peace and Sustainable Development, held in Algiers on 9 and 10 January 2007.;

(d) CD/1821, entitled Note verbale dated 26 April 2007 from the Permanent Mission of Cuba addressed to the Secretariat of the Conference on Disarmament transmitting the working paper entitled Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons, submitted by the Non-Aligned Movement to the Disarmament Commission during its 2007 substantive session in New York.;

39. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 1 entitled Cessation of the Nuclear Arms Race and Nuclear Disarmament, Ambassador Wegger Strommen (Norway), held six informal meetings from 6 February to 2 March 2007 and reported to the 2007 Presidents (CD/1827, Annex I).

B. Prevention of Nuclear War, including All Related Matters

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. During the 2007 session, and while recognising that the issue of the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices is pertinent to agenda item 1, this topic was discussed under agenda item 2, for practical reasons.
42. The following document was submitted to the Conference: CD/1819, entitled "Canada: Working Paper: An FMCT Scope-Verification Arrangement.

43. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 2 entitled "Prevention of Nuclear War, including All Related Matters," Ambassador Carlo Trezza (Italy), held six informal meetings from 8 February to 7 March 2007 and reported to the 2007 Presidents (CD/1827, Annex II). CD/1831 page 12

C. Prevention of an Arms Race in Outer Space

44. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item, including on the prevention of the placement of weapons in outer space, the threat or use of force against outer space objects. These positions are duly recorded in the plenary records of the session.

45. The following documents dealing with this item were submitted to the Conference:

(a) CD/1815, entitled "Note verbale dated 12 February 2007 from the Permanent Mission of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting Canada's contribution entitled "Transparency and confidence building measures in outer space;"

(b) CD/1818, entitled "Letter dated 7 March 2007 from the Permanent Representative of the Russian Federation and the Permanent Representative of China to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the revised third and amended version as of 12 February 2007 of the compilation of comments and suggestion to the working paper on PAROS contained in document CD/1679 dated 28 June 2002;"

(c) CD/1829, entitled "Letter dated 10 September 2007 from the Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting the report of the Conference entitled "Celebrating the Space Age: 50 Years of Space Technology, 40 Years of the Outer Space Treaty" on behalf of the United Nations Institute for Disarmament Research (UNIDIR)."

46. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 3 entitled "Prevention of an Arms Race in Outer Space," Ambassador Paul Meyer (Canada), held 6 informal meetings from 12 February to 9 March 2007 and reported to the 2007 Presidents (CD/1827, Annex III).

D. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

47. 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.

48. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 4 entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons," Ambassador Carlos Parishkos (Brazil), held 5 informal meetings from 15 February to 13 March 2007 and reported to the 2007 Presidents (CD/1827, Annex IV). CD/1831 page 13

E. New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons

49. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

50. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 5 entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons," Ambassador Petko Draganov (Bulgaria), held 4 informal meetings from 19 February to 16 March 2007 and reported to the 2007 Presidents (CD/1827, Annex V).

F. Comprehensive Programme of Disarmament

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. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 6 entitled "Comprehensive programme of disarmament," Ambassador Makarim Wibisono (Indonesia), held 3 informal meetings from 22 February to 19 March 2007 and reported to the 2007 Presidents (CD/1827, Annex VI).

G. Transparency in Armaments

53. 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.

54. The following documents were submitted to the Conference in connection with consideration of this item:

(a) CD/1823, entitled "Letter dated 7 June 2007 from the Permanent Representative of Israel addressed to the President of the Conference on Disarmament transmitting a paper regarding an initiative on banning arms transfers to terrorists within the framework of the informal discussions held under agenda item 7: transparency in armaments;"

(b) CD/1830, entitled "Letter dated 6 September 2007 from the Permanent Representative of China to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the remarks by the Spokesperson of the Ministry of Foreign Affairs of the People's Republic of China on China's participation in the UN Military Transparency Mechanism on 2 September 2007. CD/1831 page 14

55. In accordance with the joint initiative of the 2007 Presidents of the Conference, the Coordinator on agenda item 7 entitled "Transparency in armaments," Ambassador John Duncan (United Kingdom of Great Britain and Northern Ireland), held 5 informal meetings from 19 February to 22 March 2007 and reported to the 2007 Presidents (CD/1827, Annex VII).

H. Consideration of Other Areas Dealing with the Cessation of the Arms Race and Disarmament and Other Relevant Measures

56. During its 2007 session, the Conference also had before it the following documents:

(a) CD/1808, entitled "Note verbale dated 26 September 2006 from the Permanent Mission of Belarus addressed to the Secretariat of the Conference on Disarmament transmitting the statement by the chairman of the Council of Ministers for Foreign Affairs of the Collective Security Treaty Organization (CSTO) on the occasion of the creation of a nuclear-weapon-free zone in central Asia;"

(b) CD/1809, entitled "The P6 Vision paper; Submitted by the P6: Poland, Republic of Korea, Romania, Russian Federation, Senegal and Slovakia;"

(c) CD/1811, entitled "Note verbale dated 25 January 2007 from the Permanent Mission of Cuba addressed to the Secretariat of the Conference on Disarmament transmitting the section pertaining to disarmament and international security from the final document of the Fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement, held in Havana, Cuba, from 11 to 16 September 2006;"

(d) CD/1812, entitled "Note verbale dated 29 January 2007 from the Permanent Mission of Peru addressed to the Secretariat of the Conference on Disarmament expressing the general reservation of the Government of Peru concerning the section pertaining to disarmament and international security in the final document of the Fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement, held in Havana, Cuba, from 11 to 16 September 2006;"

(e) CD/1813, entitled "Note verbale dated 7 February 2007 from the Permanent Mission of Cuba addressed to the Secretariat of the Conference on Disarmament transmitting the statement issued by the Coordinating Bureau of the Non-Aligned Movement in New York on 5 February 2007;"
be more precarious, psychologically disorienting, and economically even more costly than was Cold War deterrence. It is far from certain that we can successfully replicate the old Soviet-American "mutually assured destruction" with an increasing number of potential nuclear enemies world-wide without dramatically increasing the risk that nuclear weapons will be used. New nuclear states do not have the benefit of years of step-by-step safeguards put in effect during the Cold War to prevent nuclear accidents, misjudgments or unauthorized launches. The United States and the Soviet Union learned from mistakes that were less than fatal. Both countries were diligent to ensure that no nuclear weapon was used during the Cold War by design or by accident. Will new nuclear nations and the world be as fortunate in the next 50 years as we were during the Cold War?

Leaders addressed this issue in earlier times. In his "Atoms for Peace" address to the United Nations in 1953, Dwight D. Eisenhower pledged America's "determination to help solve the fearful atomic dilemma -- to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life." John F. Kennedy, seeking to break the logjam on nuclear disarmament, said, "The world was not meant to be a prison in which man awaits his execution."

Rajiv Gandhi, addressing the U.N. General Assembly on June 9, 1988, appealed, "Nuclear war will not mean the death of a hundred million people. Or even a thousand million. It will mean the extinction of four thousand million: the end of life as we know it on our planet earth. We come to the United Nations to seek your support. We seek your support to put a stop to this madness."

Ronald Reagan called for the abolishment of "all nuclear weapons," which he considered to be "totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization." Mikhail Gorbachev shared this vision, which had also been expressed by previous American presidents.

Although Reagan and Mr. Gorbachev failed at Reykjavik to achieve the goal of an agreement to get rid of all nuclear weapons, they did succeed in turning the arms race on its head. They initiated steps leading to significant reductions in deployed long- and intermediate-range nuclear forces, including the elimination of an entire class of threatening missiles.

What will it take to rekindle the vision shared by Reagan and Mr. Gorbachev? Can a world-wide consensus be forged that defines a series of practical steps leading to major reductions in the nuclear danger? There is an urgent need to address the challenge posed by these two questions.

The Non-Proliferation Treaty (NPT) envisioned the end of all nuclear weapons. It provides (a) that states that did not possess nuclear weapons as of 1967 agree not to obtain them, and (b) that states that do possess them agree to divest themselves of these weapons over time. Every president of both parties since Richard Nixon has reaffirmed these treaty obligations, but non-nuclear weapon states have grown increasingly sceptical of the sincerity of the nuclear powers.

Strong non-proliferation efforts are under way. The Cooperative Threat Reduction program, the Global Threat Reduction Initiative, the Proliferation Security Initiative and the Additional Protocols are innovative approaches that provide powerful new tools for detecting activities that violate the NPT and endanger world security. They deserve full implementation. The negotiations on proliferation of nuclear weapons by North Korea and Iran, involving all the permanent members of the Security Council plus Germany and Japan, are crucially important. They must be energetically pursued.

