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Section 1

Nuclear Energy and Nuclear Weapons: An Introductory Guide

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 ' ^{235}U ' (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 ' ^{239}Pu ' (or 'Pu-239') indicates the isotope of plutonium that contains 239 (93+146) protons and neutrons in the nucleus of each atom.

Nuclear Reactions

Fission

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

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

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

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

Fusion

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

Nuclear Reactors

Fission Reactors

There are several features common to all fission or (as they are more

usually termed) nuclear reactors.

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

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

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

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

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

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

There exist five different nuclear reactor technologies:

Light Water Reactors (LWRs)

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

Heavy Water Reactors (HWRs)

In these type of reactors, heavy water is used as both the moderator and coolant. Heavy water absorbs so few neutrons that it permits the use of natural uranium as fuel. This type of reactor, the majority of which are called CANDUs, uses up so much of the fissile U-235 in its natural uranium fuel that it is probably uneconomic to reprocess and recycle it, and the preferred option is to store it and dispose of it as waste. It is also a good producer of plutonium, and this type of reactor has been used in the United States without any turbo-generators

attached to produce materials for weapon purposes. To produce Pu-239, rather than to minimize electricity generation costs, fuel re-loading takes place more frequently. Thus a distinction between civil and military use is the length of time the fuel remains in the reactor.

Gas Cooled Reactors (GCRs or MAGNOX)

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

High Temperature Gas Cooled Reactors (HTGRs)

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

Liquid Metal Fast Breeder Reactors (LMFBRs)

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

Fusion Reactors

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

Nuclear Weapons

Fission Devices

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

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

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

Boosted-Fission Devices

A fission device can be 'boosted' to increase its yield by placing within its core a small quantity of fusion material, such as tritium. At the great temperatures and pressures found within the gaseous core of an

exploding device, this material fuses and releases an extra quantity of neutrons which, in turn, produce additional fissions in the uranium or plutonium used in the device. More of the fissile material is thus consumed than in a simple fission device, the efficiency of the fission process is improved and a higher yield produced.

Fusion (Thermonuclear) Devices

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

Nuclear Testing

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

Weapon-Grade Fissile Materials

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

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

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

Enrichment

Uranium must be enriched if it is to be used in certain reactor types and in weapons. This means that the concentration of fissile U-235 must be increased by physical, rather than chemical, means before it can be fabricated into fuel. The natural concentration of this isotope is 0.7 per cent, but a concentration of 3 per cent is necessary in order to sustain a chain reaction in an LWR. Some 90 per cent enrichment is required before use in HTGRs, the majority of submarine propulsion units or fission weapons. This process of enrichment is not linear, and as much enrichment effort, or 'separative work' as it is usually termed, may be involved in achieving enrichment from, say 0.7 to 1 per cent as from 10–90 per cent.

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

Gaseous Diffusion

This was the first method of enrichment to be commercially developed. The process relies on a difference in the mobility of different isotopes of uranium when they are converted into gaseous form. In each gas diffusion stage uranium hexafluoride gas (UF₆) is pumped under pressure through a porous nickel tube (a cascade) which causes the lighter gas molecules containing U-235 to pass through the porous walls of the tube more rapidly than those containing U-238. This pumping process consumes large amounts of energy. The gas which has passed through the tube is then pumped to the next stage, while the gas remaining in the tube is returned to lower stages for recycling. In each stage, the concentration of U-235 is increased only slightly, and enrichment to reactor grade requires a facility of approximately 1200 stages. Enrichment to weapons grade requires about 4000 stages. Industrial scale facilities of this type require electricity supplies of hundreds of megawatts of power.

Gas Centrifuge

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

Aerodynamic Separation/Becker Process

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

Laser Enrichment

The laser enrichment technique involves a three stage process: excitation, ionization and separation. There are two techniques to achieve these effects, the 'Atomic' approach, and the 'Molecular' approach. The Atomic approach is to vaporize uranium metal and subject it to a laser beam at a wavelength that excites only U-235 molecules. The vapour is then exposed to a second laser beam that ionizes the U-235 atoms, but not the unexcited U-238 atoms. Finally, an electric field sweeps the U-235 atoms onto a collecting plate. The Molecular approach also relies on differences in the light absorption frequencies of uranium isotopes, and begins by exposing molecules of uranium hexafluoride gas to infra red laser light. U-235 atoms absorb this light, thereby causing an increase in their energy state. An ultra-violet laser can then be used to break up these molecules and separate

the U-235. This process has the potential to produce very pure U-235 with minimum energy requirements, but has not yet advanced to an industrial scale level of production.

Electro-Magnetic Isotope Separation (EMIS)

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

Chemical Separation

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

Reprocessing

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

Solution

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

Separation

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

Purification

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

Section 2

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

Introduction

In the mid-1960s, it was assumed by many knowledgeable commentators that, as 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 programme 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 development work 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-usable 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 it to match US transfers of weapon-usable fissile material to an international agency whose creation was proposed in Eisenhower's speech, which in turn would 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 central issue for future 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 1956. 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 assurances that facilities and materials declared to be for such purposes were not being diverted to other uses; 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

passing 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 assure the agreed use of this assistance 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 being 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 atomic weapons'. At the time, the only state which qualified was the United Kingdom. The effect of the new legislation was to enable close 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 1985.

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 those which they are intended'. EURATOM safeguards were based on a different concept from 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 safeguarding activities; the second the implementation of plans to provide allies of the United States with nuclear weapons; a third the dissemination of nuclear knowledge to a wide range of states to enable them to develop the peaceful applications of nuclear energy; and 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 development 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 reach agreement 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 USSR resumed testing, followed rapidly by the US, 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 in the 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 of bombers with intercontinental range, ballistic missiles (ICBMs) with similar ranges and submarine-launched ballistic missiles (SLBMs) had generated concern among its Western European allies that 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 any 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; and
- nothing contained in it should adversely affect the right of any group of states to conclude nuclear-weapon-free zone (NWFZ) treaties.

In early 1966, the multilateral negotiating forum for disarmament agreements was the Eighteen Nation Disarmament Committee (ENDC). 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, but 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 I 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 peacetime. The articles 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 the proposed 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 focus 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 so long as INFCIRC/66 IAEA safeguards were applied to the transfers, or whether the recipient state had to accept IAEA safeguards on all materials within its jurisdiction (known variously as NPT, full-scope or comprehensive safeguards) before any transfer could be allowed.

Article IV was also open to differing interpretations. On the one hand it stated an obvious fact related to the nature of state sovereignty, namely that all states had an 'inalienable right' to economic development, and thus to 'develop research, production and use of nuclear energy for peaceful purposes'. On the other, the implementation of this right should be 'in conformity with Article I and II of this Treaty'. Thus although NPT NNWS parties were committing themselves voluntarily to conditions on the exercise of their peaceful 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 engineering project, 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 a belief that the problems 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 X. The debate over Article VI and the Preamble was essentially over the commitments that would be made by the three nuclear weapon states negotiating the Treaty to engage in nuclear disarmament (neither China nor France were involved as, among other things, both regarded the negotiations to be aimed at them and their newly acquired nuclear weapon status). The debate over the Preamble centred around attempts by the NNWS, particularly India and Mexico, to set out a clear list of priority measures to be negotiated as part of the future nuclear disarmament process,

starting with a CTBT. The issue in relation to Article VI was how strong would be the commitment of the NWS to move towards nuclear disarmament; what other related objectives were they to seek to achieve; and what priority might be attached to these objectives. The result of the negotiations was that achievement of a CTBT was listed in the preamble, together with references to facilitating the cessation of the manufacture of nuclear weapons, the liquidation of their existing stockpiles and the elimination from national arsenals of nuclear weapons and their means of delivery. Article VI emerged as a commitment that:

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

This text gave no clear indication as to whether it was intended to be read as a listing of priorities, or whether each item had an equal priority and was not linked to the others in any way, while the NWS commitment was to 'negotiate in good faith' on such measures, rather than to agree or implement them. 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 on their part 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 unnaturally, 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 insertion into Article VIII of a paragraph mandating the three NWS, 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 alliance partners 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 one 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 exploded a nuclear device prior to 1 January 1967. The two classes of state had different rights and duties under the Treaty. Thus non-proliferation was tacitly accepted as a positive objective even if nuclear disarmament 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 stationing of a NWS's nuclear weapons on the soil of an NPT NNWS; to prohibit plans for their transfer in the event of war; or to prevent assistance by one NWS to another.

Section 3

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

Introduction

The entry into force of the NPT 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 through which states could make a binding legal commitment not to acquire nuclear weapons. This created a solid basis for action against them if, having made that commitment, they disregarded it. It also meant that the proliferation of nuclear weapons to an increasing number of states was no longer regarded as inevitable. The Treaty's effectiveness in both contexts was, however, crucially dependent upon the number of states which became parties.

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

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

NPT Safeguards

The first 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 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 NPT 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 INFCIRC/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 INFCIRC/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 effective 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 shouldering 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 waste activities; comprehensive state declarations concerning all their nuclear activities; analysis of and comparisons between these state declarations and other sources of information available to the Agency, including open sources such as commercially acquired satellite images; environmental sampling covering the whole of a state's territory; and the right of access to other locations to confirm the status of decommissioned facilities and to resolve inconsistencies between a state's declarations and other information available to the Agency. States which had this in force would in future be known as being under 'integrated safeguards'. These would centre upon frequent reviews of individual country profiles to provide assurances that no evidence 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 explosive device had been manufactured in a Canadian-supplied research reactor, attention became focused on two distinct issues: the conditions surrounding the export of nuclear materials and equipment to states that were not parties to the NPT; and whether technology holders should withhold all exports of nuclear equipment which might assist in the production of nuclear weapons if a state decided to proliferate.

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

The consequences of this evolving situation were found in international efforts to co-ordinate export policies; attempts to agree on common guidelines for triggering IAEA safeguards on exports from NPT states; 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 then 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 would permit their export. Adherents were also expected to ensure that their export control legislation conformed to the guidelines. They also stated that suppliers 'should exercise restraint in the transfer of sensitive facilities, technology and weapons-usable materials'. The effect of the first was to make all nuclear transfers positive acts of state policy, thus highlighting the right of any state to refuse to sanction them if it believed they might be used to assist in nuclear proliferation. This, the suppliers argued, 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 later 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 concerning the activities of Iraq led 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 a 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 of the election of President Carter in 1976, who had made taking new initiatives over nuclear non-proliferation a major campaign goal, was acute friction among the leading Western industrialised states over their nuclear energy and industrial policies.

The core disagreement was whether the types of civil nuclear power programmes being pursued by the allies of the US and 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. By the time it reported in February 1980, however, the issue had become less pressing as the spate of new orders for nuclear power plants which had followed the 1973 oil crisis had peaked, and other issues were claiming the attention of the US government. However, the argument that all states should follow the lead the US had given in its domestic nuclear policies was to persist as an intermittent, if usually latent, source of disharmony with several of its major allies, such as Belgium, France, Japan and the UK, 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 nuclear missiles (the INF Treaty of 1987); and two treaties to reduce the numbers of strategic nuclear warheads and launchers deployed by the US and USSR (later the Russian Federation) (START I of 1991 and START II of 1993). In addition, from 1978 to 1980 there was a trilateral attempt by the United Kingdom, US and USSR to negotiate a CTBT, without any positive result.

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 both the US and first the 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 NNWS, 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 bombers, together with their nuclear warheads 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 1993 reveal details of its former weapon programme. Another may have been to cause the regime in the Democratic Peoples' Republic of Korea (DPRK) to push ahead with the separation of weapon-usable plutonium from indigenously produced reactor fuel, leading to a long confrontation from 1992 onwards between it, the IAEA and the US during which the DPRK gave notice of its intention to withdraw from the NPT, and then 'suspended' that decision. The confrontation was eventually resolved through a framework agreement negotiated between the US and the DPRK in October 1994 under which two large power reactors were to be supplied to the DPRK. In return, the DPRK agreed to freeze all activities involving its indigenously constructed nuclear facilities, and eventually dismantle them.

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

Security Assurances and NWFZ

In 1968 an attempt 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 (UNSSOD) 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 states in NWFZ's; that of the USSR covered all states that renounced the production and acquisition of nuclear weapons and did not have them on their territories; 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 NNWS with a broadly similar commitment to the UK and US.

As the numbers of non-aligned NNWS party to the NPT increased, so too did their pressure on the NWS to offer enhanced security assurances. Two states took the lead on this issue: Egypt on positive assurances and Nigeria on negative ones. Four types of enhancement were being sought: a common assurance given collectively by all the NWS, rather than a collection of differing unilateral statements; one that was in a legally binding form, rather than just a statement of intent (this implied either an independent agreement or treaty, or a protocol attached to the NPT); one applying to all states, but if this was not forthcoming to all NPT NNWS parties; and one that contained no reservations. However, despite this issue being on the agenda of the CD and being discussed actively at NPT review conferences, where both Egypt and Nigeria made positive proposals for such enhancements, it was not until 1995 that further changes were made to the existing multilateral security assurances.

The first change was that a new Security Council resolution, 984, was passed on 11 April 1995. This was similar to the 1968 one, in that it based itself on a series of national statements made in letters to the Secretary General on 5-6 April 1995, but it differed in encompassing both negative and positive assurances. Like previous assurances, they were not in treaty form, though some state representatives argued that Security Council Resolutions were legally binding. The second change 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 deterrence through uncertainty inherent in conditional negative security assurances. A second was a concern that such a commitment would unnecessarily inhibit a NWS faced with a threat of use of chemical or biological weapons from a NNWS, and indeed might 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 stationing of nuclear weapons within the zone, while the second provided the states within the zone 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, part of the motivation for negotiating the NWFZ 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 Pelindaba, taking place in April 1996 in Cairo. By then a further NWFZ treaty, the Treaty of Bangkok, had been drafted and signed covering Southeast Asia, which also incorporated a protocol containing unconditional negative security assurances from the NWS. However, this protocol has yet to be signed by the NWS, for reasons connected

with 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 heldin order to review the operation of this Treaty...'. As a consequence, the first of these review conferences took place in Geneva in 1975. The precedents 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 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 significance. This was the only Treaty in which the NWS had made a legal commitment to negotiate on nuclear disarmament. The NAM

states regarded the NPT review conferences as major forums within which the NWS could be pressurised into moving forward on the disarmament agenda first articulated in the 1950s. As a consequence, action to negotiate a CTBT became the litmus test for them in evaluating compliance with the NPT by the NWS. It was also the most controversial issue under discussion and the one around which consensus was most likely to break down.

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

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

By 1995 NPT review conferences were thus operating within a well-established procedural and substantive pattern, based largely on East-West structures and concerns. Yet the international security and political environment had changed significantly. The 1995 Review and Extension Conference therefore not only had to deal with the issue of the further duration of the Treaty created by the existence of Article X.2; it also had to operate in a substantive context where the proliferation problems were changing. As a consequence, some states wished to use the conference to confront those changes and challenges in a more effective manner than had been possible in the past, while others had a narrower and more regional agenda.

The 1995 NPT Review and Extension Conference (NPTREC)

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

The consequence of these activities, and of perceptions that ultimately it was the NNWS that had more to gain from the NPT in security terms

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

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

In parallel with the negotiations on the duration of the Treaty, the normal review proceedings had also been taking place, though the main focus for 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.

The Strengthened Review Process, 1997-1999

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 agreed to 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 taken place 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 RC opened positively, despite the failure of its PrepCom to produce the general and 'subsidiary body' recommendations mandated by the 1995 RC. Presidential consultations after the PrepCom 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). Initial plenary 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 National Missile Defence (NMD), the ABM Treaty and future nuclear policy firmly, but not inflexibly. The three MCs and the two SBs started work in the middle of the first week, after the United States and Egypt agreed that the *Resolution on the Middle East* would be handled as a regional question in SBII, whose remit also included Israel and Iraq, as well as India, Pakistan and the DPRK.

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

Main Committee reports were scheduled for completion at the end of the third week, when the Drafting Committee was scheduled to integrate the texts into one or two integrated documents. As all five reports contained sections of non-agreed text, the chairs of four of the five bodies were asked to continue seeking clean texts, while the President took over the task of producing a clean MCI text. 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 III met in open informal session to seek clean texts of their reports. The second was that the President 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 convened at the request of the President of the Conference to address disagreements over the text on regional issues being negotiated in SBII. It involved mainly its Canadian chairman, the US, Egypt, Iraq and some other Arab states.

Another set was between the NWS and the NAC, and was initiated by mutual agreement outside the UN building. This concentrated on trying to agree a forward-looking document on disarmament, and upon their existence being discovered was 'legitimised' by moving its location into the building. 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 would do so. Russia voiced 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. China remained unhappy about a paragraph on transparency that had been accepted by the other NWS and the NAC states, but eventually accepted the text.

Events then moved rapidly. Negotiations on a 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. When this 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 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. This was 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. In this way, a consensus text had been created for both the forward- and backward-looking disarmament documents, the area that in the past had been the main stumbling-block to a consensus Final Document.

At this stage, 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 on a text by mid-day on Saturday. The Drafting Committee then started its work of gaining agreement on the text of a Final Document, which was circulated to delegations. This included a text on recommended changes to the review process, which up to that point had neither been formally presented nor discussed by delegations. Disagreements still existed over the text of MCII's report, but the impetus to agree a text placed states under intense pressure to cut-out disputed language. This strategy enabled agreement to be reached on the Final Document late on the Saturday afternoon. 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 2000 RC 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, especially if they had unsafeguarded nuclear facilities. It also 'deplored' the Indian and Pakistan nuclear test explosions, declaring that 'such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever'. India and Pakistan were called upon to implement UN Security Council resolution 1172 (1998), and to strengthen their nuclear export control legislation.

Elsewhere, universality continued to generate difficulties in the areas 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 contrary to the text of the Treaty. The result was that that full scope (FSS) IAEA safeguards as a condition of material or equipment supply to such states was absent from the text. Although formal dialogues had been proposed with non-parties, no agreement was possible on this. However, all States Parties were requested to report to the President of the 2005 Review Conference and the Chairpersons of its PrepCom sessions on their efforts to realise the goals and objectives of the 1995 *Resolution on the Middle East*.

ii. Non-Proliferation

Two parties to the Treaty were the subject of allegations of non-compliance with Articles II and III of the NPT: the DPRK and Iraq. As

the former was absent, 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 could not conclude that no diversion of this material had occurred. The situation concerning Iraq was considerably more complicated in two respects: its delegates were in attendance and it had been certified by the IAEA to be non-compliant with its safeguards agreement prior to 1991. 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.

Some states, however, regarded it as unacceptable to either say nothing about Iraq, or to note that it was in possible non-compliance with its Treaty obligations, given its non-compliance with UNSC resolutions, including the non-implementation of the comprehensive system for monitoring WMD activities within Iraq. Their position was reinforced by a statement by an IAEA representative that 'in all the years between 1991 and 1999, the Agency has not been able to conclude that Iraq complied with its safeguards agreement'. Iraq rejected this statement. The compromise language eventually agreed noted that a regular inspection had been carried out in January 2000 of the material subject to safeguards and reaffirmed 'the importance of Iraq's full continuous cooperation with IAEA and compliance with its obligations'.

iii. Disarmament

The debate over disarmament centred upon whether the NWS should make an unconditional commitment to disarm, and the practical steps that should be taken in the next five years to further this objective. On the first issue, two statements were agreed. One was an 'unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI'. The second was a reaffirmation that 'the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control'. Those arguing that the statement was unconditional pointed to it being number six in a list of thirteen points, with the second statement at number eleven. Those arguing it was conditional upon general and complete disarmament pointed to the wording of Article VI, which talks about pursuing negotiations on 'nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control'. Their argument was that the latter was legally binding whereas the 2000 document was only politically binding. 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, usually termed 'the 13 steps', was much more comprehensive and wide ranging than that agreed in 1995. 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.

What the RC did was to agree a practical and comprehensive nuclear disarmament agenda for its parties, containing a mixture of unilateral, bilateral and multilateral activities, in contrast to the Treaty's focus upon engaging in multilateral negotiations and agreements. It also 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' often did not specify in detail the precise commitments that states parties had agreed to or what would be involved in their implementation.

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*; on the inability of the CD to initiate negotiations on an FMCT; and on the significance of the de-targeting declaration contained in the joint statement by the NWS.

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

The states parties found little difficulty agreeing language on the general desirability of additional NWFZ; on the need for relevant ratifications to bring existing treaties into full operation; and on welcoming and supporting efforts to set up a NWFZ in Central Asia. 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 to this from relevant states in 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 to 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 to NPT parties had been one of the subjects allocated special time at the 1997-9 PrepCom sessions, and that both Myanmar in 1997 and South Africa in 1999 had made detailed proposals for Protocols to the NPT on this, it had been anticipated that it would be a major issue at the RC. However, 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 to 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 expanded powers to the IAEA safeguards system. Some states 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. Other wanted to continue to conduct trade with non-parties on the basis of safeguards being applied only to the exported items and materials. A further element in these debates was language directed 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. Other states argued that such acts would be contrary to the language of the Treaty. None of these differences were resolved.

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 some NAM states as these bodies were regarded as barriers to economic development. Iran also sought to contest the right of the United States and others to refuse nuclear-related transfers to states if 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 almost all of these issues was deleted in the final hours of the Conference.