But by themselves, none of these steps are adequate to the danger. Reagan and General Secretary Gorbachev aspired to accomplish more at their meeting in Reykjavik 20 years ago -- the elimination of nuclear weapons altogether. Their vision shocked experts in the doctrine of nuclear deterrence, but galvanized the hopes of people around the world. The leaders of the two countries with the largest arsenals of nuclear weapons discussed the abolition of their most powerful weapons.

What should be done? Can the promise of the NPT and the possibilities envisioned at Reykjavik be brought to fruition? We
believe that a major effort should be launched by the United States to produce a positive answer through concrete stages.

First and foremost is intensive work with leaders of the countries in possession of nuclear weapons to turn the goal of a world without nuclear weapons into a joint enterprise. Such a joint enterprise, by involving changes in the disposition of the states possessing nuclear weapons, would lend additional weight to efforts already under way to avoid the emergence of a nuclear-armed North Korea and Iran.

The program on which agreements should be sought would constitute a series of agreed and urgent steps that would lay the groundwork for a world free of the nuclear threat. Steps would include:

- Changing the Cold War posture of deployed nuclear weapons to increase warning time and thereby reduce the danger of an accidental or unauthorized use of a nuclear weapon.
- Continuing to reduce substantially the size of nuclear forces in all states that possess them.
- Eliminating short-range nuclear weapons designed to be forward-deployed.
- Initiating a bipartisan process with the Senate, including understandings to increase confidence and provide for periodic review, to achieve ratification of the Comprehensive Test Ban Treaty, taking advantage of recent technical advances, and working to secure ratification by other key states.
- Providing the highest possible standards of security for all stocks of weapons, weapons-usable plutonium, and highly enriched uranium everywhere in the world.
- Getting control of the uranium enrichment process, combined with the guarantee that uranium for nuclear power reactors could be obtained at a reasonable price, first from the Nuclear Suppliers Group and then from the International Atomic Energy Agency (IAEA) or other controlled international reserves. It will also be necessary to deal with proliferation issues presented by spent fuel from reactors producing electricity.
- Halting the production of fissile material for weapons globally; phasing out the use of highly enriched uranium in civil commerce and removing weapons-usable uranium from research facilities around the world and rendering the materials safe.
- Redoubling our efforts to resolve regional confrontations and conflicts that give rise to new nuclear powers.

Achieving the goal of a world free of nuclear weapons will also require effective measures to impede or counter any nuclear-related conduct that is potentially threatening to the security of any state or peoples.

Reassertion of the vision of a world free of nuclear weapons and practical measures toward achieving that goal would be, and would be perceived as, a bold initiative consistent with America’s moral heritage. The effort could have a profoundly positive impact on the security of future generations. Without the bold vision, the actions will not be perceived as fair or urgent. Without the actions, the vision will not be perceived as realistic or possible.

We endorse setting the goal of a world free of nuclear weapons and working energetically on the actions required to achieve that goal, beginning with the measures outlined above.

Mr. Shultz, a distinguished fellow at the Hoover Institution at Stanford, was secretary of state from 1982 to 1989. Mr. Perry was secretary of defense from 1994 to 1997. Mr. Kissinger, chairman of Kissinger Associates, was secretary of state from 1973 to 1977. Mr. Nunn is former chairman of the Senate Armed Services Committee.

A conference organized by Mr. Shultz and Sidney D. Drell was held at Hoover to reconsider the vision that Reagan and Mr. Gorbachev brought to Reykjavik. In addition to Messrs. Shultz and Drell, the following participants also endorse the view in this statement: Martin Anderson, Steve Andreasen, Michael Armacost, William Crowe, James Goodby, Thomas Graham Jr., Thomas Henriksen, David Holloway, Max Kampelman, Jack Matlock, John McLaughlin, Don Oberdorfer, Rozanne Ridgway, Henry Rowen, Roald Sagdeev and Abraham Sofaer.

The accelerating spread of nuclear weapons, nuclear know-how and nuclear material has brought us to a nuclear tipping point. We face a very real possibility that the deadliest weapons ever invented could fall into dangerous hands.

The steps we are taking now to address these threats are not adequate to the danger. With nuclear weapons more widely available, deterrence is decreasingly effective and increasingly hazardous.

One year ago, in an essay in this paper, we called for a global effort to reduce reliance on nuclear weapons, to prevent their spread into potentially dangerous hands, and ultimately to end them as a threat to the world. The interest, momentum and growing political space that has been created to address these issues over the past year has been extraordinary, with strong positive responses from people all over the world.

Mikhail Gorbachev wrote in January 2007 that, as someone who signed the first treaties on real reductions in nuclear weapons, he thought it his duty to support our call for urgent action: “It is becoming clearer that nuclear weapons are no longer a means of achieving security; in fact, with every passing year they make our security more precarious.”

In June, the United Kingdom’s foreign secretary, Margaret Beckett, signaled her government’s support, stating: “What we need is both a vision — a scenario for a world free of nuclear weapons — and action — progressive steps to reduce warhead numbers and to limit the role of nuclear weapons in security policy. These two strands are separate but they are mutually reinforcing. Both are necessary, but at the moment too weak.”

We have also been encouraged by additional indications of general support for this project from other former U.S. officials with extensive experience as secretaries of state and defense and national security advisors. These include: Madeleine Albright, Richard V. Allen, James A. Baker III, Samuel R. Berger, Zbigniew Brzezinski, Frank Carlucci, Warren Christopher, William Cohen, Lawrence Eagleburger, Melvin Laird, Anthony Lake, Robert McFarlane, Robert McNamara and Colin Powell.

Inspired by this reaction, in October 2007, we convened veterans of the past six administrations, along with a number of other experts on nuclear issues, for a conference at Stanford University's Hoover Institution. There was general agreement about the importance of the vision of a world free of nuclear weapons as a guide to our thinking about nuclear policies, and about the importance of a series of steps that will pull us back from the nuclear precipice.

The U.S. and Russia, which possess close to 95% of the world’s nuclear warheads, have a special responsibility, obligation and experience to demonstrate leadership, but other nations must join.

Some steps are already in progress, such as the ongoing reductions in the number of nuclear warheads deployed on long-range, or strategic, bombers and missiles. Other near-term steps that the U.S. and Russia could take, beginning in 2008, can in and of themselves dramatically reduce nuclear dangers. They include:

- Extend key provisions of the Strategic Arms Reduction Treaty of 1991. Much has been learned about the vital task of verification from the application of these provisions. The treaty is scheduled to expire on Dec. 5, 2009. The key provisions of this treaty, including their essential monitoring and verification requirements, should be extended, and the further reductions agreed upon in the 2002 Moscow Treaty on Strategic Offensive Reductions should be completed as soon as possible.

- Take steps to increase the warning and decision times for the launch of all nucleararmed ballistic missiles, thereby reducing risks of accidental or unauthorized attacks. Reliance on launch procedures that deny command authorities sufficient time to make careful and prudent decisions is unnecessary and dangerous in today’s environment. Furthermore,
• Discard any existing operational plans for massive attacks that still remain from the Cold War days. Interpreting deterrence as requiring mutual assured destruction (MAD) is an obsolete policy in today’s world, with the U.S. and Russia formally having declared that they are allied against terrorism and no longer perceive each other as enemies.

• Undertake negotiations toward developing cooperative multilateral ballistic-missile defense and early warning systems, as proposed by Presidents Bush and Putin at their 2002 Moscow summit meeting. This should include agreement on plans for countering missile threats to Europe, Russia and the U.S. from the Middle East, along with coordination of work to establish the Data Exchange Center in Moscow. Reducing tensions over missile defense will enhance the possibility of progress on the broader range of nuclear issues so essential to our security. Failure to do so will make broader nuclear cooperation much more difficult.

• Dramatically accelerate efforts to provide the highest possible standards of security for nuclear weapons, as well as for nuclear materials everywhere in the world, to prevent terrorists from acquiring a nuclear bomb. There are nuclear weapons materials in more than 40 countries around the world, and there are recent reports of alleged attempts to smuggle nuclear material in Eastern Europe and the Caucasus. The U.S., Russia and other nations that have worked with the Nunn-Lugar programs, in cooperation with the International Atomic Energy Agency (IAEA), should play a key role in helping to implement United Nations Security Council Resolution 1540 relating to improving nuclear security – by offering teams to assist jointly any nation in meeting its obligations under this resolution to provide for appropriate, effective security of these materials.