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.

The Implications of the Conference

The successful conclusion of the 2000 RC was an extraordinary achievement. The fact that the NWS were prepared to put aside their differences in order to facilitate this result was interpreted by some as driven by 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 also wanted positive signals to emerge from the Conference, and sought to concentrate on the areas where agreement, and thus momentum, was possible. As the products of the meeting started to be examined, however,

questions emerged about what had actually been agreed; what the commitments in the 'programme of action' contained in the Final Document actually meant; and how they could be implemented.

i. The Treaty and the Review Process

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

Only the absence of both the DPRK and Yugoslavia from the 2000 Conference may have prevented issues related to them playing a similar role to those concerning Iraq.

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

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

Perhaps more significantly, the PrepCom process was given little further guidance by the Final Document. While it appeared to signal acceptance of the failure of the modalities implemented in 1997, in particular the creation of a rolling text, it did little to replace them. Although the concept of the PrepComs preparing the ground for the RCs, other than in a very general way of educating participants about the issues, had not worked in 1997–99, the 2000 amendments offered little hope that this would occur in future.

They did not require the parties to arrive at any consensus recommendations for transmission from the first two PrepCom sessions to the third (their product was to be a factual summary of the discussions). However, the third was still expected to provide draft recommendations to a Review Conference, though some new reporting commitments on states parties in areas such as disarmament and the *Resolution on the Middle East* were created.

ii. The Regime Context

Four main challenges confronted the nuclear non-proliferation regime at the 2000 RC: its responses to the South Asian tests; its responses to the allegations of DPRK and Iraqi 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 stand on the first of these issues. It deplored 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.

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. 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 to the 2005 RC on the implementation of the *Resolution*.

The enhancement of IAEA safeguards was a subject that generated disappointment for some states, especially its failure to take a stronger stand on the need for parties to sign and implement Additional Protocols. Resistance was also encountered over the proposal that such Protocols might be regarded as part of the safeguards required for trade with non-parties. The Agency was thus given little help in moving towards an integrated safeguards system incorporating the rights it had gained through the Additional Protocol. In addition, it said little about strengthening export controls on transfers to non-NPT parties, as they were based on two informal 'coalitions of the willing' bodies, the Zangger Committee and the NSG.

During the conference, it also became apparent that concerns over the safety of maritime nuclear transport and the effects of climate change were becoming the prime interests of many of the small island states that are parties to the Treaty. Their interests in the increase in CO₂ emissions, which if uncontrolled 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 RCs.

iii. The Wider Disarmament and International Security Context

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 may have indicated 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 RC demonstrated that the politics of nuclear disarmament and non-proliferation had changed. While the three Cold-War caucus groups (NAM, Western and others and Eastern) appeared indispensable for allocating conference offices, one was a hollow shell and the others had predominantly information, rather than policy co-ordination, functions. As a consequence, regional and interest based groupings played a more significant role than before. In the case of the NAM, Arab and other regional groupings sought to pursue their specific interests through its consultative mechanisms, but agreed NAM positions were often coupled with contradictory regional and interest based ones.

Interest based regional and global groupings also abounded: the NATO-5; Finland and Sweden; the Vienna-based G-10; Australia and Japan; the South Pacific States (SOPAC) and the Caribbean Island States (CARICOM). It was the seven states of the NAC, however, which stood out as the completely new and highly significant player in this context. They formed an interest based coalition, seeking agreement on an expanded range of commitments on disarmament, while also pulling together the traditional groupings over this issue on language they had negotiated. To do this they had to negotiate with the loosely-linked grouping of the five NWS. It was in this context that the key issues of the forward-and backward-looking language on disarmament were resolved.

Section 5

The 2005 NPT Review Cycle

The First PrepCom Session, New York, 8-19 April 2002

This was Chaired by Ambassador Henrik Salander of Sweden at a time when the US had given notice of its withdrawal from the ABM Treaty.

Administrative and Procedural Matters in the 2002 Session

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 in closed sessions. 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'. It 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, with 'special time being allocated to:

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

The first week of the session saw no agreement on the indicative timetable, due to a refusal of France and the US to accept any version referring to the commitments on reporting contained in the disarmament and regional issues sections of the 2000 Final Document. This threatened to derail the session before it had started. The chairman then obtained agreement that the meeting would proceed on the basis of the existing draft timetable. A compromise was reached on this issue at the end of the first week, involving omitting specific reference to these activities.

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

The chairman resolved these issues late in the session by indicating that he was proposing to issue the text as an annex to the formal report on the session on his authority alone, and that while he would consult informally on its substance it would not be open to negotiation or amendment. It was hoped this arrangement would avoid the conflicts over consensus wording that had occurred at the 1998 and 1999 PrepCom sessions.

This text was issued to delegations late on the penultimate evening of the session. Most of the NWS complained that the text was unbalanced in that it devoted too much space to disarmament issues, but 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'.

Substantive Issues in the 2002 session

The 'discussions' at this session mainly focused upon providing information on the policies and attitudes of states parties towards a well-established and familiar range of topics.

What was new was the decision, heavily influenced by the events of 9/11, to schedule 'special time' for a discussion on the safety and security of the nuclear fuel cycle (i.e. nuclear terrorism).

The 66 statements delivered during the general debate, including those of the EU, the NAM and the NAC, mainly concentrated on re-stating familiar positions rather than offering new ideas. The NATO-5 struggled to come up with a common position paper and eventually gave up, with Germany putting forward its own paper focusing on non-strategic nuclear weapons.

i. Backtracking by the NWS

Although spokespersons for the United States argued that the Bush Administration was committed to nuclear disarmament, there was a widespread perception that its actions suggested otherwise, as did

leaked elements from its still classified Nuclear Posture Review (NPR). The US Information Paper on Article VI asserted that 'the United States was not developing new nuclear weapons' and had no plans to undertake such activities.

ii. Security Assurances

The 2000 NPT Review Conference had called upon the 2005 PrepCom to make recommendations to the Review Conference on the provision of legally binding security assurances by the five NWS. No discussion occurred on such recommendations in 2002, and this led to concerns 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 their existing commitments not to use nuclear weapons against NNWS might be inoperative in certain circumstances.

iii. Non-compliance & Universality

Vigorous statements about Iraqi non-compliance with the NPT 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, Palestine and some of the other Arab League states, and Egypt's role as the spokesman for the NAC, 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. However, some states in the Middle East made it clear that they regarded Israeli signature of an INFCIRC/153 type safeguards agreement as having a greater priority than the acceptance of the Additional Protocol by other states in the region. The discussions on peaceful uses covered several new NPT issues, not least those relating to nuclear and radiological terrorism and theft. This gave a new dimension to discussions on physical protection and the sea transportation of nuclear waste, as well as raising the profile of ideas for a Convention on Nuclear Terrorism.

v. Reporting

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

The Second PrepCom Session, Geneva, 28 April-9 May 2003

This took place under the Chairmanship of Ambassador László Molnár of Hungary. At the start of the session Timor Leste/East Timor acceded to the Treaty and increased the number of parties to 189. Unlike 2003, no officials from non-party states attended as observers. The meeting took place in the context of several events which posed major challenges to the nuclear non-proliferation regime, including the DPRK's January 2003 NPT announcement of its intention to withdraw from the Treaty; U.S. allegations of undeclared Iranian nuclear activities; the December 2002 publication of the U.S. National Security Strategy; and the U.S.-led invasion of Iraq.

Administrative and Procedural Matters in the 2003 Session

Unlike 2002, the indicative timetable was adopted without any dissent at the start of the session. The 2003 session opened with the Hungarian Chairman using the procedural device of retaining the DPRK's

nameplate in his custody to prevent any debate on whether or not it had met the necessary legal conditions for withdrawal from the NPT. The 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.

The 2002 session had created a precedent for the 2003 document, and The Chairman's factual summary was appended as a draft annex (annex II) to the formal report of the session. Its text borrowed heavily from that of 2002, with many paragraphs being identical or very similar. Close reading of the text revealed, however, an attempt to distinguish between issues on which there was some consensus and those where it was lacking. During the session, the U.S. prioritization of allegations of Iranian non-compliance and undeclared nuclear activity was reflected in several direct and indirect references to concerns voiced by states parties regarding Iranian nuclear activity. In contrast to 2002, the only direct reference to Iraq was in connection to progress in establishing a NWFZ in the Middle East.

Substantive issues in the 2003 session

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

i. Disarmament

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 in no uniform format, 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 decommissioning. 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 NWS, such as the development of low-yield nuclear weapons; failures to ratify the CTBT; and the weaponization of outer space.

Forceful statements on the lack of momentum in implementing disarmament commitments were made by members of the NAC who questioned the slow progress in this area. Although the Moscow Treaty was generally welcomed, it was argued that the proposed reductions in deployments and in operational status could not substitute for irreversible cuts in nuclear weapons. Several states urged the NWS to place all their 'excess military fissile material' under IAEA safeguards, and all '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 need for unconditional negative security assurances and no-first use policies. Malaysia, the NAM and Norway in particular reminded the session of the previous proposals for drafting a legal instrument and the recommendation that a subsidiary body be established within Main Committee I at the 2005 RC. The NAC states went further by submitting a working paper (*NPT/CONF.2005/PC.II/WP.11*) containing a detailed draft protocol on this subject, similar in most respects to that submitted by South Africa during the 1999 PrepCom (*NPT/CONF.2000/PC.III/9*).

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, had moved to 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 the focus was on urging it to either abandon its noncompliant 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 the issue of 'nuclear latency' (i.e. the slow increase in states who had comprehensive nuclear fuel cycles and could acquire the fissile materials for a nuclear weapon in a matter of months). This concern was triggered by weapon-relevant fuel cycle activities not being explicitly forbidden by the NPT. Further enhancing these concerns were the existence of nuclear activities of the DPRK and Iran that had not been reported to the IAEA, and the notice of withdrawal from the NPT given by the DPRK.

The result was a series of *ad hoc* proposals by a range of states for methods of addressing this situation. These included ways of making withdrawal from the treaty more difficult and onerous; addressing the issue of detecting weaponization; emphasising that 'Article IV does not exist in a vacuum' (i.e. it is conditioned by Articles I and II); arguing for the development of new, proliferation resistant nuclear fuel cycles; developing clear mechanisms for the UN Security Council to deal with the situation; deeming it impossible for a state to withdraw from the 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, as one of the several responses to the concerns over the 'latent' civil fuel-cycle route to nuclear weapons. 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, with Australia arguing that in order to increase 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 from nuclear terrorism resulted in great emphasis being placed on strengthening the safety and security of the nuclear material and facilities used in peaceful applications. 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 on 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. 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 unilaterally enforced export 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. Universality

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 its consequences. The accession of Israel was called for by a majority of delegations, most notably in connection with establishing 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 continued to be articulated.

ix. NWFZ and Regional Issues

The importance of existing NWFZs was reiterated during the session. 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 raised, as were calls to the NWS to sign the Protocol of the Bangkok Treaty (SEANWFZ).

Less obvious was the severing of the implicit linkage between condemnation of Iraq's activities and the naming of Israel that some regarded as underpinning the 2000 NPT Review Conference Final Document. This had been severed by the removal of the Iraqi political balancer to the naming and discussion of Israel.

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-parties, and methods of reporting remained a source of considerable friction between delegations, particularly over 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. In addition, attempts were made at instituting an interactive exchange on substantive matters, particularly on disarmament issues.

The Third PrepCom Session, New York, 26 April-7 May 2004

This took place under the Chairmanship of Ambassador Sudjadnan Parnohadinigrat of Indonesia. The meeting was attended by representatives from 123 of the 189 States Parties to the Treaty: there were 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 unveiling of the A.Q. Khan clandestine nuclear procurement network based in Pakistan, the implications of Libya's decision to dismantle its clandestine WMD programmes, and the admissions of major failures in assessments of intelligence by the US and other states over on alleged Iraqi WMD activities.

Administrative and Procedural Matters in the 2004 session

The 2004 session again opened with the Chairman announcing his decision to retain the DPRK's nameplate in his custody. Delegations began two days of general debate, followed by a half-day of presentations by representatives of NGOs. Further general debate then followed, as well as discussions and decisions on some of the procedural items necessary for the 2005 RevCon to start its work. This was followed by twelve meetings for substantive discussion, divided into three 'clusters' and three 'specific relevant issues' as in the previous two PrepCom sessions. After the opening of the cluster discussions in closed sessions as had been the rule since 1997, the Committee agreed on its fifth working day of to allow NGO observers to attend the remaining meetings as observers and receive documents from these sessions "without it constituting a precedent".

No agreement was possible on the indicative timetable for the session until its fourth working day. The delay resulted from disagreements over the allocation of special time for security assurances (which was seen by some as a precursor to this subject being allocated subsidiary body status in the RC). No decisions had to be made on this issue until the end of the first week when 'special time' sessions were scheduled to start. Agreement was eventually achieved by allocating special time to discussions on disarmament, regional issues (including discussions on the 1995 Middle East resolution) and safety and security of peaceful nuclear programmes, but not to security assurances.

The third session was unable to reach agreement on many of the procedural arrangements previously deemed necessary for a smooth start to a Review Conference, including its agenda and the provision of background documentation for delegations. This arose from the implicit linking of the wording of these procedural decisions by some delegations 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 specific 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. Neither was there an agreed recommendation on the subsidiary bodies to be established within the Review Conference's Main Committees. Finally, the 2000 RC had mandated that recommendations should be made concerning legally binding security assurances: these were not forthcoming.

At the last meeting of the session, a short, largely administrative, final report was adopted. This made recommendations on those procedural issues that would allow planning for the 2005 Review Conference to proceed. These included its dates and venue; rules of procedure; the schedule of costs; and the Presidency and other conference officers.

The Chairman of the 2004 session on his own initiative produced a factual summary of the substantive debates, as in the two previous sessions. 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). The US delegation's criticisms of the original text were also included in the official records as a working paper (WP.28).

Substantive issues in the 2004 session

i. Disarmament

Nuclear disarmament and the perceived lack of progress on its implementation generated significant frictions during this session of the PrepCom. While the NWS collectively continued to defend their progress in implementation, the US and France attempted to exclude any prioritisation of the '13 practical steps' in recommendations to the Review Conference, and thus any recognition of these as commitments of indefinite duration. This stance contributed significantly to the lack of consensus on the final report and the Chairman's summary of the session.

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 sessions, NNWS continued to stress the general importance of regular reporting by NWS, and the need to implement their specific commitment to submit specific and regular reports to each PrepCom and RevCon session on the implementation of the '13 practical steps'.

A working paper, submitted jointly by Belgium, The Netherlands and Norway called for the periodic submission by NWS of 'the aggregated number of warheads, delivery systems and stocks of fissile material for explosive purposes in their possession' (WP.25). The 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 comprehensive reporting by all states on the implementation of the Treaty in its entirety (WP.2).

ii. Security Assurances

The PrepCom had been 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 on this to the 2005 Review Conference. During the cluster 1 discussions, China, Cuba, Indonesia, Iran, Malaysia on behalf of the NAM, Mexico on behalf of the NAC, and Nigeria all called for strengthened security assurances. Whilst some statements called for the adoption of an unconditional, legally binding legal instrument, others stressed the need to establishment a subsidiary body on this at the 2005 RC. 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.25). These papers all stressed the importance of security assurances in addressing the concerns of NNWS and in strengthening the regime.

iii. Non-proliferation

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. 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, illustrating this by reference to the Treaty resting on the three equal pillars or legs of non-proliferation, disarmament and access to peaceful uses.

The United States, by contrast, argued that compliance with Article II provisions should take precedence over all other issues and be the criteria for providing assistance with peaceful nuclear programs. It suggested that the standards for judging and enforcing non-compliance should be re-assessed and adjusted to prevent proliferation break-outs. In their working paper on the subject, it was argued that the pursuit and acquisition of nuclear weapons can and should be judged on intentions, without necessarily having evidence of the existence of complete nuclear weapons or devices, or even their components (WP.19). It also proposed that responses to non-compliance should be broadened, and not limited to just halting nuclear cooperation with a non-compliant state. Germany suggested the need for strengthening the role of the UN Security Council in judging and addressing acts of non-compliance and proposed the establishment of a 'Code of Conduct' with automatic provisions for responses to such acts, as well as a provision in supply agreements stating 'that the items delivered should remain under IAEA safeguards if the recipient state withdraws from the NPT' (WP.15).

iv. Peaceful uses

The other side of the coin of the US Approach to non-proliferation commitments was the insistence by many NNWS that they had an 'inalienable' right to develop and pursue peaceful uses of nuclear energy, and that this was equally important to the other two pillars of the NPT, namely non-proliferation and disarmament. Any heightened concern with non-proliferation should not be 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 limit nuclear enrichment and reprocessing facilities to NPT states parties 'in good standing 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

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 remained the core issue in this area. The need for universality of the Additional Protocol was emphasised, with a German Working Paper proposing that it become the "standard" for the implementation of Art. III, and thus a prerequisite for technical cooperation and assistance under Art. IV of the Treaty' (WP.16). Several States Parties argued for ratification of an Additional Protocol being a condition for all future nuclear transfers, with some suggesting this should be implemented by 2006. By contrast, the NAM state parties argued that the 'efforts towards achieving universality of comprehensive safeguards' should not 'wither in favor of pursuing additional measures and restrictions on non-nuclear weapon states' (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 not vote 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. Proposals in this area included enhanced national legislation on physical protection, improved border controls, supporting IAEA efforts in this area, and amending the Convention on the Physical Protection of Nuclear Material to extend its existing 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 proposed that domestic legislation should be passed by all states in response to the provisions of UN Security Resolution 1540.

Its working paper specifically 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. Also, that India and Pakistan should sign and ratify the CTBT; cease production of fissile material for nuclear weapons; place their fuel cycle programmes under IAEA safeguards; strengthen their national export controls; and start 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 one, 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 WMDFFZ 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 state 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 were exported (WP.22). Finally, Germany 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 (May 2-27, 2005)

The seventh review conference (RevCon) of the NPT took place over 19 working days under the Presidency of Ambassador Sérgio de Queiroz Duarte of Brazil. The meeting was attended by 150 of the 188 States Parties to the Treaty.

Organisational and Procedural Matters at the 2005 Review Conference

The president first employed the tactic used in the RC PrepComs of taking custody of the DPRK's nameplate to limit discussion on its status. It was recognized that until the outstanding issues from the 2004 PrepCom (the Agenda and the number and focus of the subsidiary bodies) had been resolved or bypassed, the meetings of the MCs originally scheduled to start on the fourth working day of the RevCon could not proceed. However, no one sought to prevent the initial plenary session from starting. Meanwhile, informal discussions took place within the three regional groups, and between the three chairs of these groups, the chairs of the MCs, and the president over a formula to resolve the impasse inherited from 2004 over the wording of the agenda.

An initial proposal was to use an approach suggested at the end of the 2004 PrepCom session by its chair, but this was reportedly rejected by the Iranians, as it contained references to reviewing "recent" events. An attempt was then made to split the problem into two components.

One involved gaining acceptance of the 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 for the president to make an explanatory statement for the summary record which would contain "coded language" reflecting the NAM position on the agenda.

Efforts then became focused on agreeing the wording of this presidential statement, with Egypt insisting initial drafts were inadequate because they contained no overt reference to the 2000 Final Document. In parallel, private exchanges started on whether state parties might make their initial MC statements informally to maximize the time available later for negotiating committee reports. These efforts failed to generate significant support at this stage as there could be no interpretation or summary record of such informal statements. Attention therefore switched to prolonging the initial plenary debate to provide a forum for the MC statements.

On the Friday of the first week, the president called a plenary meeting to try to break the deadlock. Following intensive and extensive discussions among the regional groups, the president indicated that he believed that agreement was now possible on the wording of both the agenda and his explanatory statement. However, when he put this proposition to the plenary, the Egyptian delegation objected to the wording of his statement and offered alternative language, to the consternation of those states who believed consensus had been reached on the matter. Consultations then had to start anew on a revised version of the two-component mechanism, in an atmosphere of friction and accusations of bad faith.

Three more working days were then expended on identifying a

mechanism and wording acceptable to all the states parties, but by Wednesday afternoon of the second week the president announced that agreement existed on an elaboration of the previous week's solution. 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). This meant that in order to progress the two groups agreed 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 at the end of the Conference, 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.

This development meant in practice, however, that there were still three hurdles, rather than four, preventing an immediate start on the work of the MCs. The remaining ones were procedural 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 the president tried to address these issues in sequence, their resolution proved possible only by treating them as a package. This process took another five working days, from the morning of Thursday, 12 May, to the evening of Wednesday, 18th. 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. Seven topics had been put forward as possible subjects: negative security assurances (NSAs), the 1995 Middle East Resolution, regional issues, disarmament, the NPT's institutional deficit, Article X and the process of withdrawal, and nuclear disarmament education.

Discussions soon focused on a proposal that only one subsidiary body 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 SBII to the Middle East Resolution, and no SB on Article X or the institutional deficit.