As Gov. Arnold Schwarzenegger put it in his address at our October conference, “Mistakes are made in every other human endeavor. Why should nuclear weapons be exempt?” To underline the gravity of the issue, on Aug. 29-30, 2007, six cruise missiles armed with nuclear warheads were loaded on a U.S. Air Force plane, flown across the country and unloaded. For 36 hours, no armed with nuclear warheads were loaded on a U.S. Air Force

Key subjects include turning the goal of a world without nuclear weapons into a practical enterprise among nations, by applying the necessary political will to build an international consensus on priorities. The government of Norway will sponsor a conference in February that will contribute to this process.

Another subject: Developing an international system to manage the risks of the nuclear fuel cycle. With the growing global interest in developing nuclear energy and the potential proliferation of nuclear enrichment capabilities, an international program should be created by advanced nuclear countries and a strengthened IAEA. The purpose should be to provide for reliable supplies of nuclear fuel, reserves of enriched uranium, infrastructure assistance, financing, and spent fuel management – to ensure that the means to make nuclear weapons materials isn’t spread around the globe.

There should also be an agreement to undertake further substantial reductions in U.S. and Russian nuclear forces beyond those recorded in the U.S.-Russia Strategic Offensive Reductions Treaty. As the reductions proceed, other nuclear nations would become involved.

President Reagan’s maxim of “trust but verify” should be reaffirmed. Complete a verifiable treaty to prevent nations from producing nuclear materials for weapons would contribute to a more rigorous system of accounting and security for nuclear materials.

We should also build an international consensus on ways to deter or, when required, to respond, to secret attempts by countries to break out of agreements.

Progress must be facilitated by a clear statement of our ultimate goal. Indeed, this is the only way to build the kind of international trust and broad cooperation that will be required to effectively address today’s threats. Without the vision of moving toward zero, we will not find the essential cooperation required to stop our downward spiral.

In some respects, the goal of a world free of nuclear weapons is like the top of a very tall mountain. From the vantage point of our troubled world today, we can’t even see the top of the mountain, and it is tempting and easy to say we can’t get there from here. But the risks from continuing to go down the mountain or standing pat are too real to ignore. We must chart a course to higher ground where the mountain top becomes more visible.

Mr. Shultz was secretary of state from 1982 to 1989. Mr. Perry was secretary of defense from 1994 to 1997. Mr. Kissinger was secretary of state from 1973 to 1977. Mr. Nunn is former chairman of the Senate Armed Services Committee.


**Excerpts from a Speech by UK Prime Minister Gordon Brown**

[Chamber of Commerce, Delhi, 5 February 2008]

[Eds.]

Now the world is not properly equipped either to respond, as we must, to the spread of weapons of mass destruction. We have seen the rise of non-state terrorism, the threat to civilians during conflict and from genocide, and the need to rapidly underpin peace with support for reconstruction. So it is time also to set a new and ambitious agenda to prevent conflict and to stabilise and to see reconstruction in what we have seen far too often - failed and failing states. And facing serious challenges from Iraq and North Korea, we must send a powerful signal to all members of the international community that the race for more and bigger stockpiles of nuclear destruction is over. The expiry of the
remaining US-Russia arms deals, the continued existence of these large arsenals, the stalemates on a fissile material cut-off treaty and the Comprehensive Test Ban Treaty must all be addressed.

And let me say today Britain is prepared to use our expertise to help determine the requirements for the verifiable elimination of nuclear warheads. And I pledge that in the run-up to the Non Proliferation Treaty review conference in 2010 we will be at the forefront of the international campaign to accelerate disarmament amongst possessor states, to prevent proliferation to new states, and to ultimately achieve a world that is free from nuclear weapons.

Around the world we are already seeing new interest in nuclear power as a source of energy supply and this increased interest in civil nuclear power also brings with it increased risk of proliferation for military purposes. So we want to press ahead for early agreement on a new IAEA-led international system to help non-nuclear states acquire the new sources of energy they need, including through an enrichment bond for uranium. And this offer that we want to make to non-nuclear states is one that we will make only in return for firm commitments to the highest non-proliferation standards. Because the threat and proliferation of weapons of mass destruction is now compounded by the continuing proliferation of conventional weapons, and we know that one person is killed every minute from small arms. Britain will also work internationally to achieve a global arms trade treaty.

UN Statement by Mr Des Browne (UK Secretary of State for Defence) at Plenary Meeting of the Conference on Disarmament [Geneva, 5 February 2008]

“Laying the Foundations for Multilateral Disarmament”

I know it is rare for a defence Minister to address a conference on disarmament. That is precisely why I wanted to come here today, I want the fact that the British Secretary of State for Defence is addressing this Conference to send a strong message about the priority we give to our disarmament commitments.

These are commitments not just theoretical obligations. They are priorities against which we have made real progress since we came to power in 1997. The UK has a vision of a world free of nuclear weapons and, in partnership with everyone who shares that ambition, we intend to make further progress towards this vision in the coming years.

Problem

Over the past 15 years, we have seen some nations expanding their nuclear arsenals, some surreptitiously seeking nuclear weapons under the guise of a civil energy programme and others detonating nuclear test devices in the face of international condemnation.

The proliferation of nuclear material, technology, know-how and weapons represents a grave threat to international security. There remain many thousands of nuclear warheads around the world. We must take action now to ensure such material is properly protected.

We all want to see the world become a much safer place. International security architecture, in the form of Treaties and initiatives, exists to help us achieve that objective. The international community has been active in bolstering that architecture. It has not completely stopped proliferation. Nor is it yet strong enough to permit immediate unilateral disarmament by any recognised Nuclear Weapon State.

We need to do more.

But nuclear weapons and other Weapons of Mass Destruction are not the only concern, we must also maintain a focus on conventional weapons.

Last month, Gordon Brown set out the key challenges facing the international community. He highlighted some of the ways international institutions need to reform to enable us all, collectively, to meet those challenges. He reminded us that one person is killed every minute by a conventional weapon. Kofi Annan famously called them “WMD in slow motion”. These weapons have an enormous effect in terms of lost human lives, in terms of broken communities, environmental impact and damage to economic prosperity and development. I have witnessed their devastating impact on the lives of people in Central Africa, Colombia, Northern Ireland and elsewhere.

Consequently, I am proud support efforts such as the UK’s Arms Trade Treaty initiative. These efforts aim to contribute to a global control architecture which both meets the requirements of the 21st century and gives focus and coherence to existing measures. In addition, Gordon Brown and I have made clear our goal of securing an international instrument that bans those cluster munitions that cause unacceptable harm to civilians. Last year I withdrew from service the two types of cluster munitions for exactly this reason and only last week with my colleagues I met with NGOs and politicians concerned about the impact of cluster munitions to discuss both Oslo and CCW.

Controlling and reducing the proliferation of conventional arms is important, but I have come here today to focus on nuclear disarmament. As the preamble to the Nuclear Non-Proliferation Treaty makes clear, all States party to the Treaty should work towards “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 elimination of all of their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery…”

This is not some “get out” clause for the five recognised Nuclear Weapon States. Rather it is recognition that all signatories to the Non-Proliferation Treaty already have agreed to strive for measures which provide an environment for all Nuclear Weapon States to eliminate their holdings. This is a joint commitment and it is a joint responsibility.

As this Conference knows too well, the Comprehensive Nuclear Test Ban Treaty has not yet entered into force and there is an ongoing stalemate on a Fissile Material Cut Off Treaty. This hardly gives the impression that progress is being made.

I commend this Conference for playing a crucial role in moving forward the debate and seeking solutions. And I encourage all experts and representatives engaged in this process to redouble their efforts.

Solutions

It may be a truism but global challenges require global solutions. The solutions must take us all towards an increase in the pace of multilateral disarmament as well as a reduction in proliferation.

The international community needs a transparent, sustainable and credible plan for multilateral nuclear disarmament. A plan that also addresses proliferation, so that disarmament and counter-proliferation both move forward together, each supporting the other. Although, we all understand that there is no formal conditionality between progress on disarmament and non-proliferation, our goal should be a virtuous circle, where progress on one reinforces the other.

Our chances of eliminating nuclear weapons will be enhanced immeasurably if the Non-Nuclear Weapon States can see forward planning, commitment and action toward multilateral nuclear disarmament by Nuclear Weapon States. Without this, we risk generating the perception that the Nuclear Weapon States are failing to fulfil their disarmament obligations and this will be used by some states as an excuse for their nuclear intransigence.

What then should this plan comprise of?

Let me start with the question of reductions to the major nuclear arsenals.

There is little public acknowledgement of the vast cuts so far in US and Russian warheads, especially since the Cold War. Nor, for that matter, the cuts to the much smaller French and UK stocks.

I welcome the recent news by the US that, by 2012, their stockpile will be at its lowest for 50 years – less than one quarter of the level at the end of the Cold War. We all need to maintain this effort but we also need to get better at publicising the fact that we are on this path.
We must also welcome the ongoing bilateral discussions between the US and Russia for a follow-on arrangement after the current START treaty expires. Success would provide a powerful signal that the post Cold War disarmament trend towards zero will continue.

States also need to explore whether there is scope to reduce further the number of nuclear weapons they need to maintain an effective deterrent. The UK set an example by reducing our operationally available warheads by a further 20% when we decided last year to maintain our own minimum nuclear deterrent beyond the life of the current Vanguard-class submarines.

The international climate must become one that gives all Nuclear Weapon States the confidence to continue to make similar changes.

I welcome the discussions on how to deal with States who may leave the NPT. Leaving any treaty is always a sovereign decision, but the NPT Review Conference in 2010 should send a message to any States considering withdrawal that such a decision will have consequences.

We must be resolute in tackling proliferation challenges. We must confront states who are looking to breach their obligations and undermine global security by developing WMD. And within the international community we must ensure there is no space for such proliferators.

The UK is committed to supporting the universal right of access to safe, secure and peaceful nuclear technology. But this cannot be at the risk of further proliferation. It is in this context that we have developed the concept of an Enrichment Bond – whereby assistance is granted in return for demonstrable commitment to non-proliferation.

We should also continue to strive for the early entry into force of the Comprehensive Nuclear Test Ban Treaty and progress in its verification system. I warmly welcome the ratification last week by Columbia – real evidence of progress on this key piece of our security architecture. Since 1991, the UK has not tested a nuclear weapon and I call on all states to ratify the CTBT as soon as possible, especially those so-called Annex II states whose ratification is required for the Treaty’s entry into force.

I believe a key milestone towards building this climate for disarmament is securing a Fissile Material Cut-Off Treaty, which, in real ways, will limit the ability of signatory states to expand their nuclear arsenals and which will provide the necessary reassurance to their neighbours and the international community.

Since 1995, the UK has had a moratorium on production of fissile material for nuclear weapons purposes and permanently placed excess defence material under international safeguards. The US, France and Russia have announced similar formal arrangements. But we want to see that political commitment transformed into a legal one through a treaty.

In 2007, the International Community came very close to starting negotiations in 2007 and I commend all those states who were willing to take part. And I call on those three states that did not, to do so this year. As UN Secretary General, Ban Ki Moon, said last month, we all have legitimate national security concerns, but without any preconditions, let’s at least get to negotiations of a Treaty, where these security concerns can then be addressed.

Some commentators have raised the idea of taking the Fissile Material Cut-off Treaty out of the Conference and negotiating a treaty amongst a smaller group of like-minded nations. Frankly this misses the very point of the Conference – it is the only body where all nuclear armed States and Non-Nuclear Weapon States sit together to discuss security issues of the highest sensitivity.

Safeguarding fissile material is a crucial responsibility of those who possess nuclear weapons. So let us work together within this Conference to make real multilateral progress.

But just as the Fissile Material Cut-off Treaty is a high priority for the UK, I acknowledge other nations have other priorities, such as negotiating a new legal instrument on preventing an arms race in space.

At the UN, the UK consistently has supported the annual resolution on the Prevention of an Arms Race in Outer Space. But there is no international consensus on the need to start negotiations on a new international legal instrument governing the military use of space. So rather than allowing this stalemate to continue, efforts should instead be focused on areas such as transparency and confidence building to allow us all to move forward.

UK / Defence Contribution

So what is the UK, and more specifically the Ministry of Defence, doing to help move this agenda along, and to help create an environment conducive to multilateral nuclear disarmament?

Already we have contributed in the most tangible way through reducing the number of operationally available warheads to fewer than 160. This has now been achieved. And if we are able to reduce further, we will do that.

With a contribution from the UK government, the International Institute for Strategic Studies is examining the political and technical requirements for a world free from nuclear weapons. And I look forward to the final report, which will be published later this year.

However, one area on which I would like to focus is our work on verification of nuclear disarmament.

Just as Margaret Beckett said last year, I too want the UK to be seen as a ‘disarmament laboratory’. By that I mean the UK becoming a role model and testing ground for measures that we and others can take on key aspects of disarmament. In particular, measures needed to determine the requirements for the verifiable elimination of nuclear weapons.

Any verification regime will have to be robust, effective and mutually trusted and, crucially, one that doesn’t give away national security or proliferation-sensitive information.

The more reductions states make, the more confidence they will require that no one is cheating and secretly retaining a ‘marginal nuclear weapon’. It is therefore of paramount importance that verification techniques are developed which enable us all – Nuclear Weapon States and Non-Nuclear Weapon States – to have confidence that when a state says it has fully and irrevocably dismantled a nuclear warhead, we all can be assured it is telling the truth.

The UK is ready to lead the way on this. Research into how one technically verifies the dismantlement of a warhead continues at the UK’s Atomic Weapons Establishment at Aldermaston.

Developing such techniques will take time but it is very important it is not undertaken in ‘splendid isolation’. It must be built on the requirements of Nuclear and Non-Nuclear Weapon States alike. We need to consider not only what information we are willing to divulge but also what information a Non-Nuclear Weapon State will want to receive.

With this in mind, over the last year AWE has developed a technical cooperation initiative with several Norwegian defence laboratories. The process of engaging with Norway must avoid breaching our mutual NPT obligations, which in itself serves as useful insight into how future multilateral discussions might proceed.

The difficulty is in developing technologies which strike the right balance between protecting security and proliferation considerations and, at the same time, providing sufficient international access and verification. But this is a challenge we can overcome.

If we are serious about doing our bit to create the conditions for complete nuclear disarmament, we must now also begin to build deeper technical relationships on disarmament between nuclear weapon states.

So I come to this Conference with a proposal.

As a next step, and following on from the AWE research, the UK is willing to host a technical conference of P5 nuclear laboratories on the verification of nuclear disarmament before the next NPT Review Conference in 2010. We hope such a conference will enable the five recognised nuclear weapons states to reinforce a process of mutual confidence building, working together to solve some of these difficult technical issues.
As part of our global efforts, we also hope to engage with other P5 states in other confidence-building measures on nuclear disarmament throughout this NPT Review Cycle. The aim here is to promote greater trust and confidence as a catalyst for further reductions in warheads - but without undermining the credibility of our existing nuclear deterrents.

So to summarise, we face serious threats. But we face them together - that is the nature of today's globalised interdependent world. We need a transparent, sustainable and credible plan for multilateral nuclear disarmament. A plan shared by Nuclear Weapon States and Non-Nuclear Weapon States alike.

I have suggested some of the elements of that plan. But the UK certainly does not have a monopoly on good ideas – others have put equally good proposals on the table, and I encourage states to suggest further initiatives.

So, Conference, let us all work together with resolve and ambition to lay the foundations that will allow us to move towards that shared vision of a world free of nuclear weapons.

Thank you.

Transcript of Remarks by Russian Minister of Foreign Affairs Sergey Lavrov at the Plenary Session of the Conference on Disarmament

[Geneva, 12 February 2008]

Mr. Secretary-General,
Mr. President,
Distinguished colleagues,
Ladies and gentlemen,

First of all, I would like to welcome all the participants in the Conference on Disarmament. I appreciate the opportunity to address this representative forum and to share our views on the state of the disarmament and non-proliferation process, which cannot but cause concern.

Scientific achievements and the use of advanced technologies offer unheard-of opportunities for addressing the primary task for any State, i.e. to ensure sustainable development and prosperity. The growing interdependence of the globalizing world and the emerging multipolar system create a favorable environment for expanding international cooperation with a view to taking maximum advantage of such opportunities for the benefit of all the countries and peoples. On the other hand, the new global threats and the aggravation of many existing ones, ranging from terrorism and proliferation of weapons of mass destruction to climate change, require from the international community to come up with a joint response. This is the imperative of the time.

Mankind has no other acceptable alternative but to ensure security collectively, through working together. This task is too tough, both in financial and military terms, for a single State or any narrow coalition to tackle. The very logic behind the evolution of present-day international relations proves futility of unilateral and bloc-based schemes, particularly force-oriented ones. Their champions are incapable of guaranteeing security even for themselves and only show the limits of what such a response can achieve. But the main thing is that such actions undermine stability by forcing other countries to take care of their security on their own. And this, as a rule, does damage to non-proliferation.

The Treaty on the Non-Proliferation of Nuclear Weapons is a pivotal element of the modern international security system. Here, in Geneva, a second session of the Preparatory Committee for a regular review of the NPT will be held in a few months' time. We are interested in as constructive and efficient as possible work of this forum, which is called upon to create favourable conditions for a successful 2010 Review Conference. The important thing is to ensure further effectiveness of the Treaty proceeding from the unity of its three fundamental elements: non-proliferation, peaceful uses of atomic energy and disarmament.