Discussions continued informally over the second weekend, but with little discernable result. Pressure was meanwhile building to find some way of starting the discussions normally undertaken through the MCs. 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 MCs, especially as some of them appeared to be the text of their planned MC statements. This plenary duly took place, with five states introducing a range of papers, either on their own behalf or groups. At that point, Iran intervened to complain that the debate was extending into the areas normally covered by the MC debates and suggested this would make agreement to move forward into MC discussions impossible. The response of the president was that he was prepared to extend the plenary debate and allow additional states to speak the following day.

That afternoon, two documents that had been circulating informally since the previous Thursday were tabled, and all main groupings and states parties indicated they were reluctantly prepared to go along with the allocations contained within them. The need for continued consultations within and between elements of the NAM as a result of their internal disagreements resulted in no final decisions being made that day however. When the president opened the next scheduled plenary on Wednesday morning, he therefore announced that unless the issue of the MCs and SBs was resolved that day, he would offer the conference an alternative way forward as it could no longer hope to complete its work using the traditional procedures. At the same time he proposed an indicative timetable giving the majority of the remaining available time to the subsidiary bodies in line with the NAM negotiating position. When it became clear that this was not going to gain the agreement of the WEOG, he adjourned the meeting for further consultations.

The plenary then heard a series of statements nominally to introduce conference papers, but in most cases the statements originated from papers prepared for the MCs. This plenary was then adjourned to the

afternoon to hear more speakers. At the end of the afternoon 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, with the president declaring his understanding that "each of the MCs will allocate within themselves time to their SBs in a balanced manner on the basis of the proportions used in the last conference". The titles of the subsidiary bodies were "Nuclear disarmament and negative security assurances" (SBI), "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution" (SBII), and "Other provisions of the Treaty, including article X" (SBIII). The time remaining left these bodies with an impossibly short work period for an inherently difficult task: the two types of group combined were allocated 6 sessions each instead of the possible 17 that would have been available had the conference adhered to the original schedule.

Friction continued to be visible over how time was to be allocated within the subjects assigned to SBI and SBII. Draft reports from chairs of the MCs and SBs had to be circulated before all parties had stated their positions. Also, there was no time in some instances for any discussion before decisions were made on whether these reports were to be forwarded to the Drafting Committee. All draft reports had square brackets around either sections of text not agreed 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 in 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 he chose not to do so, no doubt influenced by indications from a representative of a Middle Eastern state at a Track II meeting 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 NPT 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 First PrepCom Session, Vienna, April 30-May 11 2007

In 2007, the NPT PrepCom sessions moved to Vienna for the first time, under the chairmanship of Ambassador Yukio Amano of Japan. The session took place against the background of an unproductive 2005 NPT Review Conference, and the set of procedural/substantive problems it had never fully resolved. These included 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.

Administrative and Procedural Matters at the 2007 PrepCom Session

The chairman had made extensive efforts to agree the agenda for the meeting in advance, but these were complicated by ongoing negotiations and IAEA/UNSC activities to constrain Iran's indigenous nuclear enrichment and reactor programmes. However, when the meeting started the chairman appeared to believe he had agreement on his proposed agenda from all of the main players in the 2005 debates. This draft agenda had inclusive wording in its para.6, which read:

Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3 of the Treaty, in particular consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of the 1975, 1985,

2000 and 2005 Review Conferences, including developments affecting the operation and purposes of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty.

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

During the chairman's consultations, Iran had voiced objections to the elements in this agenda item relating to 'developments affecting the operation of the Treaty' and 'the reaffirmation of the need for full compliance with the Treaty'. However, there appears to have been some uncertainty over the strength and implications of its objections. After the initial formalities to start the session, the chairman opened the floor to general plenary statements. At the end of the afternoon plenary session, he moved to have the PrepCom adopt its draft agenda. The Iranian delegation responded by proposing an amendment to remove what they regarded as its anti-Iranian focus. This involved changing the final phrase from 'reaffirming the need for full compliance with the Treaty' to 'reaffirming the need for full compliance with all articles of the Treaty', wording taken from the agenda agreed for the 2002-4 PrepCom cycle. This move generated considerable confusion among delegations over whether the text Iran was referring to was from the 2002 PrepCom or the 2005 Review Conference, as the reference given was to a document with a 2005 number. At least one key delegation regarded the two formulations as having the same meaning. Others were not prepared to accept any changes to the chairman's

compromise agenda which had taken many weeks to negotiate. The chairman therefore adjourned discussion of the issue to a later date to allow for further consultations.

The plenary sessions continued (as in 2005) with NGO statements being made on the Wednesday. The chairman held bilateral meetings with interested parties to seek a resolution of the agenda issue. By Thursday the general debate had concluded, and as in 2005 some delegations were discussing moving forward with the cluster discussions, which had been due to start on the Wednesday, within the plenary meetings. Since Iran appeared alone in its wish to amend the draft agenda, the caucus groups had to confront the need to balance supporting the chairman's agenda against the uncertain consequences of not starting the cluster debates. While support for the chairman's position remained solid, pressure for starting the cluster sessions in the plenary continued to rise, as concerns grew that Iran sought to prevent any further action during the session in order to avoid the meeting making any adverse statements about its nuclear policies.

A plenary was eventually convened at 1800 on Friday 4 May 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. South Africa then proposed that the PrepCom should keep the chairman's language for the agenda, but adopt a decision that it understood the contested language to mean 'full compliance with all the provisions of the Treaty'. At the same time Cuba, on behalf of the NAM, indicated that they were not prepared to proceed with the substantive debate without agreement on the agenda, while Algeria raised the issue of how precisely the South African proposal would be documented. At that stage the session had to be adjourned for practical reasons.

When participants reassembled on the Monday morning, many delegations were debating at what point the time remaining would make it impossible to have a useful exchange of views, and whether an early closure of the session was becoming inevitable. Even if there was a rapid agreement on the agenda, there might then be further delay before a schedule of work could be agreed. As a consequence, delegations started to turn their attention to converting their planned cluster speeches into working papers to record their views in the formal report from the meeting.

The PrepCom reconvened in plenary on the Monday afternoon, and took a decision on the dates and venue for the next session, thus guaranteeing this event would occur. The chairman then stated that he was adjourning the plenary until the next morning as one state (Iran) was waiting for instructions from its capital. Informal discussions on Monday afternoon therefore focussed on how to handle an anticipated choice between having too little time for effective cluster discussions and closing the session early without them.

Late on the Tuesday morning, the chairman re-opened the plenary session, and proposed that the meeting accept the South African proposal, now circulated in written form as NPT/CONF.2010/PC.1/1, and also took note of an indicative timetable (NPT/CONF.2010/PC.2). The latter allocated one 3hr session for each of the three cluster and three special time sessions. The special time items were to be on the topics covered in the subsidiary bodies established for the 2005 RC. Iran asked for the floor and complained about the lack of effective consultations with the chairman; the inflexibility shown by other delegations; 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 chairman's proposed agenda and noted his revised indicative timetable.

Discussions on the implementation of Article VI started on the Tuesday afternoon in Cluster 1. On Wednesday morning a focussed debate took place on security assurances and disarmament in the special time session, followed in the afternoon by one on Article III IAEA safeguarding 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 NWFFZ 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 constructive in a number of ways. Those present were determined to capitalise on the collective will and positive atmosphere generated by the long-drawn out process of agreeing the agenda. As suggested by the chairman, speeches remained within the time limits of 5 minutes for states and 8 minutes for groups. This resulted in 30-36 speeches being delivered at 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. Due to the earlier delays the number of working papers reached the record of 74 (including one for the first time from Palestine), greatly increasing the costs of the conference as many had to be sent to New York for translation.

The chairman was left with 75 minutes on Friday to finalise his factual summary of the proceedings, and distribute it to delegations. This proved to be an incisive, lengthy and balanced document. As was expected, many complained about in detail, but almost all states were prepared to support it given their collective determination to reverse the lack of visible agreement from the 2005 Review Conference, and the problems over the agenda for the 2010 RevCon sessions. Caucus meetings were then held over how to handle both the substance of the report and the formal procedure for handing it on to the 2008 session. Some states had difficulty with annexing the summary to the formal report on the meeting as had happened in 2002 and 2003, but they were prepared to give it the status of a working paper from the conference, as had happened in 2004. Iran, however, was not prepared to accept this compromise. This situation threatened to prevent 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 chairman and key states and caucus group chairmen, Iran was persuaded to go along with the consensus view and not oppose acceptance of a formal report containing the future agenda and to list the chairman's factual summary as a 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.

Substantive issues at the 2007 PrepCom Session

See Chairman's Working Paper Section B below.

The Second PrepCom Session, Geneva, April 28-May 9 2008

This session was chaired by Ambassador Volodymyr Yelchenko of Ukraine. The political context included the continued stand-off between Iran and other parties over its enrichment programme and the existence of an alleged Syrian reactor built with DPRK assistance that had been attacked from the air by Israel.

Administrative and Procedural Matters at the 2008 PrepCom Session

As the Agenda for this PrepCom session had been agreed in 2007, and no state sought to re-open the issues which had arisen over this in 2005 and 2007, there were no procedural delays in moving from the plenary to the cluster discussions. The result was that an indicative timetable was adopted of: three sessions for general debate; one session for NGOs to address the PrepCom; two sessions to debate "cluster 1" issues; two sessions to address nuclear disarmament and security assurances; two sessions on "cluster 2" issues (i.e. IAEA safeguards and nuclear weapon free zones); two sessions on Regional issues including the resolution on a Middle East Nuclear Weapon Free Zone; two sessions for "cluster 3" issues including nuclear energy for peaceful purposes and its safety and security; and two final sessions on "other provisions of the treaty including article X" and the right to withdraw from the treaty, and issues such as UN Security Council Resolution 1540. As the conference did not meet on Thursday May 1 (a public holiday), this meant that discussions were scheduled to finish on Thursday May 8, with a final day to agree the formal report on Friday 9th.

The chairman's uncontested decision to operate under the same speaking rules as in 2007, namely 5 minutes for individual statements by states party, both maximised the time available for interactive debate and still resulted in the meeting finishing its detailed work by the middle of the second week, well ahead of its indicative timetable. The inability of delegations to use more effectively the time made available for interactive discussions as against formal statements disappointed those delegations which had since 1995 sought to encourage this type

of activity. The time made available did however enable a number of key procedural decisions to be made including the location and date of the 2009 PrepCom (New York from May 4 - May 15, 2009); its chairman (Ambassador Boniface Guwa Chidyausiki of Zimbabwe); the location (New York) and date (April 26 - May 21, 2010) of the 8th NPT Review Conference; and the Secretary-General of the Conference. Questions were also raised regarding how the presidency of the 2015 RC should be decided though there was no challenge to the NAM nominating the president from one of its regional groups in 2010. A number of NAM states voiced concerns about the United States withholding or delaying visas required by diplomats for participation in these meetings, while the cumulative problems arising from states parties not paying their contributions to NPT, resulted in a request that the UN provide a report on outstanding contributions.

Although the atmosphere of the meeting had been relatively low key and harmonious, in contrast to 2007, the soundings taken by the chairman indicated that he was unlikely to gain a consensus for his factual summary to be annexed to the formal report of the meeting as had happened in 2002 and 2003. He therefore decided to issue his summary as a working paper. The meeting ended with the chairman steering the PrepCom through its formal report paragraph by paragraph. He then opened a discussion on the working paper that contained his factual summary. This covered the main articles of the NPT and in its structure and language built on the 2007 chairman's paper. It attempted to represent the views of the parties in a balanced manner, and as had become normal at such meetings, a number of states made final statements highlighting their disagreements with it.

Substantive issues at the 2008 PrepCom Session

See Chairman's Working Paper Section B below

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

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

Administrative and procedural matters at the 2009 PrepCom Session

To the surprise of many, the Chair's proposals for the Agenda of the 2010 Review Conference and on specific issues to be addressed by Main Committees I, II and III of the RevCon were agreed on the third day of the meeting, thus guaranteeing that there would be no repeat of the prolonged lack of agreement on these issues and the delay in starting committee discussions experienced by the 2005 RevCon. Furthermore, the states parties reached agreement on the dates of the RevCon (3-28 May 2010), background documentation to be commissioned by the UN, IAEA, and other organisations for it, and its draft rules of procedure expeditiously, as well as nominating the president (Ambassador Libran N. Cabactulan of the Philippines) and chairs for the conference and its committees for recommendation to the RevCon. The only procedural issues left undecided were the subject matter of the Subsidiary Bodies within the three Main Committees, and whether there would be a single Final Document from the conference or more than one.

States parties also engaged in discussions in the PrepCom's three "clusters" and the special time within them, on the basis of the rule introduced in 2007 that no delegation should speak for more than five minutes. These focussed and fast-moving discussions enabled the Chair to circulate towards the end of the first week a set of draft substantive recommendations to be sent to the RevCon. During the second week the Chair engaged in discussions on these among interested parties, which led to a revised version being issued in the middle of that week. After further debate requests were made to the Chair that he produce a final version to see if it was possible for the PrepCom to accomplish something which none of its predecessors since 1995 had managed to achieve: sending a consensus set of recommendations to the RevCon. However, when this third version was opened to debate on the final morning of the session it rapidly became clear that some parties wished for further textual changes. At that point the Chair judged that no further progress was possible, and moved to gain agreement on the formal report from the meeting and close the session.

Substantive issues at the 2009 PrepCom Session

See the three versions of the Draft Recommendations to the 2010 NPT Review Conference in *Part II, Section B (Final Draft Version of Chair's Recommendations to the 2010 NPT Review Conference; Draft Recommendations to the Review Conference – Revision 1; and Draft Recommendations to the Review Conference)*.

Annex I

Abbreviations, Acronyms and Glossary of Terms

Abbreviations and Acronyms

Items that appear in the *Glossary* are marked *

ABACC	Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials	IRBM	intermediate-range ballistic missile
ABM	anti-ballistic missile*	ISFS	International Spent Fuel Storage
ACDA	Arms Control and Disarmament Agency (US)	ISIS	International Safeguards Information System
ALCM	air-launched cruise missile	LEU	low enriched uranium*
ANF	Atlantic Nuclear Force	LTBT	Limited Test Ban Treaty (also known as the Partial Test Ban Treaty)
ASW	anti-submarine warfare	LWR	Light Water Reactor
BMD	ballistic missile defence	MBA	material balance area*
CACNARE	Convention on Assistance in the Case of Nuclear Accident	MLF	Multilateral Force
CANDU	Canadian Deuterium-Uranium reactor	MNA	multilateral nuclear approach
CAS	Committee on Assurances of Supply* (IAEA)	MOX	mixed oxide fuel
CCD	Conference of the Committee on Disarmament*	MTCR	Missile Technology Control Regime*
CD	Conference on Disarmament* (formerly Committee on Disarmament)	MW	Megawatt*
CFE	Conventional Forces in Europe [Treaty]	NAM	Non-Aligned Movement
CMA	continuous material accountancy	NATO	North Atlantic Treaty Organization
CMEA	Council for Mutual Economic Assistance (Eastern Europe)	NNA	Neutral and Non-Aligned countries
COCOM	Coordinating Committee on Export Controls	NNPA	United States Nuclear Non-Proliferation Act (1978)
CPPNM	Convention on the Physical Protection of Nuclear Materials	NNWS	non-nuclear weapon states*
CSBM	confidence- and security-building measure	NPT	Non-Proliferation Treaty*
CSCE	Conference on Security and Co-operation in Europe	NSG	Nuclear Suppliers Group*
CSNI	OECD Nuclear Energy Agency Committee on the Safety of Nuclear Installations	NWFZ	nuclear-weapon-free zone*
CTBT	Comprehensive Test Ban Treaty*	NWS	nuclear weapon states*
EC	European Community	OAS	Organization of American States
ENDC	Eighteen-Nation Disarmament Committee*	OECD	Organization for Economic Co-operation and Development
EURATOM	European Atomic Energy Community	OPANAL	Agency for the Prohibition of Nuclear Weapons in Latin America*
EURODIF	European Gaseous Diffusion Uranium Enrichment Consortium	OSI	on-site inspection*
FBR	Fast Breeder Reactor	PNE	peaceful nuclear explosion
FSS	full scope safeguards*	PNET	Peaceful Nuclear Explosions Treaty*
GCD	General and Complete Disarmament	PSI	Proliferation Security Initiative
GPALS	Global Protection Against Limited Strikes	PTBT	Partial Test Ban Treaty*
GTRI	Global Threat Reduction Initiative	PWR	Pressurized Water Reactor
GW	Gigawatt*	SALT	Strategic Arms Limitation Talks or Treaty
HEU	highly enriched uranium*	SDI	Strategic Defense Initiative (US)
IADA	International Atomic Development Authority	SLBM	submarine launched ballistic missile
IAEA	International Atomic Energy Agency*	SLCM	sea launched cruise missile
ICBM	inter-continental ballistic missile	SNDV	Strategic Nuclear Delivery Vehicle
ICF	Inertial Confinement Fusion	SNF	Short Range Nuclear Forces
IFRC	International Fusion Research Council	SOP	Statement of Interdiction Principles (PSI)
INF	Intermediate-range Nuclear Forces [Treaty]*	SORT	Strategic Offensive Reductions Treaty (also known as the Moscow Treaty)
INFA	International Nuclear Fuel Agency	SSBN	Ballistic missile-equipped, nuclear-powered submarine
INFCE(P)	International Nuclear Fuel Cycle Evaluation (Programme)	START	Strategic Arms Reduction Talks/Treaty*
INFCIRC	IAEA Information Circular*	SWU	Separative Work Unit*
INIS	International Nuclear Information System (IAEA)	TTBT	Threshold Test Ban Treaty*
INSAG	International Nuclear Safety Advisory Group(IAEA)	UNAEC	United Nations Atomic Energy Commission
IPS	International Plutonium Storage	UNCIPICPUNE	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. 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 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). 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 U^{235}) is fissile while U-238 is not. Therefore, to create *fissile material*, sufficient quantities of the fissile isotopes must be brought together.

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-range 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. Calutrons, also known as 'racetracks', are based on giant circular magnets. 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*. Parties of the ENDC were: Burma; Brazil; Bulgaria; Canada; Czechoslovakia; Ethiopia; France; India; Italy; Mexico; Nigeria; Poland; Romania; Sweden; United Arab Emirates; United Kingdom; United States of America; and the Soviet Union.

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*.

full-scope safeguards (FSS) Safeguards that cover all nuclear materials and installations in a state (see *safeguards* (IAEA)). The application of full-scope, sometimes termed comprehensive, safeguards to a state is often a precondition to transfers of nuclear materials and technologies.

fusion The formation of a heavier nucleus from two lighter ones. As with *fission*, fusion can only occur with particular isotopes of elements; most notably, tritium and deuterium, both isotopes of hydrogen.

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. Usually used to describe the spread of nuclear weapon or ballistic missile capabilities.

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.
 INFCIRC/39 — The Agency's Inspectorate
 INFCIRC/66 — The Agency's Safeguards System
 INFCIRC/153 — 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 and of Certain Categories of Equipment and other Material
 INFCIRC/225 — The Physical Protection of Nuclear Material
 INFCIRC/254 — Communications Received from Certain Member States Regarding Guidelines for the Export of Nuclear Material, Equipment or Technology [London Club suppliers guidelines]
 INFCIRC/540 — Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards.

Integrated safeguards The combination of comprehensive safeguards agreements and additional protocols tailored to individual states.

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-233 and/or U-235 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 of the nucleus. See also *atom*.

non-nuclear-weapon state (NNWS) A state that is not a *nuclear-weapon 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. India, which exploded a nuclear device in 1974, is not a 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 1976 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 INFCIRC/66 are applied to nuclear and other materials, services, equipment, facilities and information specified in the agreement. Safeguards agreements made under the terms of

INFCIRC/153 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 (SRAM-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.

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]

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

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

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

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

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

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

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

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

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

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

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

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

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

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

Article II

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

Article III

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

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

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

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

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

Article IV

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

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

Article V

Each Party to the Treaty undertakes to take appropriate measures

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

Article VI

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

Article VII

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

Article VIII

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

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

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

Article IX

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

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

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

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

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

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

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

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

Article XI

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

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

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

Parties to the NPT

[as at 4 February 2010]

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

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

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

United Republic of Tanzania	—	31 May 1991
United States of America*†	1 July 1968	5 Mar. 1970
Uruguay	1 July 1968	31 Aug. 1970
Uzbekistan	—	7 May 1992
Vanuatu	—	24 Aug. 1995
Venezuela	1 July 1968	25 Sept. 1975
Viet Nam	—	14 June 1982

Yemen	23 Sept. 1968	14 May 1986
Zambia	—	15 May 1991
Zimbabwe	—	26 Sept. 1991
* Depository State	† Nuclear-Weapon State	
** On 10 January 2003, the DPRK announced its withdrawal from the NPT. On 9 October 2006 and 25 May 2009, the DPRK conducted tests of nuclear explosive devices.		