Russian-American relations in the area of limitation and reduction of strategic offensive arms are of key importance to real disarmament. Unfortunately, there is no certainty about the future of this process. The SALT I Treaty expires in December 2009. Long in advance, as far back as three years ago, we offered the idea of developing and concluding a new full-fledged agreement on further and verifiable reduction and limitation of strategic offensive arms.

Our goal is to preserve stability and predictability in strategic relations between Russia and the United States. Therefore, we suggest that all the best elements of the existing Treaty be borrowed and placed in the foundation of a new agreement. Such a document, which should, of course, be legally binding, could provide for new, lower ceilings subject to verification on both strategic delivery vehicles (intercontinental ballistic missiles, sea launched ballistic missiles and heavy bombers), and their warheads. However, it has so far been impossible to arrive at acceptable solutions.

We hope that US negotiators will pay heed to the call of such authorities in this field as George Shultz, Henry Kissinger, Sam Nunn and William Perry, who argued in a convincing manner in favour of the need to continue nuclear disarmament, strengthen international non-proliferation regimes and maintain strategic stability on a multilateral basis. Many of their ideas are in line with Russia's initiatives, though there are, of course, aspects that call for further discussion in seeking agreement on specific ways of resolving these not that simple tasks.

I wish to note specifically that we cannot but feel concerned over the situation where, with the looming prospect of expiration of the treaty limitations on strategic offensive arms, there are increasing efforts by the United States to deploy its global ABM system. It is well known that there is an inseparable relationship between strategic offensive and defensive armaments, and it is impossible not to take that fact in account in future military planning. The desire to acquire an anti-missile "shield" while dismantling the "sheath", where the nuclear "sword" is kept, is extremely dangerous. And if one also places on the balance pan the "global lightning strike" concept providing for striking with nuclear and conventional strategic means targets in any point of the Globe in a matter of an hour after a relevant decision has been made, the risks for strategic stability and predictability become more than obvious.

We think that strategic stability can no longer remain an exclusive domain of Russian-US relations. This residual bipolarity needs to be overcome through opening up this sphere to all interested states prepared to actively cooperate with a view to strengthening common security. It is our strong belief that such cooperation should be based on equality, mutual respect, a constructive dialogue, joint analysis and due account of the interests of all the sides in working out and making decisions.

It is these principles that Russia will continue to uphold in its foreign policy. The same principles traditionally underlie the work of the Conference on Disarmament which is a unique and indispensable international negotiating forum possessing a solid intellectual and professional potential. The Conference has made a substantial contribution to strengthening peace and security, as well as promoting disarmament and non-proliferation of weapons of mass destruction and their means of delivery through developing most important international legal instruments in this area.

However, the results produced by the Conference in the past cannot solve all current problems; new and highly grave challenges and threats that call for an urgent joint response have been emerging here. A delay is fraught with dangerous risks.

Like a great majority of other States, Russia is of course dissatisfied with a situation where the substantive work of the Conference has been blocked for ten years now, while there has been stagnation in the sphere of disarmament, arms control and non-proliferation. We are convinced that, given political will, the situation can be reversed. And the key prerequisite for this lies in favourable international conditions for a disarmament process that can only advance on the basis of reciprocity, the principle of equal security and compliance with international law.

Among the issues requiring the use of the Conference's potential is ensuring predictability of military activities in space. Without preventing an arms race in space international security will be wanting. Strategic stability which is central to the world's military and political equilibrium will be endangered.

The activities in the exploration and use of outer space have substantially expanded lately in their scale and importance. The
interests of further dynamic development of international space cooperation require insistently measures aimed to prevent turning space into an arena of confrontation and to keep space free from any weapons.

Speaking last year in Munich, President Vladimir V. Putin, warned against the emergence of new high-tech destabilizing types of weapons and new areas of confrontation, particularly in outer space. He emphasized that militarization of outer space could trigger unpredictable consequences for the international community - no less serious than the onset of the nuclear era. The President also noted that a draft special treaty was being prepared aimed at preventing such a development. The document was developed by us jointly with the People's Republic of China and circulated unofficially among interested delegations at the Conference last June. The overwhelming majority of our partners reacted positively to the document. Many states are looking forward to substantive work on this issue.

Today, the Russian Federation together with the People's Republic of China, are officially submitting a draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects (PPWT) to the Conference on Disarmament for consideration. Given its mandate, agenda and high expert potential on military space issues, we believe that the Conference is the most appropriate forum for multilateral work on the draft treaty.

The draft takes into account the proposals made by Member States of the Conference in the course of their joint work on the Treaty elements that were submitted earlier to the CD by Russia and China together with a group of co-sponsors and fruitfully discussed here over more than five years.

We are submitting the draft Treaty with a research mandate. It has been supported by the majority of Member States of the Conference and does not add any complications to achieving a compromise on the programme of work of the Conference. We hope that subsequently, when appropriate conditions are there, our work can be channeled into a negotiating format with establishment of a relevant ad hoc committee of the Conference.

Modern international space law does not prohibit deployment in space of weapons which do not belong to WMD. However, such weapons, if deployed in space, would have a global reach, high employment readiness and a capability for hidden engagement of space objects and rendering them inoperative. In contrast to WMD, such weapons would be fit for real use, generate suspicion and tensions among states and frustrate the climate of mutual trust and cooperation in space exploration, rather than being a means of containment.

Apart from this, weapons deployment in space by one state will inevitably result in a chain reaction. And this, in turn, is fraught with unpredictable consequences for the international community - no less serious than the onset of the nuclear era. The President also noted that a draft special treaty was being prepared aimed at preventing such a development. The document was developed by us jointly with the People's Republic of China and circulated unofficially among interested delegations at the Conference last June. The overwhelming majority of our partners reacted positively to the document. Many states are looking forward to substantive work on this issue.

To conclude, I would like to dwell briefly on the new Russia's foreign policy philosophy in the context of disarmament issues.

In the new age, the goal of any state is to play and to win in the world competitive struggle, rather than on battlefield. Russia's entire foreign policy is oriented towards preserving the historic prospect for an independent development, truly based on its identity, in the family of other nations, that has been offered to it for the first time. This will be impossible without continuing accelerated social and economic growth in the country, which will be one of the key guarantees of our security. Externally, Russia's security should be ensured by a more just and genuinely democratic architecture of international relations. Unfortunately, the world that shook off the Cold War, has so far failed to attain a new equilibrium. The conflict potential, including in the areas close to the Russian frontiers, is very high.

That is why we have been consistently favouring collective actions being reaffirmed and legal principles strengthened in regional and global affairs on the basis of the UN Charter and recognition of indivisibility of security and development in the modern world.

That is why we favour setting up open collective security systems, first of all the formation of a single security space in the Euro-Atlantic area. We re convinced that there is no need for security against each other or against anyone, we need security against transnational threats.

That is why, as President V. Putin stated recently, we will not allow to draw us into a costly confrontation, including a new arms race detrimental to the internal development of the country.

That is why we favour maintaining continuity in the process of disarmament and arms control, its further development in terms of treaties and law and in the spirit of strategic openness.

It is not Russia that throws challenges to its international partners, it is life itself that throws challenges to all states without exception.
first of all, to major states, which largely determine the future of the
world. We have made our choice and are prepared to work jointly.

“Basic elements of an international legally-binding
arrangement on the elimination of intermediate-range and
shorter-range (ground-launched) missiles, open for broad
international accession”

Preamble
The States Parties to this Arrangement,
Guided by the objective of strengthening strategic stability both
globally and regionally,
Convinced that the measures set forth in this Arrangement will help
to reduce the risk of outbreak of war and strengthen international
peace and security,
Determined to act with a view to achieving effective progress
towards general and complete disarmament under strict
international control,
Desiring to contribute to the realization of the purposes and
principles of the Charter of the United Nations,
Have agreed as follows:

Article I
General Obligations
1. Each State Party to this Arrangement upon entry into force of
this Arrangement and thereafter shall not produce or flight-test any
intermediate-range and shorter-range missiles or produce any
stages of such missiles or any launchers of such missiles.
2. Each State Party to this Arrangement shall eliminate all its
intermediate-range and shorter-range missiles and launchers of
such missiles, as well as all support structures and equipment
associated with such missiles and launchers, being in its
possession or ownership, or being located in any site under its
jurisdiction or control, under categories subject to an agreement, so
that no later than the agreed date after entry into force of this
Arrangement and thereafter no such missiles, launchers or support
structures and equipment shall be possessed by each State Party.

Article II
Rules of Accounting and Definitions of Types of Intermediate-
Range and Shorter-Range Missiles
Provisions for rules of accounting and definitions of types of
intermediate-range and shorter-range missiles are subject to an
agreement.