B — Materials Relating to the 2009 NPT Preparatory Committee for the 2010 NPT Review Conference

Provisional Agenda

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

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.
3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.
5. Address by the Director-General of the International Atomic Energy Agency.
6. Submission of the final report of the Preparatory Committee.
7. Adoption of the rules of procedure.
8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.
9. Election of Vice-Presidents.
10. Credentials of representatives to the Conference:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
11. Confirmation of the nomination of the Secretary-General.
12. Adoption of the agenda.
13. Programme of work.
14. Adoption of arrangements for meeting the costs of the Conference.
15. General debate.
16. Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference and the Final Document of the 2000 Review Conference:
 - (a) Implementation of the provisions of the Treaty relating to Non-Proliferation of nuclear weapons, disarmament and international peace and security:
 - (i) Articles I and II, and preambular paragraphs 1 to 3;
 - (ii) Article VI and preambular paragraphs 8 to 12;
 - (iii) Article VII, with specific reference to the main issues in (a) and (b);
 - (b) Security assurances:
 - (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
 - (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;
 - (c) Implementation of the provisions of the Treaty relating to Non-Proliferation of nuclear weapons, safeguards and nuclear-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;
 - (d) Implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
 - (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
 - (ii) Article V;
 - (e) Other provisions of the Treaty.
17. Role of the Treaty in the promotion of Non-Proliferation of

nuclear weapons and of nuclear disarmament in strengthening international peace and security, and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.
19. Consideration and adoption of Final Document(s).
20. Any other business.

Draft Rules of Procedure

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

[Editorial note: Footnotes not included]

I. Representation and credentials

Delegations of Parties to the Treaty - Rule 1

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

Credentials - Rule 2

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

Credentials Committee - Rule 3

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

Provisional participation - Rule 4

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

II. Officers

Election - Rule 5

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

Acting President - Rule 6

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

Voting rights of the President - Rule 7

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

III. General Committee

Composition - Rule 8

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

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

Functions - Rule 9

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

IV. Conference Secretariat

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

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

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

Duties of the Secretariat - Rule 11

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

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

Costs - Rule 12

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

V. Conduct of business

Quorum - Rule 13

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

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

General powers of the President - Rule 14

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

adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

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

Points of order - Rule 15

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

Speeches - Rule 16

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

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

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

Precedence - Rule 17

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

Closing of list of speakers - Rule 18

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

Right of reply - Rule 19

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

Suspension or adjournment of the meeting - Rule 20

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

Adjournment of debate - Rule 21

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

Closure of debate - Rule 22

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

Order of motions - Rule 23

The motions indicated below shall have precedence in the

following order over all proposals or other motions before the meeting:

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

Submission of proposals and substantive amendments - Rule 24

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

Withdrawal of proposals and motions - Rule 25

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

Decision on competence - Rule 26

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

Reconsideration of proposals - Rule 27

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

VI. Voting and elections

Adoption of decisions - Rule 28

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

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

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

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

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

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

Voting rights - Rule 29

Every State party to the Treaty shall have one vote.

Meaning of the phrase "representatives present and voting" - Rule 30

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

Elections - Rule 31

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

number of elective places to be filled.

Rule 32

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

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

Rule 33

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

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

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

VII. Committees

Main Committees and subsidiary bodies - Rule 34

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

Representation on the Main Committees - Rule 35

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

Drafting Committee - Rule 36

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

without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

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

Officers and procedures - Rule 37

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

- (a) Unless otherwise decided, any subsidiary body shall elect a chairman and such other officers as it may require;
- (b) The Chairmen of the General, the Drafting and the Credentials Committees and the Chairmen of subsidiary bodies may vote in their capacity as representatives of their States;
- (c) A majority of the representatives on the General, Drafting and Credentials Committees or on any subsidiary body shall constitute a quorum; the Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when at least one quarter of the representatives of the States participating in the Conference are present.

VIII. Languages and records

Languages of the Conference - Rule 38

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

Interpretation - Rule 39

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

Language of official documents - Rule 40

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

Sound recordings of meetings - Rule 41

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

Summary records - Rule 42

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

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

IX. Public and private meetings

Rule 43

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

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

X. Participation and attendance

Rule 44

1. Observers

(a) Any other State which, in accordance with article IX of the Treaty, has the right to become a Party thereto but which has neither acceded to it nor ratified it may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. 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 agency status, which will be accorded on the decision of the Conference. An observer agency shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees, other than those designated closed meetings, and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as Conference documents.

4. Non-governmental organizations

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

[*Editorial note:* Appendix to Rule 12 – Schedule for the division of costs, not included.]

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

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

The Preparatory Committee has considered principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. The States parties reaffirm the need to maintain a balance between the three mutually reinforcing pillars of the Treaty: nuclear disarmament, nuclear non-proliferation, and the peaceful uses of nuclear energy. The Preparatory Committee conveys to the 2010 Review Conference the following elements for its consideration in evaluating the implementation of undertakings

of the States parties under the Treaty. It has also identified areas in which, and the means through which, further progress should be sought in the future. These elements build upon the three Decisions and the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, the Final Document adopted at the 2000 Review Conference, and subsequent deliberations and discussion within the NPT review process. The Preparatory Committee believes that these elements, which were drawn from statements and working papers by States parties, identify a practical framework in which the Review Conference could achieve a consensus. These elements are conveyed without regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed in Preparatory Committee sessions.

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

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

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

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

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

2.1 Nuclear disarmament, including specific practical measures.

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

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

c. Discuss related ways and means to ensure the irreversibility, verifiability, and transparency of disarmament activities. Recognize the benefits for disarmament of reducing the operational status of nuclear forces; reducing non-strategic nuclear weapons pending their elimination and reducing reliance on nuclear weapons in security policies.

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

d. Commence open-ended discussions to identify possibilities available to establish an international legal framework for the

achievement of global nuclear disarmament. Engage non-parties to the Treaty with the aim of attaining a world free of nuclear weapons.

2.2 Non-proliferation; promote and strengthen safeguards.

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

b. Affirm that export controls are best addressed and implemented in a transparent and non-discriminatory manner, and without hampering the development of nuclear energy for peaceful uses, in conformity with the Treaty. Recommend that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States Party to the Treaty. Recognize that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear dual-use items to all States taking into account articles I, II and III of the Treaty, and for States parties, also fully respecting article IV.

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

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

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

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

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

2.3. Advance peaceful uses of nuclear energy.

a. Reaffirm the inalienable right of States parties under article IV to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. Note the contribution that growing applications of nuclear technology in health care, industry, agriculture, power generation, and environmental protection can make in advancing development worldwide.

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

c. Stress the importance of extensive and transparent consultations in the consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply. Indicate that such proposals should be addressed in a multilateral, economically viable and non-discriminatory manner under the auspices of IAEA, without infringement of the rights of States parties under article IV the Treaty. Confirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

d. Recognize the importance of bilateral and international cooperation programmes to assist countries considering the

development of nuclear energy for the first time. Stress the need to develop the adequate infrastructures, with appropriate assistance in the field of human resources training.

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

a. Highlight the importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management, and the safe transport of nuclear and radioactive materials, including maritime transport. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Draft Recommendations to the Review Conference – Revision 1

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

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

regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed in Preparatory Committee sessions.

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

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

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

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

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

2.1 Nuclear disarmament, including specific practical measures.

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

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

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

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

2.2 Non-proliferation; promote and strengthen safeguards.

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

b. Affirm that export controls are best addressed and implemented

in a transparent and non-discriminatory manner, and without hampering the development of nuclear energy for peaceful uses, in conformity with the Treaty. Recommend that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States Party to the Treaty. Recognize that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear dual-use items to all States taking into account articles I, II and III of the Treaty, and for States parties, also fully respecting article IV.

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

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

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

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

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

2.3. Advance peaceful uses of nuclear energy.

a. Reaffirm the inalienable right of States parties under article IV to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. Note the contribution that growing applications of nuclear technology in health care, industry, agriculture, power generation, and environmental protection can make in advancing development worldwide.

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

c. Stress the importance of extensive and transparent consultations in the consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply. Indicate that such proposals should be addressed in a multilateral, economically viable and non-discriminatory manner under the auspices of IAEA, without infringement of the rights of States parties under article IV the Treaty. Confirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

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

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

a. Highlight the importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management, and the safe transport of nuclear and radioactive materials, including maritime transport. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Underscore the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty in addressing both current and emerging challenges. Consider the recommendations contained in the report of the Secretary-General of the United Nations (A/571124) regarding the UN study on disarmament and non-proliferation education.

Draft Recommendations to the Review Conference

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

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

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

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

b. Declare that the Treaty remains the cornerstone of the global nuclear disarmament and non-proliferation regime and that its full

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

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

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

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

b. Acknowledge that several commitments relating to disarmament made at the 1995 Review and Extension Conference and at the 2000 Review Conference have not yet been fulfilled. Consider the adoption of an action plan, drawing inter alia upon commitments made at these earlier Conferences, setting practical, achievable and specified goals, and measures leading to the elimination of nuclear weapons.

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

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

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

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

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

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

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

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

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

a. Reaffirm the inalienable right of States parties under article IV to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. Welcome growing applications of nuclear technology in health care, industry, agriculture, and environmental protection.

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

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

d. Stress the need to intensify consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply of nuclear fuel and technology. Indicate that such proposals should be addressed in a multilateral, economically viable and non-discriminatory manner under the auspices of IAEA, without restrictions on access to nuclear material, equipment, and technology for peaceful purposes as provided for in the Treaty. Confirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

e. Highlight the importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management, and the safe transport of nuclear and radioactive materials, including maritime transport. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

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

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

h. Welcome the contributions of the IAEA in the promotion of the physical protection of nuclear material and safety in all its aspects. Call upon all states that had not yet done so to accede to all relevant conventions on nuclear safety, safe waste management and physical protection of nuclear material and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Support efforts to enhance the security of stockpiles of weapon-usable fissile materials, while minimizing their use in the civilian nuclear sector. Stress the importance of maintaining dialogue on facilitating safe maritime transport of radioactive material.

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

a. Reaffirm that nuclear-weapon-free zones have made and continue to make an important contribution to the strengthening of the international nuclear non-proliferation regime in all its aspects, and to the achievement of nuclear disarmament and the ultimate

objective of general and complete disarmament under effective international control. Support increased cooperation among the parties to all the zones. Consider calling for the consideration of the establishment of new zones in regions with nuclear facilities or materials. Recognize the importance of the establishment of regional zones free of weapons of mass destruction.

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

c. Recall that the Resolution on the Middle East was integrally linked to the Decision by the 1995 Review and Extension Conference to extend indefinitely the duration of the Treaty. Underscore the need for increased efforts to implement the Resolution. Consider the proposal to call upon the nuclear-weapon States to convene a conference of all states of the Middle East region to address ways and means to implement the Resolution. Invite all States parties to undertake consultations with a view to facilitating the convening of such a conference. Call upon all States parties to issue periodic reports to each of the Preparatory Committees and the Review Conference on their efforts implement the Resolution.

6. Measures to address the risk of Treaty withdrawals.

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

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

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

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

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

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

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

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

b. Underscore the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty in addressing both current and emerging challenges. Encourage States parties to implement the

recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the UN study on disarmament and non-proliferation education

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

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

[Editorial note: Footnote not included]

[Eds...]

I. Terms of reference and organization of work

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 Committee held its first session in Vienna from 30 April to 11 May 2007. Following the decisions taken at the first session, the Committee held its second session at Geneva from 28 April to 9 May 2008 and its third session in New York from 4 to 15 May 2009. Reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2010/PC.I/22 and NPT/CONF.2010/PC.II/13.

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

4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Yukiya Amano (Japan) to serve as Chairman of the first session. It also decided that Volodymyr Yelchenko (Ukraine) would be the Chairman of the second session. It was further decided that, when not serving as Chairmen, the Chairmen of the sessions of the Preparatory Committee would serve as Vice-Chairmen of the Committee.

5. At its second session, the Committee decided to elect Boniface Guwa Chidyausiku (Zimbabwe) as Chairman of the third session.

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

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

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.
6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting the operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty.
7. Organization of work of the Preparatory Committee:
 - (a) Election of officers;

- (b) Dates and venue for further sessions;
 - (c) Methods of work;
 - (i) Decision-making;
 - (ii) Participation;
 - (iii) Working languages;
 - (iv) Records and documents.
8. Report on the results of the session to the next session of the Preparatory Committee.
9. Organization of the 2010 Review Conference:
- (a) Dates and venue;
 - (b) Draft rules of procedure;
 - (c) Election of the President and other officers;
 - (d) Appointment of the Secretary-General of the Review Conference;
 - (e) Provisional agenda;
 - (f) Financing of the Review Conference, including its Preparatory Committee;
 - (g) Background documentation;
 - (h) Final document(s).
10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
11. Any other matters.

8. In connection with the adoption of the agenda, the Committee adopted the following decision: "The Committee decides that it understands the reference in the agenda to 'reaffirming the need for full compliance with the Treaty' to mean that it ill consider compliance with all the provisions of the Treaty". The Committee also decided that the text of the above decision would be included as the footnote to item 6 of the agenda.

9. Thomas Markram, Senior Political Affairs Officer, Weapons of Mass Destruction Branch, Office for Disarmament Affairs, served as Secretary of the Preparatory Committee. Tariq Rauf, Head, Verification and Security Policy Coordination, Office of External Relations and Policy Coordination, International Atomic Energy Agency represented the Agency at all sessions.

10. Delegations of the following 135 States parties participated in one or more sessions of the Preparatory Committee: Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

11. At its first session, the Committee decided that:
- (a) Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled to submit documents to the participants in the Committee. Palestine participated in the work of the meetings of the Committee as an observer;
 - (b) Representatives of specialized agencies and international and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of

the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled to submit, in writing, their views and comments on questions within their competence, which may be circulated as documents of the Committee. Furthermore, the Committee decided, based on the agreement at the third session of the Preparatory Committee for the 2005 NPT Review Conference, which would be applied *mutatis mutandis*, that specialized agencies and international and regional intergovernmental organizations be invited to make oral presentations to the Committee upon the decision of the Committee, on a case-by-case basis. Accordingly, the following specialized agencies and international and regional intergovernmental organizations were represented as observers at the meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, European Commission, League of Arab States, Organization for the Prohibition of Chemical Weapons and Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;

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

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

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

14. In accordance with the Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. The summary records of the first session were issued as documents NPT/CONF.2010/PC.I/SR.1-4, 6 and 19. The summary records of the second session were issued as documents NPT/CONF.2010/PC.II/SR.1-3, 5 and 14. The summary records of the third session (NPT/CONF.2010/PC.III/SR.1-3, 5 and 16) are issued separately as annex I to the present report.

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

II. Substantive work of the Committee

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

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

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

- (a) Implementation of the provisions of the Treaty relating to Non-Proliferation of nuclear weapons, disarmament and international peace and security;
- (b) Implementation of the provisions of the Treaty relating to Non-Proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;
- (c) Implementation of the provisions of the Treaty relating to the inalienable right of all States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II.

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

- (a) Nuclear disarmament and security assurances;
- (b) Regional issues, including with respect to the Middle East and the implementation of the 1995 resolution on the Middle East;
- (c) Other provisions of the Treaty, including article X.

20. The Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex II to the present report.

III. Organization of work of the Review Conference

21. In the course of its sessions, the Committee considered the following questions relating to the organization and work of the 2010 Review Conference:

- (a) Dates and venue;
- (b) Draft rules of procedure;
- (c) Election of the President and other officers;
- (d) Appointment of the Secretary-General;
- (e) Provisional agenda;
- (f) Financing of the Review Conference, including its Preparatory Committee;
- (g) Background documentation;
- (h) Final document(s).

Dates and venue of the Conference

22. At its first session, the Committee decided to hold the Review Conference in New York from 26 April to 21 May 2010.

23. At its third session, the Committee adopted the following decision: "Taking into account the developments resulting from the Capital Master Plan (CMP) regarding the availability of conference services and facilities, the Committee decides to hold the Review Conference in New York from 3 to 28 May 2010".

Draft rules of procedure

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

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

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

Election of the President and other officers

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

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

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

of the Group of Non-Aligned and Other States.

Appointment of the Secretary-General

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

Provisional agenda

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

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

Financing of the Review Conference, including its Preparatory Committee

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

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

Background documentation

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

Final document(s)

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

IV. Participation at the Review Conference

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

V. Adoption of the final report

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

Annex I

Summary records

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

Annex II**List of documents****First session**

NPT/CONF.2010/PC.I/1 Provisional agenda
 NPT/CONF.2010/PC.I/2 Note verbale dated 27 April 2007 from the Permanent Mission of Cuba, Chair of the Vienna Chapter of the Non-Aligned Movement
 NPT/CONF.2010/PC.I/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 Australia
 NPT/CONF.2010/PC.I/4 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: report submitted by Australia
 NPT/CONF.2010/PC.I/5 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": national report of Mexico
 NPT/CONF.2010/PC.I/6 Steps taken to implement the United Nations study on disarmament and non-proliferation education: national report of Mexico
 NPT/CONF.2010/PC.I/7 Multilateralization of the nuclear fuel cycle: Food-for-thought paper submitted by Austria
 NPT/CONF.2010/PC.I/8 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: report submitted by Canada
 NPT/CONF.2010/PC.I/9 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Canada
 NPT/CONF.2010/PC.I/10 United Kingdom report on implementation of the 1995 resolution on the Middle East
 NPT/CONF.2010/PC.I/11 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 the Republic of Korea
 NPT/CONF.2010/PC.I/12 Steps to advance the Middle East peace process and to promote the establishment of a nuclear-weapon-free zone in the Middle East: report submitted by China
 NPT/CONF.2010/PC.I/13 Implementation of article VI: report submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.I/14 Establishment of a nuclear-weapon-free zone in the Middle East: report submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.I/15 Agenda
 NPT/CONF.2010/PC.I/16 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 Malaysia
 NPT/CONF.2010/PC.I/17 Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by New Zealand
 NPT/CONF.2010/PC.I/18 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.2010/PC.I/19 Note verbale dated 10 May 2007 from the Permanent Mission of Cuba, on behalf of the Group of States Parties to the NPT that are members of the Non-Aligned Movement
 NPT/CONF.2010/PC.I/20 Implementation of 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": report submitted by Ireland
 NPT/CONF.2010/PC.I/21 Partnerships for peaceful nuclear cooperation: United States support for article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the United States of America
 NPT/CONF.2010/PC.I/22 Report of the Preparatory Committee on its first session
 NPT/CONF.2010/PC.IWP.1 Working paper submitted by the Syrian Arab Republic on substantive questions to be considered at the first meeting of the Preparatory Committee for the 2010 Review Conference of the 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 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.17 Model Nuclear Weapons Convention: working paper submitted by Costa Rica
 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.25 Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons: European Union common approach: working paper submitted by the European Union
 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.I/WP.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.I/WP.29 Cluster one: nuclear disarmament and negative security assurances: working paper submitted by Canada

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

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

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

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

NPT/CONF.2010/PC.I/WP.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.I/WP.35 Australia's commitment to article IV of the NPT: paper submitted by Australia

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

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

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

NPT/CONF.2010/PC.I/WP.39 Verification and safeguards: Working paper submitted by the European Union

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

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

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

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

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

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

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

NPT/CONF.2010/PC.I/WP.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 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and 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, France and the Republic of Korea

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, as Chairman of the Latin American and Caribbean Group, on behalf of the States parties to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) represented at the first session of the Preparatory Committee for the 2010 NPT Review Conference

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

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NPT/CONF.2010/PC.II/1 Estimated cost of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
 NPT/CONF.2010/PC.II/2 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Canada
 NPT/CONF.2010/PC.II/3 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: report submitted by Canada
 NPT/CONF.2010/PC.II/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.II/5 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: report submitted by Japan
 NPT/CONF.2010/PC.II/6 Establishment of a nuclear-weapon-free zone in the Middle East: report submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/7 Implementation of article VI: report submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/8 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.2010/PC.II/9 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: report submitted by Australia
 NPT/CONF.2010/PC.II/10 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 Romania
 NPT/CONF.2010/PC.II/11 and Corr.1 Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by New Zealand
 NPT/CONF.2010/PC.II/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 Norway
 NPT/CONF.2010/PC.II/13 Report of the Preparatory Committee on its second session
 NPT/CONF.2010/PC.II/WP.1 Nuclear-weapon-free zones: working paper submitted by Mongolia
 NPT/CONF.2010/PC.II/WP.2 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 the Syrian Arab Republic on behalf of the States members of the League of Arab States
 NPT/CONF.2010/PC.II/WP.3 Establishment of a nuclear-weapon-free zone in the Middle East: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.4 The issue of non-compliance with articles I, III, IV and VI: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.5 Nuclear disarmament: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.6 Peaceful uses of nuclear energy: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.7 Cluster 2: Non-Proliferation and