Article III
Limitations on Stationing and Transit of Intermediate-Range
and Shorter-Range Missiles
Provisions for stationing and transit of intermediate-range and
shorter-range missiles are subject to an agreement.

Article IV
Exchange of Information Related to the Obligations
Provisions for exchange of an information under categories of data,
related to the obligations provided for by this Arrangement, are
subject to an agreement.

Article V
Elimination Procedures
Each State Party to this Arrangement shall eliminate all its
intermediate-range and shorter-range missiles and launchers of
such missiles, and all support structures and support equipment
associated with such missiles and launchers in accordance with the
procedures which are subject to an agreement.

Article VI
Rules of Compliance Verification
Provisions for rules of compliance verification are subject to an
agreement.
Emphasizing future development of humankind, published on the Russian MFA’s website. 

The full text of the statement of Foreign Minister Sergey Lavrov is Reaffirming major events of international life. 

The States Parties to this Treaty, 

Noting that the existing agreements on arms control and disarmament relevant to outer space, including the bilateral ones, and the existing legal regimes concerning the use of outer space play a positive role in exploration of outer space and in regulating outer space activities, and should be strictly complied with; although they are unable to effectively prevent the placement of weapons and an arms race in outer space, 

Recalling the resolution of the General Assembly of the United Nations “Prevention of an arms race in outer space”, where, inter alia, a conviction was expressed in the need for examination of further measures in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, 

Have agreed on the following: 

Article I 

For the purpose of this Treaty: 

a) the term “outer space” means space beyond the elevation of approximately 100 km above ocean level of the Earth; 

b) the term “outer space object” means any device, designed for functioning in outer space, being launched into an orbit around any celestial body, or being in the orbit around any celestial body, or on any celestial body except the Earth, or leaving the orbit around any celestial body towards this celestial body, or moving from any celestial body towards another celestial body, or placed in outer space by any other means; 

c) the term “weapons in outer space” means any device placed in outer space, based on any physical principle, specially produced or converted to eliminate, damage or disrupt normal function of objects in outer space, on the Earth or in its air, as well as to eliminate population, components of biosphere critical to human existence or inflict damage to them; 

d) a weapon will be considered as “placed” in outer space if it orbits the Earth at least once, or follows a section of such an orbit before leaving this orbit, or is stationed on a permanent basis somewhere in outer space; 

e) the “use of force” or “threat of force” mean any hostile actions against outer space objects including, inter alia, those aimed at their destruction, damage, temporarily or permanently injuring normal functioning, deliberate alteration of the parameters of their orbit, or the threat of these actions.

Article II 

States Parties undertake not to place in orbit around the Earth any objects carrying any kind of weapons, not to install such weapons on celestial bodies, and not to station such weapons in outer space in any other manner; not to resort to the threat or use of force against outer space objects; not to assist or encourage other states, groups of states or international organizations to participate in activities prohibited by the Treaty. 

Article III 

Each State Party shall take all necessary measures to prevent any activity prohibited by the Treaty on its territory or in any other place under its jurisdiction or control. 

Article IV 

Nothing in this Treaty can be interpreted as impeding the rights of the States Parties to explore and use outer space for peaceful purposes in accordance with international law, which include but are not limited to the Charter of the United Nations and the Outer Space Treaty. 

Article V 

Nothing in this Treaty can be construed as impeding the realization by the States Parties of the sovereign right for self-defense in accordance with Article 51 of the Charter of the United Nations. 

Article VI 

With a view to facilitate assurance of compliance with the Treaty provisions and to promote transparency and confidence-building in outer space activities the States Parties shall practice on a voluntary basis, unless agreed otherwise, agreed confidence-building measures. 

Measures of verification of compliance with the Treaty may be the subject of an additional protocol. 

Article VII 

When a dispute arises between States Parties concerning the application or the interpretation of the provisions of this Treaty, the parties concerned shall first consult together with a view to settling the dispute by negotiation and cooperation. 

When the parties concerned do not come to an agreement after consultation, the disputed situation that has arisen may be referred to the Executive organization of the Treaty along with provision of the relevant argumentation. 

Each State Party shall undertake to cooperate in the settlement of the disputed situation that has arisen with the Executive organization of the Treaty. 

Article VIII 

To promote the implementation of the objectives and the provisions of the Treaty, States Parties shall establish the Executive organization of the Treaty which shall: 

a) receive for consideration inquiries by any State Party or a group of States Parties related to the grounds that have arisen to believe that the violation of the Treaty by any State Party is taking place; 

b) consider matters concerning the compliance with the obligations taken by States Parties; 

c) organize and conduct consultations with the State Parties with the view to settle down the situation that has arisen in connection with the violation of a State Party of the Treaty; 

d) take measures to put an end to the violation of the Treaty by any State Party. 

The title, status, specific functions and forms of work of the Executive organization of the Treaty shall be the subject of an additional protocol to the Treaty. 

Article IX 

International intergovernmental organizations may take part in the Treaty. Provisions defining variants and modalities of their participation in the Treaty shall be the subject of an additional protocol to the Treaty.
Excerpts from 'Reviving Nuclear Disarmament'
[Speech by Mohamed ElBaradei, Director General of IAEA at Conference on "Achieving the Vision of a World Free of Nuclear Weapons", Oslo, 26 February 2008]

[Eds.]
In 1986, President Reagan and Chairman Gorbachev came tantalisingly close to agreeing to scrap their entire nuclear weapon arsenals. The official transcripts of their summit meetings in Reykjavik, make breathtaking reading. From the perspective of 2008, the sheer boldness of the proposals is almost unimaginable. Our keynote speaker Secretary Shultz had a front-row seat at that time. Unfortunately, the two leaders were unable to deliver the "zero option" as differences proved intractable. But in 1987, Reagan and Gorbachev did agree to abolish an entire class of "zero option" as differences proved intractable. But in 1987, Reagan and Gorbachev did agree to abolish an entire class of nuclear weapons - shorter- and intermediate-range missiles - in the START process.

They also created a legacy of dialogue, trust and verification. Significant cuts were subsequently agreed by the two opposing power blocs in everything from military manpower, tanks and warplanes to attack helicopters. There were also verified reductions in strategic nuclear weapons in the START process. Unfortunately, the momentum got lost. The world changed. But the end of the Cold War did not mean the end of all war. It meant the end of the Cold War did not mean the end of all war.

In recent years, nuclear threats have become more dangerous and more complex. The number of states known to have nuclear weapons has expanded to nine. Virtually all are extending or modernizing their nuclear weapon arsenals. Others have tried to develop clandestine nuclear programmes. Extremist groups have shown keen interest in acquiring nuclear weapons. Nuclear materials have become more difficult to control. A new phenomenon of illicit trade in nuclear technology has emerged. Energy security and climate change are driving many countries to revisit the nuclear power option. But the growing interest in mastering the nuclear fuel cycle - seen by some countries as an implicit deterrence or insurance policy - raises the prospect of a steadily increasing number of nuclear-weapon-capable states.

Roughly 27 000 nuclear warheads still remain in the arsenals of these nine countries, 95 percent of which are in the hands of the United States and the Russian Federation. Strategic reliance on these weapons by these countries and their allies undoubtedly motivates others to do the same. And naturally, plans to replenish and modernize these weapons create a pervasive feeling of cynicism among many states - which sense a "do as I say, not as I do" posture. Some of them question the compliance by the weapons states with the Nuclear Non-Proliferation Treaty, which requires parties 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."

In 1996, the International Court of Justice unanimously interpreted this as an "obligation to achieve a precise result - nuclear disarmament in all its aspects." Security of nuclear weapons and nuclear materials is also a constant concern. After all, out of 27 000 warheads and many tons of highly enriched uranium and separated plutonium, what are the chances that some weapons or material might go astray? In the past year alone, we have heard alarming stories about aircraft armed with nuclear missiles going missing and of nuclear facilities and equipment protected by little more than bicycle locks.

Today's keynote speaker George Shultz and his distinguished colleagues Sam Nunn, Henry Kissinger and William Perry - the Four Horsemen, as I have heard them called - deserve great credit for their landmark op-ed a year ago calling for the elimination of all nuclear weapons states with the Nuclear Non-Proliferation Treaty, which do" posture. Some of them question the compliance by the United States and the Russian Federation. Strategic reliance on these weapons by these countries and their allies undoubtedly motivates others to do the same. And naturally, plans to replenish and modernize these weapons create a pervasive feeling of cynicism among many states - which sense a "do as I say, not as I do" posture. Some of them question the compliance by the weapons states with the Nuclear Non-Proliferation Treaty, which requires parties 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."