Safeguards "towards the strengthening of the IAEA safeguards system and the universal application of the Additional Protocol": working paper submitted by Japan
 NPT/CONF.2010/PC.II/WP.8 Cluster 3: peaceful uses of nuclear energy and Japan's experience: working paper submitted by Japan
 NPT/CONF.2010/PC.II/WP.9 Disarmament and non-proliferation education: working paper submitted by Japan
 NPT/CONF.2010/PC.II/WP.10 Cluster 1: nuclear disarmament: working paper submitted by Japan
 NPT/CONF.2010/PC.II/WP.11 Perspectives on issues related to withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons: bolstering the benefits of the Treaty regime to prevent withdrawal: working paper submitted by Japan
 NPT/CONF.2010/PC.II/WP.12 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 submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)
 NPT/CONF.2010/PC.II/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 submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)
 NPT/CONF.2010/PC.II/WP.14 Article V, article VI and preambular paragraphs 8 to 12: comprehensive Nuclear-Test Ban Treaty: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)
 NPT/CONF.2010/PC.II/WP.15 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 (Vienna Group of 10)
 NPT/CONF.2010/PC.II/WP.16 Article 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 submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)
 NPT/CONF.2010/PC.II/WP.17 Article 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, nuclear safety: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)
 NPT/CONF.2010/PC.II/WP.18 Article 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 submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)
 NPT/CONF.2010/PC.II/WP.19 Substantive issues on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the Syrian Arab Republic
 NPT/CONF.2010/PC.II/WP.20 Establishing a nuclear-weapon-free zone in the Middle East: working paper submitted by Egypt
 NPT/CONF.2010/PC.II/WP.21 Creating a new momentum for a fissile material cut-off treaty: working paper submitted by Germany
 NPT/CONF.2010/PC.II/WP.22 Working towards a successful 2010 Review Conference: working paper submitted by Germany
 NPT/CONF.2010/PC.II/WP.23 Nuclear-weapon-free zone treaties: working paper submitted by Slovenia on behalf of the European Union
 NPT/CONF.2010/PC.II/WP.24 Other provisions of the Treaty, including article X: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.25 Negative security assurances: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.26 New Agenda Coalition paper: submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden as members of the New Agenda Coalition
 NPT/CONF.2010/PC.II/WP.27 Compliance and the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by

the United States of America
 NPT/CONF.2010/PC.II/WP.28 Non-proliferation: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.II/WP.29 Article X: withdrawal: working paper submitted by the Republic of Korea
 NPT/CONF.2010/PC.II/WP.30 Challenges to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by Egypt
 NPT/CONF.2010/PC.II/WP.31 Cluster I: Article VII: working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
 NPT/CONF.2010/PC.II/WP.32 “To ensure access to nuclear fuel supply and enrichment services” — Multilateral Enrichment Sanctuary Project: working paper submitted by Germany
 NPT/CONF.2010/PC.II/WP.33 Non-proliferation and the Middle East: working paper submitted by the United States of America
 NPT/CONF.2010/PC.II/WP.34 Compliance with the provisions of the Treaty: working paper submitted by the Syrian Arab Republic
 NPT/CONF.2010/PC.II/WP.35 Commitment of the United States of America to the Treaty: international cooperation on nuclear power: working paper submitted by the United States of America
 NPT/CONF.2010/PC.II/WP.36 Preparing for a successful Review Conference 2010: working paper submitted by Ukraine
 NPT/CONF.2010/PC.II/WP.37 Procedures in relation to exports of nuclear materials and certain categories of equipment and material in relation to article III (2) of the Treaty: working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee and Costa Rica, Cyprus, Estonia, Kyrgyzstan, Latvia, Lithuania, Malta and New Zealand as additional co-sponsors
 NPT/CONF.2010/PC.II/WP.38 Improving the effectiveness of the methods of work of the Treaty review process: working paper submitted by the United States of America
 NPT/CONF.2010/PC.II/WP.39 Financing the Treaty review process: working paper submitted by the United States of America
 NPT/CONF.2010/PC.II/WP.40 Nuclear power development: meeting the world's energy needs and fulfilling article IV: working paper submitted by Canada, Estonia, France, the Republic of Korea, Poland, Romania, Ukraine and the United Kingdom of Great Britain and Northern Ireland
 NPT/CONF.2010/PC.II/WP.41 Expanding international civil nuclear cooperation: working paper presented by France, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America
 NPT/CONF.2010/PC.II/WP.42 Deterring and responding to withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons by Treaty violators: working paper presented by the Republic of Korea and the United States of America
 NPT/CONF.2010/PC.II/WP.43 Chairman's working paper
 NPT/CONF.2010/PC.II/DEC.1 Decisions adopted by the Committee
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 NPT/CONF.2010/PC.II/CRP.2 Draft decisions on the organization of work of the Preparatory Committee and the 2010 Review Conference (decisions 4 to 6)
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 NPT/CONF.2010/PC.II/CRP.4 Draft report of the Preparatory Committee on its second session
 NPT/CONF.2010/PC.II/INF.1 Dates and venue: Information note
 NPT/CONF.2010/PC.II/INF.2 Indicative timetable: Information note
 NPT/CONF.2010/PC.II/INF.3 and Rev.1 Indicative timetable: Information note
 NPT/CONF.2010/PC.II/INF.3 and Rev.2 Indicative timetable — Information for week 2
 NPT/CONF.2010/PC.II/INF.4 and Rev.1 List of non-governmental organizations
 NPT/CONF.2010/PC.II/INF.5 List of Secretariat officers and telephone numbers
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NPT/CONF.2010/PC.III/1 and Add.1 Financial report
 NPT/CONF.2010/PC.III/2 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.III/3 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: report submitted by Australia
 NPT/CONF.2010/PC.III/4 Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Canada
 NPT/CONF.2010/PC.III/5 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: report submitted by Canada
 NPT/CONF.2010/PC.III/6 Implementation of article VI: report submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/7 Establishment of a nuclear-weapon-free zone in the Middle East: report submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/8 Chairman's statement at the conclusion of the meeting of focal points of nuclear-weapon-free zones and Mongolia
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 NPT/CONF.2010/PC.III/10 Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the Government of New Zealand
 NPT/CONF.2010/PC.III/WP.1 Establishment of a nuclear-weapon-free zone in the Middle East: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.2 The issue of negative security assurances: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.3 The issue of non-compliance with articles I, III, IV and VI: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.4 Other provisions of the Treaty, including article X: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.5 Nuclear disarmament: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.6 Non-proliferation: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.7 Peaceful research, production and use of nuclear energy: working paper submitted by the Islamic Republic of Iran
 NPT/CONF.2010/PC.III/WP.8 Strengthening the Review Process of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by Canada
 NPT/CONF.2010/PC.III/WP.9 Working paper submitted by the Syrian Arab Republic to the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Substantive issues in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons
 NPT/CONF.2010/PC.III/WP.10 Working paper submitted by the Libyan Arab Jamahiriya to the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
 NPT/CONF.2010/PC.III/WP.11 Working paper submitted by Sweden on behalf of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden as members of the New Agenda Coalition
 NPT/CONF.2010/PC.III/WP.12 Cluster two: Article VII: working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
 NPT/CONF.2010/PC.III/WP.13 Eleven benchmarks for global nuclear disarmament: working paper submitted by Japan
 NPT/CONF.2010/PC.III/WP.14 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 submitted by Australia, Austria, Canada, Denmark,

Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden ("the Vienna Group of Ten")

NPT/CONF.2010/PC.III/WP.15 Article V, article VI and preambular paragraphs 8 to 12 of the Comprehensive Nuclear-Test-Ban Treaty: working paper by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden ("the Vienna Group of Ten")

NPT/CONF.2010/PC.III/WP.16 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, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden ("the Vienna Group of Ten")

NPT/CONF.2010/PC.III/WP.17 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 submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (Vienna Group of 10)

NPT/CONF.2010/PC.III/WP.18 Article III, paragraph 3, article IV and preambular paragraphs 6 and 7, especially in their relationship to article III, paragraphs 1, 2 and 4, and preambular paragraphs 4 and 5 (Cooperation in the peaceful uses of nuclear energy): working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden ("the Vienna Group of Ten")

NPT/CONF.2010/PC.III/WP.19 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 submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden ("the Vienna Group of Ten")

NPT/CONF.2010/PC.III/WP.20 Implementation of the 1995 resolution and 2000 outcome on the Middle East: the final outcome of the last session of the Preparatory Committee: working paper submitted by Egypt

NPT/CONF.2010/PC.III/WP.21 Implementation of the 1995 resolution and 2000 outcome on the Middle East: working paper submitted by Palestine

NPT/CONF.2010/PC.III/WP.22 Principles of fuel supply guarantees and the multilateralization of fuel cycle activities: working paper submitted by Germany and the Russian Federation

NPT/CONF.2010/PC.III/WP.23 Arab working paper submitted by the United Arab Emirates on behalf of the Group of Arab States, which are States members of the League of Arab States to the third session of the Preparatory Committee for the 2010 Non-Proliferation Treaty Review Conference, New York, 4-15 May 2009: Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT

NPT/CONF.2010/PC.III/WP.24 The future of the Treaty on the Non-Proliferation of Nuclear Weapons: effectiveness and future challenges: working paper submitted by the United Arab Emirates on behalf of the States members of the League of Arab States

NPT/CONF.2010/PC.III/WP.25 Development of the initiative of the Russian Federation to establish a reserve of low enriched uranium (LEU) for the supply of LEU to the International Atomic Energy Agency for its member States: working paper submitted by the Russian Federation

NPT/CONF.2010/PC.III/WP.26 Working paper on forward-looking proposals of the European Union on all three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons to be part of an action plan adopted by the 2010 Review Conference

NPT/CONF.2010/PC.III/WP.27 The European Union and the Comprehensive Nuclear-Test-Ban Treaty working paper

NPT/CONF.2010/PC.III/WP.28 Multilateral approaches to the nuclear fuel cycle: working paper submitted by the Republic of Korea

NPT/CONF.2010/PC.III/WP.29 Environmental consequences of uranium mining: working paper submitted by Kyrgyzstan on behalf of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan

NPT/CONF.2010/PC.III/WP.30 Substantive recommendations to the third session of the Preparatory Committee and the 2010 Review Conference: working paper submitted by the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.III/WP.31 Progress towards nuclear disarmament by the United States of America: working paper submitted by the United States of America

NPT/CONF.2010/PC.III/WP.32 Contributions of the Latin American and Caribbean States parties to the Treaty of Tlatelolco: working paper submitted by the States parties to the Treaty of Tlatelolco

NPT/CONF.2010/PC.III/WP.33 Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Poland, Spain and Turkey for consideration at the third session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.III/WP.34 Multilateralization of the nuclear fuel cycle: increasing transparency and sustainable security: working paper submitted by Austria

NPT/CONF.2010/PC.III/WP.35 A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices 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 Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the European Union

NPT/CONF.2010/PC.III/WP.36 Nuclear disarmament: France's practical commitment: working paper submitted by France

NPT/CONF.2010/PC.III/WP.37 Nuclear disarmament: a concrete step by France — Visit to France's former fissile material production facilities for nuclear weapons: working paper submitted by France

NPT/CONF.2010/PC.III/WP.38 Japan's activities in technical cooperation related to the peaceful uses of nuclear energy: working paper submitted by Japan

NPT/CONF.2010/PC.III/WP.39 Nuclear power development: meeting the world's energy needs and fulfilling article IV: working paper submitted by Canada, Estonia, France, Poland, the Republic of Korea, Romania, Ukraine and the United Kingdom of Great Britain and Northern Ireland

NPT/CONF.2010/PC.III/WP.40 Working paper on procedures in relation to exports of nuclear materials and certain categories of equipment and material in relation to article III (2) of the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.III/DEC.1 Record of decisions

NPT/CONF.2010/PC.III/CRP.1 Draft rules of procedure for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.III/CRP.2 Draft decision on adjustment to the dates of the Review Conference

NPT/CONF.2010/PC.III/CRP.3 Draft provisional agenda

NPT/CONF.2010/PC.III/CRP.4 and Rev.1 and 2 Draft Recommendations to the Review Conference

NPT/CONF.2010/PC.III/CRP.5 Draft decision on background documentation

NPT/CONF.2010/PC.III/CRP.6 Draft decision on the allocation of items to the Main Committees of the Review Conference

NPT/CONF.2010/PC.III/CRP.7 Draft final report of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2010/PC.III/INF.1 Information note

NPT/CONF.2010/PC.III/INF.2 Programme of Work

NPT/CONF.2010/PC.III/INF.3 Indicative timetable

NPT/CONF.2010/PC.III/INF.4 List of non-governmental organizations

NPT/CONF.2010/PC.III/INF.5 List of Secretariat Officers and telephone numbers

NPT/CONF.2010/PC.III/INF.6 and Add.1 List of participants

NPT/CONF.2010/PC.III/MISC.1 Provisional list of participants

[Eds...]

Report of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on its Second Session

[Reproduced from NPT/CONF.2010/PC.II/13
9 May 2008]

[Editorial note: Footnote not included]

I. Introduction

[Eds...]

3. The following 106 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the work of the

Preparatory Committee at its second session: Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Moldova, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, 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, Yemen and Zimbabwe.

[Eds...]

II. Substantive and procedural issues

A. Organization of work of the Preparatory Committee

7. The Committee continued to conduct its work on the basis of the agenda adopted at its first session (NPT/CONF.2010/PC.I/15),

[Eds...]

8. At its 1st meeting, on 28 April 2008, the Committee took note of the indicative timetable for its second session (NPT/CONF.2010/PC.II/INF.2).

9. In the course of discussions on agenda item 7 on the organization of work of the Preparatory Committee, the following decisions were taken.

(a) Election of officers

10. At its 12th meeting, on 6 May 2008, the Committee decided to elect Boniface Guwa Chidyausiki of Zimbabwe as Chairman of its third session (see NPT/CONF.2010/PC.II/DEC.1).

(b) Dates and venues for further sessions

11. At its 12th meeting, on 6 May 2008, the Committee decided to hold its third session in New York from 4 to 15 May 2009 (see NPT/CONF.2010/PC.II/DEC.1).

(c) Methods of work

(i) Participation

12. Pursuant to the relevant rules of procedure and the decision taken at its first session, the Committee, at its 1st meeting, on 28 April 2008, took note of requests from specialized agencies, international and regional intergovernmental organizations, and non-governmental organizations to attend its meetings as observers.

13. Accordingly, representatives of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, the Organization for the Prohibition of Chemical Weapons, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the European Commission and the League of Arab States attended the meetings of the Committee as observers, other than those designated as closed meetings.

14. Furthermore, representatives of 64 non-governmental organizations (see NPT/CONF.2005/PC.II/INF.4/Rev.1) attended the meetings of the Committee, other than those designated as closed meetings.

(iv) Records and documents

15. The Committee set aside four meetings for a general debate on issues related to all aspects of the work of the Preparatory Committee, in the course of which 47 statements were made. Furthermore, in accordance with the decision adopted at its first session, the Committee invited the representatives of the League of Arab States and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials to make statements at the end of

the general debate. The statements are reflected in the summary records of those meetings (see NPT/CONF.2010/PC.II/SR.1-3 and 5).

16. At its 4th meeting, on 29 April, the Committee heard the statements of representatives of 15 non-governmental organizations.

[Eds...]

19. The Committee considered the following three clusters of issues based on the allocation of items to the main committees of the 2005 Review Conference (see NPT/CONF.2005/DEC.1):

- Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security;
- Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;
- 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.

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

- Nuclear disarmament and security assurances;
- Regional issues, including with respect to the Middle East and the implementation of the 1995 resolution on the Middle East;
- Other provisions of the Treaty, including article X.

[Eds...]

B. Organization of the 2010 Review Conference

22. The Preparatory Committee, in conformity with its task of preparing for the 2010 Review Conference, considered issues contained in agenda item 9. It took the following actions.

(a) Dates and venue

23. At its 12th meeting, on 6 May 2008, the Committee decided to hold the Review Conference in New York from 26 April to 21 May 2010 (see NPT/CONF.2010/PC.II/DEC.1).

(d) Appointment of the Secretary-General

24. At its 12th meeting, on 6 May 2008, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General for the 2010 Review Conference, a nomination which would later be confirmed by the Conference itself (see NPT/CONF.2010/PC.II/DEC.1).

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

25. In response to the request made by the Committee at its first session, the Secretariat provided the Committee with 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 (see NPT/CONF.2010/PC.II/1).

26. At its 12th meeting, on 6 May 2008, the Committee:

- Took note of the estimated costs of the 2010 Review Conference and its Preparatory Committee (see NPT/CONF.2010/PC.II/1) and expressed its understanding that the workload statistics of the second session of the Preparatory Committee would determine whether the cost estimates contained in either annex I or annex II would be used as the basis for requests for advance payments for both the third session of the Preparatory Committee and the 2010 Review Conference, and agreed that assessed and outstanding dues must be paid in proper time;
- In order to promote greater financial transparency and accountability, and taking into account the practice of multilateral and other organizations, requested the Secretary-General to provide a financial report to the Review Conference and each session of its Preparatory Committee to be circulated as an official document (see NPT/CONF.2010/PC.II/DEC.1).

C. Documentation

27. During the session, the following documents were before the Committee:

[Eds...]

Annex

Summary records of the second session of the Preparatory Committee

[To be distributed individually as NPT/CONF.2010/PC.II/SR.1-3, 5 and 14]

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

[Reproduced from NPT/CONF.2010/PC.II/WP.43, 9 May 2008]

[Editorial note: Footnotes not included]

1. States parties¹ reaffirmed that the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty) 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.

2. States parties noted the positive outcome of the first session of the 2007 Preparatory Committee and expressed the need to lay a solid basis for a successful Review Conference in 2010. They also noted that the 2008 session of the Preparatory Committee had taken place in the year of the fortieth anniversary of the Treaty's opening for signature. Recent public and political momentum towards a world free of nuclear weapons was noted. The need for concrete and practical steps to achieve that goal was highlighted.

3. States parties reaffirmed that the Treaty rested on three pillars: nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy. The importance of the 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, and due respect for the right of States parties to the peaceful use of nuclear energy in conformity with the Treaty.

4. States parties continued to attach great importance to achieving compliance with the Treaty. The importance of compliance by all States parties with all the provisions of the Treaty at all times was stressed. Non-compliance with the Treaty's provisions by States parties undermined non-proliferation, disarmament, universality and peaceful uses of nuclear energy.

5. States parties reiterated their commitment to the effective implementation of the objectives of the Treaty, the decisions and resolution on the Middle East of the 1995 Review and Extension Conference, adopted without a vote, and the final document of the 2000 Review Conference, adopted by consensus.

6. States parties reaffirmed the importance of promoting the peaceful uses of nuclear energy and international nuclear cooperation for peaceful purposes in ways consistent with the non-proliferation goal of the Treaty. A number of proposals for establishing multilateral mechanisms that guaranteed the provision of nuclear fuel under strict international control were presented.

7. States parties stressed that continued support to achieve universality of the Treaty remained essential. They expressed concern about the lack of progress in the achievement of universality, which seriously undermined the Treaty. States parties called upon India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States, promptly and without conditions. Those States were also called upon to bring into force the required comprehensive safeguards agreements, together with Additional Protocols, for ensuring nuclear non-proliferation, to reverse clearly and urgently any policies to pursue any nuclear weapons development, testing or deployment, and to refrain from any action that could undermine regional and international peace and security

and the international community's efforts to achieve nuclear disarmament and the prevention of nuclear weapons proliferation. States parties called upon India and Pakistan to maintain moratoriums on nuclear testing, and called upon India, Israel and Pakistan to become parties to the Comprehensive Nuclear-Test-Ban Treaty.

8. States parties expressed concern 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 being acquired by terrorists further reinforced the need to strengthen the Treaty and its implementation. In addition, States parties noted the need for adherence to existing legal instruments, especially the International Convention on the Suppression of Acts of Nuclear Terrorism, and for full compliance with Security Council resolution 1540 (2004).

9. States parties expressed the need for multilateralism and mutually agreed solutions, in accordance with the Charter of the United Nations, as the only sustainable method for dealing with the multiplicity of disarmament, non-proliferation and international security issues. Multilateralism based on the concept of shared commitments and obligations provided the best way to maintain international order.

10. 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. Recent moves towards nuclear disarmament by some nuclear-weapon States were recognized. Concern continued to be expressed, however, about the slow pace of progress made in implementing the practical steps. A forward-looking review of the 13 steps and of progress towards their implementation was urged.

11. States parties stated that the total elimination of nuclear weapons was the only absolute guarantee against their proliferation or use or threat of use. Despite achievements in bilateral and unilateral reductions by some nuclear-weapon States, concern was expressed that the total number of nuclear weapons deployed and stockpiled still amounted to thousands. It was stressed that the indefinite extension of the Non-Proliferation Treaty did not imply the indefinite possession of nuclear arsenals. There were calls for a time-bound framework for achieving the total elimination of nuclear weapons.

12. The advisory opinion of the International Court of Justice regarding the obligations of nuclear-weapon States (96/23 of 8 July 1996) 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.

13. Concerns were also voiced about the increased role of nuclear weapons in some strategic and military doctrines, and the apparent lowering of the threshold for the use of nuclear weapons. Calls were made for the re-evaluation of the strategic utility of nuclear weapons and their role in national security policies in the post-Cold War context.

14. Concern and disappointment were voiced about plans of some nuclear-weapon States to replace or modernize nuclear weapons and their means of delivery or platforms, and about the development of new types of nuclear weapons. In response, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America provided clarifications and explanations on their efforts to achieve nuclear disarmament. The need to foster an environment conducive to nuclear disarmament was underlined. Considerable concern was also expressed about nuclear cooperation of States parties with States not parties to the Non-Proliferation Treaty.

15. States parties also attached significance to reducing the deployed status of nuclear weapons through de-alerting and de-targeting, to reducing reliance on nuclear weapons and to securing greater information from nuclear-weapon States on the active and reserve status of nuclear arsenals with a view to increasing confidence among all States parties. They welcomed the efforts of some nuclear weapon States in that regard, noting such practical measures could raise the threshold for uses of nuclear weapons and help avoid the risk of accidents and miscalculation.

16. Nuclear-weapon States reiterated their commitment to nuclear

disarmament under article VI of the Treaty. The more forthcoming way in which some nuclear weapon States were treating their article VI commitments was recognized. A number of nuclear-weapon States outlined their respective measures taken in accordance with article VI, underscoring actual and projected reductions in nuclear weapons arsenals, an accelerated programme of dismantlement, reduced reliance on nuclear weapons and reductions in their status of alert. France referred to its concrete plan of action on disarmament, to which the nuclear-weapon States should commit by 2010. The importance of transparent verification for nuclear disarmament measures was stressed, and the initiatives of the United Kingdom to explore the technical aspects of verifying nuclear disarmament through greater cooperation among nuclear-weapon States and with non-nuclear-weapon States were welcomed. It was noted that strategic conditions could have an impact on the pace of nuclear disarmament. Concerns were also voiced about apparent re-interpretations of nuclear disarmament obligations.

17. States parties underlined the special responsibility of the two States possessing the largest nuclear arsenals and acknowledged the progress made under the Treaty on Strategic Offensive Reductions (the Moscow Treaty). While noting those achievements, 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. They welcomed the Russian Federation-United States declaration in Sochi regarding a legally binding post-START arrangement. It was stressed that the principles of irreversibility, verifiability and transparency should guide all nuclear disarmament measures.

18. States parties welcomed the more detailed information provided by most nuclear-weapon States on the number of weapons in their arsenals and progress in reducing those numbers. All States parties were called upon to increase transparency and accountability with regard to their nuclear weapons arsenals, implementation of disarmament measures and security doctrines. The establishment of mechanisms for standardized reporting and progressive recording of reductions in nuclear arsenals was urged.

19. Reporting by all States parties on the implementation of article VI was urged. Reporting by non-nuclear-weapon States in regional alliances with nuclear-weapon States on their efforts to reduce the salience of nuclear weapons in collective security arrangements was encouraged. It was noted that routine reporting would promote increased confidence in the overall Treaty regime by increasing transparency and at the same time would help address compliance concerns.

20. States parties welcomed the impetus that had developed in the Conference on Disarmament under the six Presidents for 2006 and 2007 and that had continued in 2008. The positive contribution of cooperation and coordination of the six-President mechanism was noted and calls were made for its continuation. With reference to proposal CD/1840, it was widely emphasized that the Conference should commence substantive work as a matter of urgency.

21. Strong support was expressed for the Comprehensive Nuclear-Test-Ban Treaty. The importance and urgency of its early entry into force were underscored. In that regard, the recent ratifications by Bahamas, Barbados, Colombia, the Dominican Republic, Malaysia and Palau were welcomed. States that had not ratified the Treaty, especially the remaining nine whose ratification was necessary for its entry into force, were urged to do so without delay. The Joint Declaration of the Article XIV Conference, held in Vienna in 2007, was welcomed.

22. The testing of a nuclear weapon by the Democratic People's Republic of Korea had highlighted the need for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. States parties reaffirmed the importance of maintaining a moratorium on nuclear-weapon test explosions or any other nuclear explosions. They commended the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the international monitoring system.

States parties were called upon to support the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization by providing adequate resources and expertise.

23. The abrogation of the Anti-Ballistic Missile Treaty and the development of missile defence systems drew concern as adversely affecting strategic stability and having negative consequences on nuclear disarmament and non-proliferation. Concern was also expressed about the risk of a new arms race on Earth and in outer space. In the latter regard, States parties noted the tabling in the Conference on Disarmament of a proposal for a treaty on the prevention of the placement of weapons in outer space.

24. States parties highlighted the need to address non-strategic nuclear weapons, including their withdrawal to the possessor's territory. The Presidential Nuclear Initiatives of 1991 and 1992 by the United States and the Russian Federation were welcomed and calls were made for the formalization of those initiatives. The importance of further reductions in non-strategic nuclear weapons in a transparent, accountable, verifiable and irreversible manner was stressed. The proposal by the Russian Federation to transform the Intermediate-Range Nuclear Forces Treaty into a multilateral instrument was noted, as was the importance of continuing to fulfil existing commitments. The need to deny terrorists access to non-strategic nuclear weapons was also noted. Moreover, concerns were expressed about the ongoing proliferation of ballistic missiles. The reference to the elimination of the means of delivery in the Intermediate-Range Nuclear Forces Treaty was noted, and States parties were invited to adhere to the Hague Code of Conduct against Ballistic Missile Proliferation.

25. The importance of the immediate commencement of negotiations in the Conference on Disarmament on a treaty concerning fissile material for nuclear weapons or other nuclear explosive devices was stressed. Calls were made to address the verifiability of such an instrument and the need for coverage of existing stocks. The urgent conclusion of such a treaty would be beneficial to the global non-proliferation and disarmament regime. Several proposals for progress on that issue were put forward, including a phased approach perhaps beginning with a framework treaty that could be strengthened and elaborated in protocols, the establishment of a group of scientific experts within the Conference on Disarmament, joint declarations to stop production of such material, a fissile material control initiative and the convening of a high-level expert panel. States that had not yet done so were called upon to declare moratoriums on the production of fissile material for nuclear weapons or other nuclear explosive devices.

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

27. States parties recognized the positive contribution of various initiatives towards cooperation in reducing threats from all weapons of mass destruction. They included the Global Initiative to Combat Nuclear Terrorism, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the Global Threat Reduction Initiative and the Proliferation Security Initiative.

28. States parties welcomed other new initiatives by Governments and within civil society aiming at achieving the vision of a world free of nuclear weapons, including the 5 principles and 10 recommendations developed at an international disarmament conference held in Oslo in February 2008, the Weapons of Mass Destruction Commission and the call from four United States elder statesmen.

29. The importance was stressed of education on disarmament and non-proliferation to strengthen the disarmament and non-proliferation regime for future generations. In that regard, States parties were encouraged to undertake concrete activities to implement the recommendations contained in the report of the Secretary-General on disarmament and non-proliferation

education (see A/57/124) and to share information thereon. Steps and means as well as new initiatives to implement the recommendations were reiterated at the meeting.

30. States parties noted that, pending the elimination of nuclear weapons, nuclear weapon States should provide security assurances to non-nuclear-weapon States that they would not use or threaten to use nuclear weapons against them. Security assurances could serve as incentives to forgo the acquisition of weapons of mass destruction and to achieve universality of the Treaty. 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 negative security assurances, an element that contributed to the 1995 extension decision, remained essential and should be reaffirmed and implemented. The view was expressed that it was a legitimate right of non-nuclear-weapon States parties to the Non-Proliferation Treaty to receive such assurances. Reaffirmations were expressed of commitments under Security Council resolution 984 (1995). Some States parties emphasized the importance of a no-first-use policy as maintained by China.

31. States parties stressed that efforts to conclude a universal, unconditional and legally binding instrument on negative security assurances to non-nuclear-weapon States should be pursued as a matter of priority, without prejudice to security assurances already given bilaterally or under nuclear-weapon-free zone treaties. In that regard, references were made to pursuing a protocol to the Non-Proliferation Treaty and to the prospect of substantive discussions envisaged by the current draft decision put forward by the six Presidents of the Conference on Disarmament. Pending the conclusion of any new instrument, nuclear-weapon States were called upon to honour their respective commitments under Security Council resolution 984 (1995), nuclear-weapon-free zone treaties and bilateral arrangements. The view was expressed that commitments under resolution 984 (1995) were not legally binding or unconditional, falling short of meeting non-nuclear-weapon States' security requirements. Concern was expressed that recent developments in respect of nuclear doctrines might, in any event, undermine the aforementioned commitments. An international conference under the auspices of the United Nations to discuss the issue of security assurances was proposed. There were calls for the establishment of a subsidiary body on security assurances at the 2010 Review Conference.

32. It was stressed that the non-proliferation of nuclear weapons was a fundamental goal of the Treaty. Concern was expressed that grave proliferation challenges strained the Non-Proliferation Treaty regime, eroding confidence in the compliance by States parties with their obligations under the Treaty. The need to effectively address proliferation issues within the Treaty was stressed. States parties were called upon to exert maximum effort to bring about diplomatic solutions to concerns about compliance and strengthen confidence among all States parties.

33. States parties reaffirmed that IAEA was the sole 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 the Agency in verifying non-diversion. They noted the need for effectively addressing violations of safeguards obligations in order to uphold the integrity of the Treaty.

34. States parties welcomed the efforts of the Agency in strengthening safeguards and its completion of the conceptual framework for integrated safeguards, as well as the steps taken towards their application. They stressed the importance of IAEA safeguards as a fundamental part 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.

35. 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 87 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.

36. The importance of the Additional Protocol as an essential and indispensable tool for effective functioning of the IAEA safeguards system was underlined. It was stressed that States parties must have both a comprehensive safeguards agreement and an Additional Protocol in place for IAEA to be able to provide credible

assurance of both the non-diversion of declared material and the absence of undeclared nuclear material or activities in the States concerned.

37. States parties reaffirmed the need for the 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. Efforts to achieve universal application of the Additional Protocol should not hamper efforts towards achieving universality of comprehensive safeguards agreements.

38. 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 that standard should be used as a precondition for new supply arrangements. In that regard, views were also expressed that concluding an Additional Protocol should remain a voluntary confidence-building measure. 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.

39. It was reiterated that export controls were a key element of the non-proliferation regime under the Treaty. In the light of revelations regarding clandestine proliferation networks, States parties underlined that effective export controls, together with IAEA safeguards, were an integral part of the regime. Their legitimate role in ensuring compliance with articles I, II and III, and in facilitating peaceful nuclear cooperation was emphasized, as was the need for all States to exercise vigilance in the transfer of sensitive equipment and technology. The important role played by the international export control framework for nuclear related materials and technologies, namely the Zangger Committee and the Nuclear Suppliers Group, was noted, in particular their utility in guiding States in setting up their national export control policies. States parties were urged, however, to implement export controls in a transparent, non-discriminatory and cooperative manner. It was further stressed that the inalienable rights under article IV should not be undermined.

40. Support was expressed for 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 such zones under the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and Semipalatinsk was considered a positive step towards attaining the objective of global nuclear disarmament. The importance of the entry into force of all the nuclear-weapon-free zone treaties was stressed. In that regard, States parties welcomed the recent ratifications of the Pelindaba Treaty and the Plan of Action endorsed by the South East Asia Nuclear Weapon-Free Zone Commission to strengthen the implementation of the Bangkok Treaty. Nuclear-weapon States' renewed efforts to resolve the pending issues on the protocol to the Bangkok Treaty

were seen as encouraging. Nuclear-weapon States were called upon to provide security assurances to members of nuclear-weapon-free zones by signing and ratifying protocols to those treaties.

41. Continuing and increased cooperation among the parties to the zones was encouraged, as was the development of a nuclear-weapon-free southern hemisphere. States parties welcomed the conclusion and the recent ratifications 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 regarding the Central Asia Nuclear-Weapon-Free Zone was expressed. Support for the nuclear-weapon-free status of Mongolia was reiterated. Efforts to institutionalize that status were noted. States parties underlined the importance of establishing new nuclear-weapon-free zones, especially in the Middle East and South Asia.

42. States parties reaffirmed the importance of the resolution on the Middle East adopted at the 1995 Review and Extension Conference, and emphasized that the resolution remained valid until its goals and objectives were achieved. The resolution was both an essential element of the outcome of the 1995 Conference and an essential part of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons had been indefinitely extended without a vote in 1995. States parties reiterated their support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction and their delivery systems. Strong concern was voiced at the lack of measurable implementation of the resolution. Renewed, action-oriented determination to implement the resolution was strongly urged. States parties affirmed the importance of establishing practical mechanisms within the review process to promote the implementation of the 1995 resolution on the Middle East, in particular by reporting to the Secretary-General on the steps they had taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East. A subsidiary body within Main Committee II of the 2010 Review Conference was sought, together with a specific period of time during the Preparatory Committee and the establishment of a standing committee of the members of the Bureau of that Conference to follow up intersessionally the implementation of recommendations concerning the Middle East. The convening of an international conference on the establishment of a nuclear-weapon-free zone in the Middle East, with the participation of nuclear-weapon States and all States in the region, was sought.

43. 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, conclude a comprehensive safeguards agreement and place its nuclear facilities under full scope IAEA safeguards. Concern was also expressed about nuclear cooperation with States outside the IAEA safeguards system, especially Israel. The need for monitoring compliance by States parties with articles I, II and III, in particular obligations regarding transfer, was stressed.

44. The importance of creating an environment conducive to implementation of the Middle East resolution was emphasized. The presence of nuclear weapons in the region was seen as an impediment to aspirations for the Middle East to become a nuclear-weapon-free zone. States parties welcomed the voluntary decisions by the Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery, as well as its ratification of the Additional Protocol. All States in the region that had not yet done so were urged to accede to the Non-Proliferation Treaty, conclude with IAEA comprehensive safeguards agreements and Additional Protocols, and become parties to the Comprehensive Nuclear-Test-Ban Treaty. More generally, States parties also expressed full support for achieving a comprehensive, just and lasting peace in the Middle East. The view was expressed that the lack of progress in the Middle East peace process should not inhibit implementation of the 1995 resolution. It was also noted that the accession of all States in the region to the Non-Proliferation Treaty would contribute to the objective of establishing a Middle East zone free of nuclear

weapons as well as of other weapons of mass destruction.

45. States parties reaffirmed the importance of the implementation of the Non-Proliferation Treaty safeguards agreement of the Islamic Republic of Iran and insisted that that country comply fully and without further delay with all the requirements in Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) as well as the relevant resolutions of the IAEA Board of Governors. States parties noted that IAEA had reported that it continued to verify the non-diversion of declared nuclear material in the Islamic Republic of Iran and that it remained unable to verify the absence of undeclared nuclear material and activities in that country; and that certain questions and verification matters were resolved while yet others, including some of serious concern, were not. The completion of the workplan to resolve some outstanding issues between the Islamic Republic of Iran and IAEA was noted. States parties noted further that IAEA would continue, in accordance with its procedures and practices, to seek corroboration of its findings and to verify, as part of its verification, the completeness of that country's declaration. States parties believed the issue should be resolved peacefully through diplomatic efforts and negotiations. Questioning the need for the involvement of the Security Council, the Islamic Republic of Iran indicated its readiness to continue to resolve the outstanding issues within the framework of IAEA. It underscored its intention to continue to cooperate with IAEA in accordance with its legal obligations envisaged in the IAEA statute and the Non-Proliferation Treaty. It reiterated the peaceful nature of its nuclear programme and declared its resolve not to suspend enrichment and reprocessing activities.

46. States parties recognized that the nuclear activities of the Democratic People's Republic of Korea presented a grave challenge to the Non-Proliferation Treaty and noted the progress achieved under the 13 February 2007 initial actions and the shutdown of the Yongbyon nuclear facilities. They welcomed the monitoring and verification arrangements implemented by IAEA with the agreement of the Democratic People's Republic of Korea. They also welcomed the continuing verification by IAEA of the shutdown status of the Yongbyon nuclear facilities. States parties noted that the disabling of some of the Yongbyon nuclear facilities by the Democratic People's Republic of Korea was currently under way. They were concerned that the Democratic People's Republic of Korea had not yet submitted a complete and correct declaration of all its nuclear programmes and activities, and urged it to do so promptly. They urged that country to comply with Security Council resolutions 1695 (2006) and 1718 (2006) and the joint statement of September 2005, to abandon all nuclear weapons and existing nuclear programmes as well as associated ballistic missile programmes in a complete, verifiable and irreversible manner, and to return promptly to compliance with the obligations under the Non-Proliferation Treaty and the IAEA comprehensive safeguards agreement. States parties stressed the importance of achieving the goal of the verifiable denuclearization of the Korean Peninsula. They underlined the need for a peaceful solution to that issue and welcomed the diplomatic efforts undertaken in the framework of the six-party talks.

47. There was concern about reports of alleged clandestine nuclear activities by the Syrian Arab Republic, and calls were made for prompt clarifications regarding those activities in cooperation with IAEA. The unilateral actions taken in response to those alleged activities prompted some States parties to highlight the need for early involvement of IAEA in cases of suspected proliferation activities. The Syrian Arab Republic reiterated its commitment to compliance with the Non-Proliferation Treaty and safeguards agreements with IAEA, rejecting the validity of any information suggesting otherwise.

48. States parties reaffirmed their inalienable right under article IV to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. It was noted that, as part of the fundamental bargain, nothing in the Non-Proliferation Treaty 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.

49. 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. The proliferation risks associated with the growing global energy demand were noted. The importance of assisting States parties to develop safeguards, safety and security was emphasized. The development of internationally agreed criteria for transfers of proliferation-sensitive nuclear equipment and technology was suggested. 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.

50. 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. States parties acknowledged the wide application of nuclear technology for areas in health, industry, agriculture and environmental protection. Appreciation was expressed for the assistance rendered, in particular for developing countries, through the programme. It was stressed that States parties should take measures to ensure that the programme was adequately and predictably financed. There was some concern that the programme could be used as a political tool.

51. Attention was drawn to the significance of developing proliferation-resistant nuclear technologies, including through the international project on Innovative Nuclear Reactors and Fuel Cycles (INPRO). In that regard, references were made to the Global Nuclear Energy Partnership.

52. 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 highlighted. The need for maintaining the highest standards of safety at civilian nuclear installations through national measures and international cooperation was also emphasized. Concern was expressed about the environmental consequences of uranium mining and assistance was sought with radiological assessment and remedial measures in the affected areas in accordance with the appeal made in the 1995 and 2000 Review Conferences.

53. 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 upon 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. They called for the acceleration of efforts to develop and implement a fully effective global nuclear security framework. Support was expressed for the work undertaken by the International Expert Group on Liability (INLEX). The importance of maintaining dialogue on facilitating safe maritime transport of radioactive material was stressed.

54. 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), 1673 (2006) and 1810 (2008). In addition, the entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism, in July 2007, was noted and States parties were called upon to accede thereto.

55. Other initiatives, including the Global Initiative to Combat Nuclear Terrorism were also noted. IAEA work in support of States' efforts to prevent the illicit trafficking of nuclear and other radioactive material was commended. In that context, States noted the new proliferation threat posed by clandestine activities and networks for the supply of nuclear goods and technologies. It was emphasized that only through proactive and full cooperation and assistance to the Agency could such proliferation threats be addressed. States parties were encouraged to enhance cooperation among themselves and with international organizations, in particular IAEA, to prevent, detect and respond to suspected proliferation activities and illicit trafficking of nuclear materials, equipment and technology. 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.

56. 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, in particular 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.

57. 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 numerous existing proposals, including the establishment of a fuel bank of low enriched uranium and multilateral enrichment centres, as well as the ongoing discussions in IAEA on fuel supply assurance mechanisms, were welcomed. States parties expressed their willingness to participate in and contribute to such discussions. It was stressed that such proposals should be addressed in a multilaterally negotiated, comprehensive, economically viable and non-discriminatory manner under the auspices of IAEA, without restrictions on access to nuclear material, equipment and technology for peaceful purposes. It was noted that a balanced multilateral mechanism could significantly contribute to confidence-building in the field of non-proliferation, to peaceful uses of nuclear energy and to the overall strength of the non-proliferation regime. It was emphasized that the multilateralization of the fuel cycle should not deny States parties choices regarding the development of national fuel cycles and should be consistent with the Treaty.

58. States parties reaffirmed the sovereign right of each State party to withdraw from the Non-Proliferation Treaty, 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. It was stated that the goal was not to deny the right to withdraw, but to make it more difficult for violators to use withdrawal to escape accountability for their violations. Importance was attached to the need for any withdrawal to be made in a manner consistent with the requirements, purposes and objectives of the Treaty. The view was expressed that because of its potential to undermine the Treaty, a withdrawal would warrant international scrutiny, as envisaged in article X. The elaboration of effective and prompt modalities under which States parties could collectively respond to notifications of withdrawal was urged.

59. Views were expressed that a State that withdrew from the Non-Proliferation Treaty should not be able to benefit from nuclear materials, equipment and technology acquired while party to the Treaty. States parties urged supplier countries to make arrangements to retrieve from the withdrawing State any nuclear material, facilities and equipment transferred prior to withdrawal or ensure an end to their use. 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 parties for peaceful purposes prior to withdrawal must remain subject to peaceful uses under IAEA safeguards. Concerns were expressed that some proposals on article X went beyond the provisions of the Treaty.

60. 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.

61. The need to strengthen the Treaty and its review process was expressed. A range of views was expressed on the need for institutional improvements, such as annual or extraordinary meetings of States parties, consideration of national reports, a small standing bureau or standing committee, streamlining of documentation and an enhanced secretariat.

62. Views were expressed on rotation among regional groupings of the chairpersonship of the preparatory committees and the review conferences for future cycles. The issues of financial assessments

and adequate financial support for the Non-Proliferation Treaty review cycle were also raised.

63. Noting the contributions from civil society in promoting the vision of a world free of nuclear weapons and in developing proposals on practical measures to achieve this vision, States parties emphasized the value of the involvement and contribution of civil society in the process of reviewing the Treaty. Substantive proposals were made for the enhanced participation of non-governmental organizations.