Quick Action Possible
I echo almost everything Secretary Shultz and his colleagues say about creating a nuclear-free world. I would like, however, to provide a different perspective on a couple of points.

First, their call for "agreement on plans for countering missile threats to Europe, Russia and the U.S. from the Middle East." This, in my view, would not necessarily lead to a viable solution. It is tantamount to building a wall around this deeply troubled region, which I am sure could be punctured in different ways, particularly in our increasingly globalised world.

What the rest of the world should actually concentrate on is reaching out to the Middle East by helping to address the dire conditions in the region - chronic and festering conflicts, poverty and social injustice, repression and inept governance. These very conditions are at the root of the pervasive sense of injustice and humiliation that translates into extremism and violence, the drivers for most of the world's major non-proliferation and security concerns. We should not, therefore, quarantine the region but instead make a serious effort to integrate it. What we need is a security structure that is inclusive and not based on "us" versus "them," the very mindset we are trying here to change.

Second, the authors say the creation of a reliable system of supply of nuclear fuel should be done "by advanced nuclear countries and a strengthened IAEA." Control of the nuclear fuel cycle is key to curbing proliferation risks. But it must be unambiguously under multinational control, not just managed by the leading nuclear powers. Otherwise, it would fail to win the confidence of countries on the receiving end, who would perceive it as yet again perpetuating a nuclear order of "haves and have-nots." I will come back to this point shortly.
I trust that all of us in this room share the hope that we will see a world free of nuclear weapons. I also expect we are all realistic enough to accept that this will not happen overnight and will be a long-term process. But it is not an impossible dream. So what practical steps could we take now to curb proliferation and move towards disarmament?

It is clear that the nuclear-weapon-states should lead by example. They should also understand the symbiotic link between nuclear disarmament and non-proliferation. Neither will function without the other. The United States and Russia have a special responsibility. As holdovers of the largest stockpiles of nuclear weapons, their actions would help to shape the actions of others. Their continued reliance on nuclear weapons as the cornerstone of their security sends the wrong message. At the NPT Review Conference in 2000, the weapon states gave an unequivocal undertaking "to accomplish the total elimination of their nuclear arsenals." I will highlight a few measures which I believe are do-able in the short term but would nonetheless have a significant impact.

The first step should be significant reductions in nuclear arsenals.

There is no reason why the two largest nuclear-weapon-states cannot slash the number of warheads they hold, without diminishing their security or that of their allies. Russia and the United States have already reduced their stockpiles dramatically, but much more needs to be done. In December, President Bush approved a significant cut in the deployed U.S. nuclear weapon stockpile, which will make it less than a quarter of its size at the end of the Cold War. But there is considerable scope for further radical reductions of deployed weapons and the elimination of undeployed ones. And as the process moves forward, other states possessing nuclear weapons should follow suit.

Second, the operational status of nuclear weapons systems needs to be changed.

There is no reason for nuclear weapons to be on permanent high alert - ready to be launched at perhaps 30 minutes’ notice. The risk of accident or miscalculation would be dramatically lowered if weapons were taken off the Cold War hot-trigger alert. As Sam Nunn and his colleagues stated last month: “Reliance on launch procedures that deny command authorities sufficient time to make careful and prudent decisions is unnecessary and dangerous in today’s environment.” They go on to propose that Russia and the U.S. should introduce “mutually agreed and verified physical barriers in the command-and-control sequence” - an idea which is long overdue.

Third, multilateral disarmament negotiations must be resumed without further delay.

The Comprehensive Test Ban Treaty must be implemented and work should continue on a verification Fissile Material (Cut-Off) Treaty to ban the production of fissile material for nuclear weapons. The CTBT - signed more than a decade ago and seen by some as the longest sought, hardest fought arms control agreement - must be brought into force as soon as possible. And pending the early start of negotiations on a verifiable Fissile Material (Cut-Off) Treaty, there should be a universal moratorium on the production of fissile material.

Fourth, we must develop a new framework for the utilisation of nuclear energy. As I continue to advocate, a multilateral approach would ensure security of supply of nuclear fuel, while reducing the risk of proliferation. A number of proposals have been made, including a fuel bank under IAEA auspices and multinational enrichment facilities. The ultimate goal, in my view, should be to bring the entire fuel cycle, including waste disposal, under multinational control, so that no one country has the exclusive capability to produce the material for nuclear weapons. I do not believe that any country will give up its right to engage in fuel cycle activities, but the multinational framework is based on equal rights and obligations for all participants.

Fifth, we need to improve the security of nuclear materials. The Agency aims to track all illicit activities such as smuggling, theft and loss of nuclear and radioactive materials. It is quite alarming that a large percentage of the materials reported as lost or stolen are never recovered; and, conversely, that a large percentage of materials which are recovered have not been previously reported as missing. There continue to be many gaps in the current security system which make it vulnerable to abuse by organised crime, or worse - by extremists. This is actually the greatest danger we face - that nuclear weapons or material could fall into the wrong hands. If this were to happen, the weapon or material would almost certainly be used, since the concept of deterrence that operates between States is irrelevant to an extremist ideology.

Sixth, we must strengthen the verification authority and capability of the IAEA.

International verification will be a vital part of any disarmament effort and the Agency, with its credibility and technical expertise, should be expected to play an important role in that process. Experience has shown that when the IAEA is equipped with the necessary legal authority, state-of-the-art technology and adequate financial and human resources, it is in a position to draw credible conclusions about compliance by states with their non-proliferation obligations.

The Additional Protocol to safeguards agreements, adopted in 1997 in the aftermath of the Iraq debacle when the Agency missed Iraq’s clandestine 1980s nuclear programme, gives us better access to information and locations. Regrettably, this mechanism is in force in less than half the countries party to the NPT. In fact, we have more than 30 NPT member countries that have not even concluded a safeguards agreement - and for which we cannot perform any verification activities.

I regret to report that the Agency’s funding is also becoming untenable. Demand for our services is constantly expanding, without corresponding increases in funding. We urgently need sufficient resources to fulfill our mandate effectively, credibly and independently. That includes giving the Agency the resources to gain access to top-quality satellite imagery and to develop new state-of-the-art verification laboratories and equipment, among other requirements.

Drivers for Acquiring Nuclear Weapons

The measures I have outlined would undoubtedly help to make the world a safer place. But in order to address the threat posed by nuclear weapons in the long term, we should take a hard look at the reasons why countries are tempted to acquire nuclear weapons in the first place. Whether the reason is insecurity - the need to acquire a shield or insurance policy - or the desire to seek stature, prestige, or dominance, we need to re-visit our collective security system to address these various drivers. This means engaging in negotiations to re-engineer our global security architecture.

In that structure, the inextricable linkage between different aspects of insecurity must be recognised. If a fraction of the more than one trillion dollars presently being poured into military spending were to be spent on basic needs and good governance in the troubled parts of the world, we could do much to address the hopelessness and sense of injustice which fuel violence and extremism. The prospects for progress in preventing nuclear catastrophe will remain grim unless we begin working on such a structure: a framework in which no country relies on nuclear weapons for its security and in which we have an effective system to deter and respond to possible violations of a nuclear weapons prohibition.

And, importantly, a structure in which there is an effective mechanism for resolving conflicts through peaceful means. We must engage in a sustained effort to resolve conflicts that have plagued us for generations, such as the Palestinian issue and the Korean conflict.

We are at a crucial juncture. The system is faltering. We need to bolster the non-proliferation regime and to move on nuclear disarmament. Our approach to arms control and disarmament must be rule-based. An effective arms control regime must be universal, equitable and robust. As I have argued for some time, we must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction, yet morally acceptable for others to rely on them for their security. Ultimately, the prohibition of nuclear weapons should be a peremptory norm of international law, which is not treaty-dependent, similar to the prohibition of genocide, torture and slavery.
Mobilise Public Opinion

Despite the setbacks of the past decade, I continue to believe that achieving nuclear disarmament is possible. But preaching to the converted is not enough. We need to mobilise public opinion. People must understand the danger we face, the Sword of Damocles that hangs over all our heads. I am not sure that many people realise just how devastating today’s nuclear weapons are - hundreds of times more powerful than the bombs which obliterated Hiroshima and Nagasaki. A handful of missiles carried today on a single bomber or submarine could wipe out the entire population of a country.

That message needs to be brought home to a wider public. It is heartening to see the issue of nuclear disarmament being debated in the U.S. presidential election campaign. I was also greatly encouraged to see the Governor of California, Arnold Schwarzenegger - a man clearly attuned to the concerns of ordinary people - put his considerable muscle behind the cause of scrapping nuclear weapons a few months ago. Schwarzenegger said: "The attention focussed on nuclear weapons should be as prominent as that on global climate change." Who knows - perhaps the combination of the Governor’s muscle with the fine minds represented here may kick-start an effective world-wide disarmament campaign.

This coming Thursday, it will be 22 years since the world lost Swedish Prime Minister Olof Palme, who campaigned actively for nuclear disarmament throughout his life. He once said: "It is very unlikely that disarmament will ever take place if it must wait for the initiatives of governments and experts. It will only come about as the expression of the political will of people in many parts of the world."

Let us hope that this conference will help to launch a process in which the vision of a world free from nuclear weapons will turn into a reality in our lifetime.

Speech by Nicolas Sarkozy, President of the French Republic
[Cherbourg, 21 March 2008]

I am very proud to be here with you in Cherbourg to salute all those who built Le Temble, the fourth and latest addition to our strategic fleet. Right here, in 1967, General de Gaulle came to pay tribute to those who had built Le Redoutable. Like your predecessors, you may take pride in this submarine—a symbol of France’s high technology and resolve to remain master of its destiny. Very few countries in the world have the ability to realize such an industrial and technological achievement. It took decades of effort to master such know-how, which some of our partners have neglected and thus have difficulty replicating.

Today we must all be mindful of the fact that the nuclear missiles of even distant powers can reach Europe in less than half an hour. Currently only the great powers have such means. But other countries, in Asia and the Middle East, are vigorously developing ballistic capabilities.

I am thinking in particular of Iran. Iran is increasing the range of its missiles, while grave suspicions surround its nuclear program. It is indeed Europe’s security that is at stake.

In the face of proliferation, the international community must remain united and resolute. Because we want peace, we must show no weakness to those who violate international norms. But all those who respect them are entitled to fair access to nuclear energy for peaceful purposes.

But we must also be prepared to confront other risks besides proliferation. The imagination of our potential aggressors is indeed Europe’s security that is at stake.

In the face of proliferation, the international community must remain united and resolute. Because we want peace, we must show no weakness to those who violate international norms. But all those who respect them are entitled to fair access to nuclear energy for peaceful purposes.

But we must also be prepared to confront other risks besides proliferation. The imagination of our potential aggressors is boundless when it comes to exploiting the vulnerabilities of Western societies. And tomorrow, technological breakthroughs may create new threats.

That is why we are so attached to our nuclear deterrent. It is strictly defensive. The use of nuclear weapons would clearly be conceivable only in extreme circumstances of legitimate defense, a right enshrined in the UN Charter.

Our nuclear deterrent protects us from any aggression against our vital interests emanating from a state—wherever it may come from and whatever form it may take. Our vital interests, of course, include the elements that constitute our identity and our existence as a nation-state, as well as the free exercise of our sovereignty.

My responsibility, as Head of State, is to assess their limit at all times, for in a changing world, they cannot remain static.

All those who would threaten our vital interests would expose themselves to severe retaliation by France resulting in damages unacceptable to them, out of proportion with their objectives. Their centers of political, economic and military power would be targeted on a priority basis.

It cannot be ruled out that an adversary might miscalculate the delimitation of our vital interests or our determination to safeguard them. In the framework of nuclear deterrence, it would be possible, in that event, to send a nuclear warning that would underscore our resolve. That would be aimed at re-establishing deterrence.

In order for deterrence to be credible, the Head of State must have a wide range of options to face threats. Our nuclear forces have been, and will continue to be, adapted in consequence. The M51 intercontinental missile, which Le Temble will carry as soon as it is commissioned in 2010, and the ASMP-A missile, which Rafale will carry starting this year, fit with our risk assessment during the period covered by the White Paper.

I am also strongly convinced that it is essential to maintain two nuclear components, one sea-based and the other air-based. Indeed, their respective characteristics, notably in terms of range and precision, make them complementary. The Head of State must be able to count on them at all times in order to respond to any surprise.

In order to preserve our freedom of action, missile defense capabilities against a limited strike could be a useful complement to nuclear deterrence, without being a substitute for it. Let us not lose sight of the fact that missile defense will never be efficient enough to protect our vital interests. On this issue, France has chosen a pragmatic approach. It is in this spirit that we are taking part in the collective work of the Atlantic Alliance—dear Hervé Morin. We have solid technical know-how in this area that could be taken advantage of when the time comes.

Guaranteeing national security is expensive. Each year, their nuclear deterrent costs the French half the budget for justice or transportation. This cost must of course be controlled as much as possible, in the financial context I just mentioned. But I am determined to assume it. It is neither a matter of prestige nor a question of rank, it is quite simply the nation’s life insurance policy.

Our deterrence also takes into account changes in the world, in our alliances and in European construction.

Together with the United Kingdom, we have taken a major decision: It is our assessment that there can be no situation in which the vital interests of either of our two nations could be threatened without the vital interests of the other also being threatened.

As for the Atlantic Alliance, its security is also based on nuclear deterrence. British and French nuclear forces contribute to it. This has been part of NATO’s Strategic Concept since 1974 and it remains relevant today. I say to our allies: France is and will remain true to its commitments under Article V of the North Atlantic Treaty.

As for Europe, it is a fact: By their very existence, French nuclear forces are a key element in Europe’s security. Any aggressor who might consider challenging it must be mindful of this.

Let us, together, draw every logical consequence of this situation. I propose to engage those European partners who would so wish in an open dialogue on the role of deterrence and its contribution to our common security.

Our commitment to the security of our European partners is the natural expression of our ever-closer union. The Lisbon Treaty marks a historic step forward in this regard.

I would now like to address disarmament. It is a subject I would like to discuss with realism and clear-sightedness. When international security improves, France draws the consequences. It did so with the end of the Cold War.
Rather than making speeches and promises that are not translated into deeds, France acts. We respect our international commitments, and notably the Nuclear Non-Proliferation Treaty. France has an exemplary record, unique in the world, with respect to nuclear disarmament. France was the first State, with the United Kingdom, to sign and ratify the Comprehensive Test Ban Treaty; the first State to decide to shut down and dismantle its facilities for the production of fissile materials for explosive purposes; the only State to have transparently dismantled its nuclear testing facility in the Pacific; the only State to have dismantled its ground-launched nuclear missiles; the only State to have voluntarily reduced the number of its nuclear-powered ballistic missile submarines by a third.

France has never engaged in the arms race. France never manufactured all the types of weapons that it was technologically capable of designing. France applies a principle of strict sufficiency: it maintains its arsenal at the lowest possible level compatible with the strategic context. I am dedicated to this principle. As soon as I assumed my duties, I asked for this strict sufficiency to be reassessed.

This has led me to decide on a new measure of disarmament. With respect to the airborne component, the number of nuclear weapons, missiles and aircraft will be reduced by one-third.

I have also decided that France could and should be more transparent with respect to its nuclear arsenal than anyone ever has been.

After this reduction, I can tell you that our arsenal will include fewer than 300 nuclear warheads. That is half of the maximum number of warheads we had during the Cold War.

In giving this information, France is completely transparent because it has no other weapons beside those in its operational stockpile.

Furthermore, I can confirm that none of our weapons are targeted against anyone.

Finally, I have decided to invite international experts to observe the dismantlement of our Pierrelatte and Marcoule military fissile material production facilities.

But let us not be naïve; the very basis of collective security and disarmament is reciprocity.

Today, eight nations in the world have declared they have conducted nuclear tests. I am proposing to the international community an action plan to which I call on the nuclear powers to resolutely commit by the 2010 NPT Conference.

Thus I invite all countries to ratify the Comprehensive Test Ban Treaty, beginning with China and the United States, who signed it in 1996. It is time for it to be ratified.

I urge the nuclear powers to dismantle all their nuclear testing sites in a manner that is transparent and open to the international community;

I call for the immediate launching of negotiations on a treaty to ban the production of fissile materials for nuclear weapons purposes, and to establish without delay a moratorium on the production of such materials;

I invite the five nuclear weapon States recognized by the NPT to agree on transparency measures;

I propose opening negotiations on a treaty banning short- and intermediate-range surface-to-surface missiles;

I ask all nations to accede to and implement the Hague Code of Conduct Against Ballistic Missile Proliferation, as France has done.

At the same time, the entire international community must mobilize in all other fields of disarmament. Here too, France will make its contribution.

Ladies and Gentlemen,

I have come to address a simple message to the Nation: its security will be assured against the threats in the world, and France will play its full role to defend peace and its values. France’s ambition must be worthy of its history.

This requires being clear-minded about strategic realities and choices.

It requires having the courage to take the necessary decisions. You can count on me to do so.

Above all, it requires being clear and firm on the essentials. And the essential is safeguarding the vital interests of France.

Here in Cherbourg, I guarantee you: France will not lower its guard.

Thank you.