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

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

I. Introduction

[Eds...]

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, 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.

[Eds...]

II. Substantive and procedural issues

A. Organization of work of the Preparatory Committee

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

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

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

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

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

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

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

(a) Dates and venues of further sessions

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

(b) Methods of work

(i) Decision-making

[Eds...]

(ii) Participation

[Eds...]

(iii) Working languages

[Eds...]

(iv) Records and documents

[Eds...]

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

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

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

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

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

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

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

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

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

- (a) Nuclear disarmament and security assurances;
- (b) Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution;
- (c) Other provisions of the Treaty, including article X.

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

[Eds...]

**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 resolution of the 1995 Review and Extension Conference adopted without a vote, and the final document of the 2000 Review Conference, adopted by consensus. It was also noted that the current situation should be borne in mind.

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

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

reinforced the need to strengthen the Treaty and its implementation.

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

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

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

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

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

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

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

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

14. In that regard, the Treaty on Strategic Offensive Reductions (the Moscow Treaty) was acknowledged as a positive trend towards nuclear disarmament. While noting those achievements and presentations, States parties called for further reductions

beyond those required by the Moscow Treaty and stressed that reductions in deployments and in operational status could not be a substitute for irreversible cuts in, and the total elimination of, nuclear weapons. States parties noted that START I and the Moscow Treaty were due to expire in 2009 and 2012 respectively, and called for bilateral follow-up agreements. It was stressed that the principles of irreversibility, verifiability and transparency should guide all nuclear disarmament measures. The need to create an environment conducive to nuclear disarmament was noted.

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

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

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

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

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

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

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

22. Stress was put on the importance of arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under the International Atomic Energy Agency (IAEA) or other relevant international verification, and on arrangements for the disposition of such material for peaceful purposes. Some nuclear-weapon States reported on the actions

they had taken in that regard. In that context, the Trilateral Initiative was regarded as an important measure. The ongoing efforts of nuclear-weapon States to convert excess highly enriched uranium for civilian use was commended and encouraged.

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

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

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

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

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

28. States parties congratulated IAEA on its fiftieth anniversary and welcomed the efforts of the Agency in strengthening safeguards and its completion of the conceptual framework for integrated safeguards, as well as the steps taken towards their application.

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

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

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

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

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

33. Continuing and increased cooperation among the parties of the zones was encouraged, as was the development of a nuclear-weapon-free southern hemisphere. The fortieth anniversary of the signing of the Treaty of Tlatelolco was recognized. States parties welcomed the conclusion of the Central Asia Nuclear-Weapon-Free Zone treaty. The need for further consultations among

concerned countries in accordance with the 1999 United Nations Disarmament Commission guidelines to resolve outstanding issues was expressed. Support for nuclear-weapon-free status of Mongolia was reiterated. States parties underlined the importance of establishing new nuclear-weapon-free zones, especially in the Middle East and South Asia.

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

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

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

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

38. States parties expressed grave concern over the nuclear programme of the Democratic People's Republic of Korea and its announcement of a nuclear test in October 2006, which represented not only a clear threat to international security but also a serious challenge to the nuclear non-proliferation regime. They urged that country to comply with Security Council resolutions 1695 (2006) and 1718 (2006) and the joint statement of September 2005, abandoning all nuclear weapons and existing nuclear programmes as well as ballistic missiles programmes in a

complete, verifiable and irreversible manner, returning promptly to compliance with the obligations under the NPT and the IAEA safeguards agreement. States parties stressed the importance of achieving the goal of the denuclearization of the Korean peninsula. They underlined the need for a peaceful solution of this issue and welcomed the diplomatic efforts undertaken in the framework of the six-party talks. They welcomed the agreement reached on 13 February 2007 regarding initial actions towards the implementation of the joint statement, and called on the parties to faithfully and expeditiously implement the agreement.

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

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

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

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

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

full cooperation and assistance to IAEA could those threats be curbed. States parties stressed the importance of contributions to the Nuclear Security Fund of IAEA. States expressed support for measures to prevent terrorists from acquiring weapons of mass destruction and related material and welcomed the principles of the Group of Eight in that regard.

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

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

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

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

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

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

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

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

C — Materials from 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 Nuñez Garcia-Sauco. 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 Sudjandnan Parnohadiningrat (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 1

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 1 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:
[Eds...]

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

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 1 (NPT/CONF.2005/MC.I/SB/CRP.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 pursuit 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 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. The Conference calls upon the nuclear-weapon States to refrain from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear-weapon States and with States not party to the Treaty.

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 1

(Previously issued as document
NPT/CONF.2005/MC.I/SB/CRP.4.)

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-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.

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 Taiana (Argentina) and Ms. Saja Sattam Habes Majali (Jordan) as Vice-Chairpersons of the Committee.

4. Subsidiary body 2 was chaired by Ambassador Antonio Nuñez García-Sauco (Spain).

Documents before the Committee

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

(a) Conference papers

[Eds...]

(b) Conference working papers

[Eds...]

(c) Documents submitted to Main Committee II:

(i) Working papers

[Eds...]

(ii) Conference working papers

[Eds...]

NPT/CONF.2005/MC.II/CRP.3 Report of Main Committee II: Chairman's draft

NPT/CONF.2005/MC.II/CRP.4 Draft report of Main Committee II

(d) Documents submitted to Main Committee II, subsidiary body 2

NPT/CONF.2005/MC.II/SB.2/CRP.1 Conference room paper submitted by the Chairman

Work of the Committee

6. The Committee held three plenary meetings and a fourth meeting, proportionally shared with subsidiary body 2, between 19 and 24 May 2005. An account of the discussions, which were held in public, is contained in the relevant summary records (NPT/CONF.2005/MC.II/SR.1-4). Subsidiary body 2 of Main Committee II held two meetings and a third meeting proportionally shared with Main Committee II, between 19 and 24 May. As the meetings of subsidiary body 2 were closed, there are no official records of those meetings. Main Committee II 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.

7. At the fourth meeting of Main Committee II, on 24 May 2005, Ambassador Antonio Nuñez García-Sauco (Spain), as Chairman of subsidiary body 2, made an oral report to the Committee. Ambassador Nuñez stated that there was no consensus on the various proposals that he had tabled and that for the purposes of reporting to Main Committee II the outcome of the work of subsidiary body 2, he intended to issue a conference room paper under his own responsibility, giving an account of the status of the negotiations. The Committee took note of his report.

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.

Report of Main Committee III

[Reproduced from NPT/CONF.2005/MC.III/1/Rev.1,

25 May 2005]

Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the Conference established Main Committee III 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:

(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.

Officers of the Committee

2. The Conference elected Ambassador Elisabet Borsiin Bonnier (Sweden) as the Chairman of the Committee; Minister Counsellor Ilir Melo (Albania) and Ambassador Sylvester Rowe (Sierra Leone) served as Vice-Chairmen.

Establishment of subsidiary body 3

3. At its nineteenth 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 III that would focus on other provisions of the Treaty, including article X (see document 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 III to the Conference. The subsidiary body was chaired by Ambassador Alfredo Labbe (Chile).

Documents before the Committee

4. The Committee had before it the following documents:

(a) Background and conference documents

[Eds...]

(b) Documents submitted to the Committee

[Eds...]

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

[Eds...]

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.

D – Materials from the 2000 NPT Review Conference

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

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

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 preambular 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 transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

5. The Conference reaffirms 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 State 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 preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular 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 and 17-19, 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 four 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.

9. The Conference emphasizes the importance of access to the Security Council and General Assembly by IAEA, including its Director General, in accordance with article XII.C. of the Statute of IAEA and paragraph 19 of INFCIRC/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 and 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 the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States under the relevant voluntary-offer safeguards agreements in the most economic and practical way possible, taking into account the availability of IAEA resources.

13. The Conference reiterates the call by previous conferences of the States parties for the application of IAEA safeguards to all source or special fissionable material 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, 28 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.^[1]

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 regularly be assessed and evaluated. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

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

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 upon IAEA by comprehensive safeguards agreements.

19. The Conference also fully endorses the measures contained in the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540 (Corrected)), which was approved by the IAEA Board of Governors in May 1997. The safeguards-strengthening measures contained in the Model Additional Protocol will provide IAEA with, inter alia, enhanced information about a State's nuclear activities and complementary access to locations within a State.

20. The Conference recognizes that comprehensive safeguards agreements based on document INFCIRC/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, notably those related to enrichment and reprocessing, in a State as a whole could permit corresponding reduction in the level of traditional verification efforts with respect to declared nuclear material in that State, which is less sensitive from the point of view of non-proliferation. The Conference notes the important work being undertaken by IAEA in the conceptualization and development of integrated safeguards approaches, and encourages continuing work by IAEA in further developing and implementing these approaches on a high-priority basis.

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 NPT, 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 item-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 considers that bilateral or regional safeguards 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 notes 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 commends the IAEA for making its experience in the verification of nuclear non-proliferation available to the Conference on Disarmament in connection with the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

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 underlines 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 verification arrangements. Nuclear materials designated by each of the nuclear-weapon States as no longer required for military purposes should as soon as practicable be placed under IAEA or other relevant verification.

30. The Conference notes the considerable increase in the Agency's safeguards responsibilities since 1995. It further notes the financial constraints under which the IAEA safeguards system is functioning and calls upon all States parties, noting their common but differentiated responsibilities, to continue their political, technical, and financial support of IAEA in order to ensure that the Agency is able to meet its safeguards responsibilities.

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.

37. The Conference recognizes that there are nuclear-related dual-use items of equipment, technology, and materials not identified in article III, paragraph 2, of the Treaty that are relevant to the proliferation of nuclear weapons and therefore to the Treaty as a whole. The Conference calls on all States parties to ensure that their exports of nuclear-related dual-use items to States not party to the Treaty do not assist any nuclear-weapons programme. The Conference reiterates that each State Party should also ensure that any transfer of such items is in full conformity with the Treaty.

38. The Conference recognizes the particular requirement for safeguards on un-irradiated direct-use nuclear material, and notes the projections by IAEA that the use of separated plutonium for peaceful purposes is expected to increase over the next several years. The Conference recognizes the non-proliferation benefits of the conversion of civilian research reactors to low-enriched uranium fuel. The Conference notes with appreciation that many research reactors are discontinuing the use of highly enriched uranium fuel in favour of low-enriched uranium fuel as a result of the Reduced Enrichment for Research and Test Reactors Programme. The Conference expresses satisfaction at the considerable work undertaken to ensure the continuing effectiveness of IAEA safeguards in relation to reprocessing, to the storage of separated plutonium and to uranium enrichment.

39. The Conference welcomes the additional transparency on matters pertaining to the management of plutonium resulting from the establishment, in 1997, of Guidelines for the Management of Plutonium (INFCIRC/549), setting out the policies that several States, including the nuclear-weapon States, have decided to

adopt.

40. The Conference welcomes the announcement made by some nuclear-weapon States that they have ceased the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

41. The Conference notes the conclusion drawn by the Board of Governors of IAEA that the proliferation risk with regard to neptunium is considerably lower than that with regard to uranium or plutonium and that at present there is practically no proliferation risk with regard to americium. The Conference expresses satisfaction at the recent decisions of the IAEA Board of Governors, which enabled IAEA to enter into exchanges of letters with States, on a voluntary basis, to ensure the regular and timely receipt of information as well as the application of measures required for efficient implementation of certain monitoring tasks regarding the production and transfer of separated neptunium, and which requested the Director General of IAEA to report to the Board when appropriate with respect to the availability of separated americium, using relevant information available through the conduct of regular IAEA activities and any additional information provided by States on a voluntary basis.

42. The Conference notes the paramount importance of effective physical protection of all nuclear material and calls on all States to maintain the highest possible standards of security and physical protection of nuclear materials. 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 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 activities 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,[2] and 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 measures 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 and entry into force of such 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 IAEA safeguards system.

49. The Conference notes the agreement between the Russian Federation and the United States to convert in Russia 500 tonnes

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 this agreement. The Conference also recognizes the affirmation by 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.2, be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.

53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III, and IV of the Treaty.

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/549). 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 (Corrected) and in other relevant guidelines. It welcomes the ongoing informal discussions among legal and technical experts, under the aegis of IAEA, to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material.

Article IV and preambular 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 this objective and the needs 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 strengthen nuclear safety, radiation protection, the safe transport of radioactive materials and radioactive waste management, including activities conducted in this area by IAEA. In this regard, the Conference recalls that special efforts should be made and sustained to increase 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 acknowledges the importance of the work of IAEA as the principal agent for technology transfer among the international organizations referred to in article IV, paragraph 2, of the Treaty, and affirms the importance of the Technical Cooperation activities of IAEA, as well as bilateral and other multilateral cooperation, in fulfilling the obligations set forth in article IV of the Treaty.

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 party to the Treaty, which respect their commitments to the Technical Cooperation Fund by pledging and paying in full their contributions.

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.

6. The Conference stresses that every effort should be made to ensure that the IAEA's financial and human resources necessary for Technical Cooperation activities are assured, predictable and sufficient to meet the objectives mandated in article IV, paragraph 2, of the Treaty and article II of the IAEA Statute. The Conference notes the Resolutions of the General Conference of the IAEA GC(43)/RES/6 and GC(43)/RES/14, and urges member States of IAEA to make every effort to pay in full and on time their voluntary contributions to the Technical Cooperation Fund and reminds them of their obligation to pay their Assessed Programme Costs. It also encourages IAEA to continue to manage its Technical Cooperation activities in an effective and cost-efficient manner, and in accordance with article III.C of the IAEA Statute.

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 parties 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 Research, 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 conforms with the States parties' obligations under Articles I and II 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 right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes. Transfers of nuclear technology and international cooperation 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 strict procedures for 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 States, in particular on those 16 States whose ratification is a prerequisite for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, to continue their efforts to ensure the early entry into force of the Treaty.

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

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

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

9. The Conference welcomes the significant progress achieved in nuclear weapons reductions made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Ratification of START II by

the Russian Federation is an important step in the efforts to reduce strategic offensive weapons and is welcomed. Completion of ratification of START II by the United States remains a priority.

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

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

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

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

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

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

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
 - Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
 - Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the

implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

- The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
 - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
 - A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
 - The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.
10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.
 11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.
 12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.
 13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

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

1. The Conference reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.
2. The Conference reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) strengthen the nuclear non-proliferation regime. The Conference calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue.
3. The Conference notes the reaffirmation by the nuclear-weapon States of their commitment to the United Nations Security Council resolution 984 (1995) on security assurances for non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
4. The Conference notes the establishment in March 1998 by the Conference on Disarmament of the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use, or threat of use of nuclear weapons.
5. The Conference recognizes the important role which the establishment of new nuclear-weapon-free zones and the signature to the protocols of new and previously existing zones by the nuclear-weapon States has played in extending negative security assurances to non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in the zones concerned. The Conference underlines the importance of concerned States taking steps to bring into effect the assurances provided by nuclear-weapon-free zone treaties and their protocols.
6. The Conference welcomes and supports the steps taken to conclude further nuclear-weapon-free zone treaties since 1995, and reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament.
7. The Conference supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia.

8. The Conference welcomes and supports the declaration by Mongolia of its nuclear-weapon-free status, and takes note of the recent adoption by the Mongolian parliament of legislation defining that status as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions as a concrete contribution to promoting the aims of nuclear non-proliferation and a practical contribution to promoting political stability and predictability in the region.

9. The Conference further welcomes the Joint Declaration on the Denuclearization of the Korean Peninsula between the Republic of Korea and the Democratic People's Republic of Korea and urges its rapid implementation.

10. The Conference recognizes the continuing contributions that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards the achievement of nuclear non-proliferation and disarmament objectives, particularly in the southern hemisphere and adjacent areas, and towards keeping the areas covered by these treaties free of nuclear weapons, in accordance with international law. In this context, the Conference welcomes the vigorous efforts being made among States parties and signatories to those treaties in order to promote their common objectives.

11. The Conference stresses the importance of signature and ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to those treaties, recognizing that security assurances are available to States parties to those Treaties. In this context, the Conference takes note of the statement of the five nuclear-weapon States that the internal processes are under way to secure the few lacking ratifications to the treaties of Rarotonga and Pelindaba, and that consultations with the States parties to the Treaty of Bangkok have been accelerated, paving the way for adherence by the five nuclear-weapon States to the protocol to that Treaty.

12. The Conference welcomes the consensus reached in the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. The Conference urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons, and pending the establishment of the zone, to agree to place all their nuclear activities under IAEA safeguards.

13. The Conference further welcomes the report on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, adopted by consensus by the Disarmament Commission on 30 April 1999.

14. The Conference regards the establishment of additional nuclear-weapon-free zones as a matter of priority, and in this respect supports the intention and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region, welcomes the practical steps they have taken towards implementation of their initiative and notes with satisfaction the substantial progress they have made in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

15. The Conference, taking note of all initiatives by States parties, believes that the international community should continue to promote the establishment of new nuclear-weapon-free zones in accordance with the relevant UNDC guidelines and in that spirit welcomes the efforts and proposals that have been advanced by the States parties since 1995 in various regions of the world.

Regional issues

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

1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognizes that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the

United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.

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

3. The Conference recalls that operative paragraph 4 of the 1995 Resolution on the Middle East "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards." The Conference notes, in this connection, that the report of the United Nations Secretariat on the Implementation of the 1995 Resolution on the Middle East (NPT/CONF.2000/7) states that several States have acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference welcomes the accession of these States and reaffirms the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

4. The Conference notes the requirement under article III of the Non-Proliferation Treaty for non-nuclear-weapon States parties to conclude agreements with the IAEA to meet the requirements of the Statute of the IAEA. In this regard, the Conference notes paragraph 44 of the review of article III that nine States parties in the region have yet to conclude comprehensive safeguards agreements with the IAEA and invites those States to negotiate such agreements and bring them into force as soon as possible. The Conference welcomes the conclusion of an Additional Protocol by Jordan and invites all other States in the Middle East, whether or not party to the Treaty, to participate in the IAEA's strengthened safeguards system.

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

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

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

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

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

destruction and their delivery systems. The Conference notes the statement by the five nuclear-weapon States reaffirming their commitment to the 1995 Resolution on the Middle East.

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

South Asia and other regional issues:

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

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

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

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

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

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

Article IX

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

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

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

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

Asia.

5. The Conference reaffirms the long-held commitment of parties to the Treaty to universal membership and notes that this goal has been advanced by the accession to the Treaty of several new States since the 1995 Review and Extension Conference, thereby bringing its membership to 187 States parties. The Conference reaffirms the importance of the Treaty in establishing a norm of international behaviour in the nuclear field.

6. The Conference therefore calls on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards on all their nuclear activities. These States are Cuba, India, Israel, and Pakistan. In this context, the Conference welcomes the signature by Cuba of the protocol additional to its safeguards agreements with IAEA.

7. The Conference particularly urges those non-parties to the Treaty that operate un-safeguarded nuclear facilities - India, Israel and Pakistan — to take similar action, and affirms the important contribution this would make to regional and global security.

8. The Conference also takes note that the widening of the entry into force of protocols additional to safeguards agreements with IAEA will strengthen the nuclear safeguards regime and facilitate the exchange of nuclear and nuclear-related material in peaceful nuclear cooperation.

9. In this connection, the Conference underlines the necessity of universal adherence to the Treaty and of strict compliance by all existing parties with their obligations under the Treaty.

10. The Conference requests the President of the Conference to convey formally the views of States parties on this issue to all non-parties and to report their responses to the parties. Such efforts should contribute to enhancing the universality of the Treaty and the adherence of non-parties to it.

Improving the effectiveness of the strengthened review process for the NPT

1. The States parties reaffirmed the provisions in the Decision on "Strengthening the Review Process for the Treaty" adopted at the 1995 Review and Extension Conference.

2. The States parties stressed that three sessions of the Preparatory Committee, normally for a duration of 10 working days each, should be held in the years prior to the review conference. A fourth session, would, if necessary, be held in the year of the review conference.

3. The States parties recommended that specific time be allocated at sessions of the Preparatory Committee to address specific relevant issues.

4. Recalling the Decision on subsidiary bodies of the 2000 Review Conference (NPT/CONF.2000/DEC.1), subsidiary bodies can be established at the Review Conference to address specific relevant issues.

5. The States parties, recalling paragraph 4 of Decision 1 of the 1995 NPT Review and Extension Conference, agreed that the purpose of the first two sessions of the Preparatory Committee would be to "consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality". To this end, each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.

6. The States parties also agreed that the Chairpersons of the sessions of the Preparatory Committee should carry out consultations with the States parties to prepare the ground for the outcome of the sessions as well as their agenda.

7. The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. At its third and, as appropriate, fourth session, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference.

8. The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee.

9. The States parties also agreed that a meeting be allocated to non-governmental organizations to address each session of the

Preparatory Committee and the Review Conference.

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.

[2] Andorra, Angola, Bahrain, Benin, Botswana, Burkina Faso,

Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Gabon, Georgia, Guinea, Guinea-Bissau, Haiti, Kenya, Kuwait, Kyrgyzstan, Laos, Liberia, Mali, Marshall Islands, Mauritania, Micronesia, Moldova, Mozambique, Niger, Oman, Palau, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, Somalia, Tajikistan, Tanzania, The Former Yugoslav Republic of Macedonia, Togo, Turkmenistan, Uganda, United Arab Emirates, Vanuatu, Yemen.

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,

Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

The Conference affirms the need to continue to move with

determination towards the full realisation and effective implementation of the provisions of the Treaty, and accordingly adopts the following principles and objectives:

Universality

1. Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective.

Non-proliferation

2. The proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

Nuclear disarmament

3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.
4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

Nuclear-weapon-free zones

5. The conviction that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security is reaffirmed.
6. The development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East, as well as the establishment of zones free of all weapons of mass destruction should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome.
7. The cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols.

Security assurances

8. Noting United Nations Security Council resolution 984 (1995), which was adopted unanimously on 11 April 1995, as well

as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.

Safeguards

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

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. IAEA safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of IAEA safeguards should be supported and implemented and the IAEA's capability to detect undeclared nuclear activities should be increased. Also States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the IAEA.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

Peaceful uses of nuclear energy

14. Particular importance should be attached to ensuring the exercise of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II as well as III of the Treaty.

15. Undertakings to facilitate participation in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy should be fully implemented.

16. In all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty, taking the needs of developing countries particularly into account.

17. Transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty.

18. All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear safety, including in waste management, and observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials.

19. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. The IAEA should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

20. Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious

concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

The Conference requests that the President of the Conference bring this decision, the Decision on Strengthening the Review Process of the Treaty and the Decision on the Extension of the Treaty to the attention of the heads of State or Government of all States and seek their full cooperation on these documents and in the furtherance of the goals of the Treaty.

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

[Reproduced from NPT/CONF.1995/32/DEC.3
Presented to the Conference as NPT/CONF.1995/L.6
proposed by the President]

The Conference of the States Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as 'the Treaty') convened in New York from 17 April to 12 May 1995, in accordance with articles VI II,3 and X,2 of the Treaty,

Having reviewed the operation of the Treaty and affirming that there is a need for full compliance with the Treaty, its extension and its universal adherence, which are essential to international peace and security and the attainment of the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

Having reaffirmed article VIII,3 of the Treaty and the need for its continued implementation in a strengthened manner and, to this end, emphasizing the Decision on Strengthening the Review Process for the Treaty and the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament also adopted by the Conference,

Having established that the Conference is quorate in accordance with article X,2 of the Treaty,

Decides that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with its article X,2, the Treaty shall continue in force indefinitely.

Resolution on the Middle East

[Reproduced from NPT/CONF.1995/32/RES. 1,
sponsored by: Russian Federation, United Kingdom of
Great Britain and Northern Ireland and United States of
America]

The Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reaffirming the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

Recognizing that, pursuant to article VI I of the Treaty on the Non-Proliferation of Nuclear Weapons, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

Recalling that the Security Council, in its statement of 31 January 1992, affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

Recalling also General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

Recalling further the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC(XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

Bearing in mind Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

Noting Security Council resolution 984 (1995) and paragraph 8 of the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the Conference on 11 May 1995,

Bearing in mind the other Decisions adopted by the Conference on 11 May 1995,

1. *Endorses the aims and objectives of the Middle East peace*

process and recognizes that efforts in this regard as well as other efforts contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;

2. *Notes with satisfaction* that in its report Main Committee III of the Conference (NPT/CONF.1995/MC.III/1) recommended that the Conference 'call on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities';

3. *Notes with concern* the continued existence in the Middle East of un-safeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in paragraph VI/3 of the report of Main Committee III urging those non-parties to the Treaty which operate un-safeguarded nuclear facilities to accept full scope International Atomic Energy Agency safeguards;

4. *Reaffirms* the importance of the early realization of

universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, and *calls upon* all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full scope International Atomic Energy Agency safeguards;

5. *Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. *Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

F – Nuclear Weapon Testing Treaties

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water [Partial Test Ban Treaty]

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

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the 'Original Parties',

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons.

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows;

Article I

1. Each of the Parties to this Treaty undertake to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere, beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

Article II

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

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all the Original Parties.

Article III

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

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

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are

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

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

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

Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

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

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

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

Comprehensive Test Ban Treaty

[Opened for signature 24 September 1996,
not in force 12 January 2010]

Preamble

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

Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

Underlining the importance of the full and prompt implementation of such agreements and measures,

Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,

Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

Recognizing that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,

Further recognizing that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament,

Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, which has long been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation,

Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the

discontinuance of all test explosions of nuclear weapons for all time,

Noting also the views expressed that this Treaty could contribute to the protection of the environment,

Affirming the purpose of attracting the adherence of all States to this Treaty and its objective to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

Have agreed as follows:

Article I

Basic Obligations

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.
2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

Article II

The Organization

A. General Provisions

1. The States Parties hereby establish the Comprehensive Nuclear Test-Ban Treaty organization (hereinafter referred to as 'the Organization') to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Organization shall be Vienna, Republic of Austria.
4. There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat, which shall include the International Data Centre.
5. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty.
6. The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the confidentiality provisions set forth in this Treaty.
7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.
8. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Energy Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.
9. The costs of the activities of the Organization shall be met annually by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and the Organization.
10. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their

contributions to the regular budget.

11. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, Procedures and Decision-making

12. The Conference of the States Parties (hereinafter referred to as 'the Conference') shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.
13. The initial session of the Conference shall be convened by the Depositary no later than 30 days after the entry into force of this Treaty.
14. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.
15. A special session of the Conference shall be convened:
 - (a) When decided by the Conference;
 - (b) When requested by the Executive Council; or
 - (c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.

16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.
17. The Conference may also be convened in the form of a Review Conference in accordance with Article VI II.
18. Sessions shall take place at the seat of the Organization unless the Conference decides otherwise.
19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.
20. A majority of the States Parties shall constitute a quorum.
21. Each State Party shall have one vote.
22. The Conference shall take decisions on matters of procedure by a majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.
23. When exercising its function under paragraph 26 (k), the Conference shall take a decision to add any State to the list of States contained in Annex 1 to this Treaty in accordance with the procedure for decisions on matters of substance set out in paragraph 22. Notwithstanding paragraph 22, the Conference shall take decisions on any other change to Annex 1 to this Treaty by consensus.

Powers and Functions

24. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.
25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.

26. The Conference shall:

- (a) Consider and adopt the report of the Organization on the implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;
- (b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 9;
- (c) Elect the members of the Executive Council;
- (d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as 'the Director-General');
- (e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;
- (f) Consider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty;
- (g) Take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article V;
- (h) Consider and approve at its initial session any draft agreements, arrangements, provisions, procedures, operational manuals, guidelines and any other documents developed and recommended by the Preparatory Commission;
- (i) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 38 (h);
- (j) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty; and
- (k) Update Annex 1 to this Treaty, as appropriate, in accordance with paragraph 23.

C. The Executive Council*Composition, Procedures and Decision-making*

27. The Executive Council shall consist of 51 members. Each State Party shall have the right, in accordance with the provisions of this Article, to serve on the Executive Council.

28. Taking into account the need for equitable geographical distribution the Executive Council shall comprise:

- (a) Ten states Parties from Africa;
- (b) Seven States Parties from Eastern Europe;
- (c) Nine States Parties from Latin America and the Caribbean;
- (d) Seven States Parties from the Middle East and South Asia;
- (e) Ten States Parties from North America and Western Europe; and
- (f) Eight States Parties from South-East Asia, the Pacific and the Far East.

All States in each of the above geographical regions are listed in Annex 1 to this Treaty. Annex 1 to this Treaty shall be updated, as appropriate, by the Conference in accordance with paragraphs 23 and 26 (k). It shall not be subject to amendments or changes under the procedures contained in Article VII.

29. The members of the Executive Council shall be elected by the Conference. In this connection, each geographical region shall designate States Parties from that region for election as members of the Executive Council as follows:

- (a) At least one-third of the seats allocated to each geographical region shall be filled, taking into account political and security interests by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty as determined by international data as well as all or any of the following indicative criteria in the order of priority determined by each region:
 - (i) Number of monitoring facilities of the International

Monitoring System;

- (ii) Expertise and experience in monitoring technology; and

- (iii) Contribution to the annual budget of the Organization;

(b) One of the seats allocated to each geographical region shall be filled on a rotational basis by the State Party that is first in the English alphabetical order among the States Parties in that region that have not served as members of the Executive Council for the longest period of time since becoming States Parties or since their last term, whichever is shorter. A State Party designated on this basis may decide to forgo its seat. In that case, such a State Party shall submit a letter of renunciation to the Director-General, and the seat shall be filled by the State Party following next-in-order according to this sub-paragraph; and

(c) The remaining seats allocated to each geographical region shall be filled by States Parties designated from among all the States Parties in that region by rotation or elections.

30. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.

31. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is elected until the end of the second regular annual session of the Conference thereafter, except that for the first election of the Executive Council, 26 members shall be elected to hold office until the end of the third regular annual session of the Conference, due regard being paid to the established numerical proportions as described in paragraph 28.

32. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

33. The Executive Council shall elect its Chairman from among its members.

34. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

35. Each member of the Executive Council shall have one vote.

36. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

Powers and Functions

37. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

38. The Executive Council shall:

- (a) Promote effective implementation of, and compliance with, this Treaty;
- (b) Supervise the activities of the Technical Secretariat;
- (c) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;
- (d) Cooperate with the National Authority of each State Party;
- (e) Consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;
- (f) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;
- (g) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol or the Annexes thereto, pursuant to Article VII, and make recommendations to the States Parties regarding their adoption;
- (h) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States and international organizations on behalf of the Organization and supervise their implementation, with the exception of agreements or arrangements referred to in sub-paragraph (i);

- (i) Approve and supervise the operation of agreements or arrangements relating to the implementation of verification activities with States Parties and other States; and
- (j) Approve any new operational manuals and any changes to the existing operational manuals that may be proposed by the Technical Secretariat.

39. The Executive Council may request a special session of the Conference.

40. The Executive Council shall:

- (a) Facilitate cooperation among States Parties, and between States Parties and the Technical Secretariat, relating to the implementation of this Treaty through information exchanges;
- (b) Facilitate consultation and clarification among States Parties in accordance with Article IV; and
- (c) Receive, consider and take action on requests for, and reports on, on-site inspections in accordance with Article IV.

41. The Executive Council shall consider any concern raised by a State Party about possible non-compliance with this Treaty and abuse of the rights established by this Treaty. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:

- (a) Notify all States Parties of the issue or matter;
- (b) Bring the issue or matter to the attention of the Conference;
- (c) Make recommendations to the Conference or take action, as appropriate, regarding measures to redress the situation and to ensure compliance in accordance with Article V.

D. The Technical Secretariat

42. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification and other function entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council in accordance with this Treaty. The Technical Secretariat shall include, as an integral part, the International Data Centre.

43. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall, in accordance with Article IV and the Protocol, include *inter alia*:

- (a) Being responsible for supervising and coordinating the operation of the International Monitoring System;
- (b) Operating the International Data Centre;
- (c) Routinely receiving, processing, analyzing and reporting on International Monitoring System data;
- (d) Providing technical assistance in, and support for, the installation and operation of monitoring stations;
- (e) Assisting the Executive Council in facilitating consultation and clarification among States Parties;
- (f) Receiving requests for on-site inspections and processing them, facilitating Executive Council consideration of such requests, carrying out the preparations for, and providing technical support during, the conduct of on-site inspections, and reporting to the Executive Council;
- (g) Negotiating agreements or arrangements with States Parties, other States and international organizations and concluding, subject to prior approval by the Executive Council, any such agreements or arrangements relating to verification activities with States Parties or other States; and
- (h) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

44. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of the various components of the verification regime, in accordance with Article IV and the Protocol. These manuals shall not constitute integral parts of this Treaty or the Protocol and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

45. The functions of the Technical Secretariat with respect to administrative matters shall include:

- (a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;
- (b) Preparing and submitting to the Executive Council the

draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty; and

(e) Carrying out the administrative responsibilities related to any agreements between the Organization and other international organizations.

46. All requests and notifications by States Parties to the Organization shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In response the Director-General shall use the language of the transmitted request or notification.

47. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft programme and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft programme and budget shall be accorded to all other activities of the Organization.

48. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions that have come to its notice in the performance of its activities and that it has been unable to resolve through consultations with the State Party concerned.

49. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The first Director-General shall be appointed by the Conference at its initial session upon the recommendation of the Preparatory Commission.

50. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

51. The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues.

52. In the performance of their duties, the Director-General, the inspectors, the inspection assistants and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization. The Director-General shall assume responsibility for the activities of an inspection team.

53. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors, the inspection assistants and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

E. Privileges and Immunities

54. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

55. Delegates of States Parties, together with their alternates and advisers, representatives of members elected to the Executive Council, together with their alternates and advisers, the Director-General, the inspectors, the inspection assistants and the members of the staff of the Organization shall enjoy such privileges

and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

56. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organization and the State Parties as well as in an agreement between the Organization and the State in which the Organization is seated. Such agreements shall be considered and approved in accordance with paragraph 26 (h) and (i).

57. Notwithstanding paragraphs 54 and 55, the privileges and immunities enjoyed by the Director-General, the inspectors, the inspection assistants and the members of the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol.

Article III

National Implementation Measures

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

(a) To prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty ;

(b) To prohibit natural and legal persons from undertaking any such activity anywhere under its control; and

(c) To prohibit, in conformity with international law, natural person possessing its nationality from undertaking any such activity anywhere.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.

4. In order to fulfill its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for it. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

Article IV

Verification

A. General Provisions

1. In order to verify compliance with this Treaty, a verification regime shall be established consisting of the following elements:

(a) An International Monitoring System;

(b) Consultation and clarification;

(c) On-site inspections; and

(d) Confidence-building measures.

At entry into force of this Treaty, the verification regime shall be capable of meeting the verification requirements of this Treaty.

2. Verification activities shall be based on objective information, shall be limited to the subject matter of this Treaty, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.

3. Each State Party undertakes in accordance with this Treaty to cooperate through its National Authority established pursuant to Article III, paragraph 4, with the Organization and with other States Parties to facilitate the verification of compliance with this Treaty by *inter alia*:

(a) Establishing the necessary facilities to participate in these verification measures and establishing the necessary communication;

(b) Providing data obtained from national stations that are part of the International Monitoring System;

(c) Participating, as appropriate, in a consultation and clarification process;

(d) Permitting the conduct of on-site inspections; and

(e) Participating, as appropriate, in confidence-building measures.

4. All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.

5. For the purposes of this Treaty, no State Party shall be precluded from using information obtained by national technical

means of verification in a manner consistent with generally recognized principles of international law, including that of respect for the sovereignty of States.

6. Without prejudice to the right of States Parties to protect sensitive installations, activities or locations not related to this Treaty, States Parties shall not interfere with elements of the verification regime of this Treaty or with national technical means of verification operating in accordance with paragraph 5.

7. Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.

8. Moreover, all necessary measures shall be taken to protect the confidentiality of any information related to civil and military activities and facilities obtained during verification activities.

9. Subject to paragraph 8, information obtained by the Organization through the verification regime established by this Treaty shall be made available to all States Parties in accordance with the relevant provisions of this Treaty and the Protocol.

10. The provisions of this Treaty shall not be interpreted as restricting the international exchange of data for scientific purposes.

11. Each State Party undertakes to cooperate with the Organization and with other States Parties in the improvement of the verification regime, and in the examination of the verification potential of additional monitoring technologies such as electromagnetic pulse monitoring or satellite monitoring, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of this Treaty. Such measures shall, when agreed, be incorporated in existing provisions in this Treaty, the Protocol or as additional sections of the Protocol, in accordance with Article VII, or, if appropriate, be reflected in the operational manuals in accordance with Article II, paragraph 44.

12. The States Parties undertake to promote cooperation among themselves to facilitate and participate in the fullest possible exchange relating to technologies used in the verification of this Treaty in order to enable all States Parties to strengthen their national implementation of verification measures and to benefit from the application of such technologies for peaceful purposes.

13. The provisions of this Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes.

Verification Responsibilities of the Technical Secretariat
[Eds...]

B. The International Monitoring System

[Eds...]

Funding the International Monitoring System

[Eds...]

Changes to the International Monitoring System

[Eds...]

Temporary Arrangements

[Eds...]

Cooperating National Facilities

[Eds...]

C. Consultation and Clarification

[Eds...]

D. On-Site Inspections

Request for an On-Site Inspection

[Eds...]

Follow-up After Submission of an On-Site Inspection Request

[Eds...]

Executive Council Decisions

The Executive Council shall take a decision on the on-site [Eds...]
33.

Follow-up after Executive Council Approval of an On-Site Inspection

[Eds...]

The Conduct of an On-Site Inspection

56. Each State Party shall permit the Organization to conduct an
[Eds...]

Observer

[Eds...]

Reports of an On-Site Inspection

62. Inspection reports shall contain:

[Eds...]

Frivolous or Abusive On-Site Inspection Requests

[Eds...]

E. Confidence-Building Measures

[Eds...]

Article V**Measures to Redress a Situation and to Ensure Compliance, Including Sanctions**

1. The Conference, taking into account, *inter alia*, the recommendations of the Executive Council, shall take the necessary measures, as set forth in paragraphs 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty.

2. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference may, *inter alia*, decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference decides otherwise.

3. In cases where damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, the Conference may recommend to States Parties collective measures which are in conformity with international law.

4. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information and conclusions to the attention of the United Nations.

Article VI**Settlement of Disputes**

1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the application or interpretation of this Treaty, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Treaty and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article II, paragraph 26 (j).

5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An

agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article II, paragraph 38 (h).

6. This Article is without prejudice to Articles IV and V.

Article VII**Amendments**

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty, the Protocol, or the Annexes to the Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol or the Annexes thereto. Proposals for amendment shall be subject to the procedures in paragraphs 2 to 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

2. The proposed amendment shall be considered and adopted only by a Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Director-General no later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately following a regular session of the Conference unless all States Parties that support the convening of an Amendment Conference request that it be held earlier. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, Parts I and III of the Protocol and Annexes 1 and 2 to the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol and the Annexes thereto shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

- (a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;
- (b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;
- (c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 7. No later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;
- (d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no state Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;
- (e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils

- the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;
- (f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;
 - (g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Article VIII

Review of the Treaty

1. Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to this Treaty. On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted, it shall commence work without delay, with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions. Any such proposed amendment shall be communicated to the Director-General by any State Party and shall be dealt with in accordance with the provisions of Article VII.
2. At intervals of ten years thereafter, further Review Conferences may be convened with the same objective, if the Conference so decides as a matter of procedure in the preceding year. Such Conferences may be convened after an interval of less than ten years if so decided by the Conference as a matter of substance.
3. Normally, any Review Conference shall be held immediately following the regular annual session of the Conference provided for in Article II.

Article IX

Duration and Withdrawal

1. This Treaty shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.
3. Withdrawal shall be effected by giving notice six months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event or events which a State Party regards as jeopardizing its supreme interests.

Article X

Status of the Protocol and the Annexes

The Annexes to this Treaty, the Protocol, and the Annexes to the Protocol form an integral part of the Treaty. Any reference to this Treaty, includes the Annexes to this Treaty, the Protocol and the Annexes to the Protocol.

Article XI Signature

This Treaty shall be open to all States for signature before its entry into force.

Article XII Ratification

This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

Article XIII Accession

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

Article XIV Entry into Force

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex

2 to this Treaty, but in no case earlier than two years after its opening for signature.

2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification on the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.

4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.

5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

Article XV

Reservations

The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

Article XVI

Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.
2. The Depositary shall promptly inform all States Signatories and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.
3. The Depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.
4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVII

Authentic Texts

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Annex 1 to the Treaty

List of States Pursuant to Article II, Paragraph 28

Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

Eastern Europe

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize,

Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Middle East and South Asia

Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Maldives, Oman, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

North America and Western Europe

Andorra, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Holy see, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

South East Asia, the Pacific and the Far East

Australia, Brunei Darussalam, Cambodia, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Viet Nam.

Annex 2 to the Treaty

List of States Pursuant to Article XIV

List of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's April 1996 edition of 'Nuclear Power Reactors in the World', and of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's December 1995 edition of 'Nuclear Research Reactors in the World':

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Zaire.

Protocol to the Comprehensive Nuclear Test-Ban Treaty

Part I — The International Monitoring System and International Data Centre Functions

A. General Provisions

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 fulfil 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 seismological 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, on-line 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 supported by laboratories, which shall be certified by the Technical Secretariat in accordance with the relevant operational manual for the performance, on contract to the Organization and on a fee-for-

service basis, of the analysis of samples from radionuclide monitoring stations. Laboratories specified in Table 2-B of Annex 1 to this Protocol, and appropriately equipped, shall, as required, also be drawn upon by the Technical Secretariat to perform additional analysis of samples from radionuclide monitoring stations. With the agreement of the Executive Council, further laboratories may be certified by the Technical Secretariat to perform the routine analysis of samples from manual monitoring stations where necessary. All certified laboratories shall provide the results of such analysis to the International Data Centre, and in so doing shall fulfil the technical and operational requirements specified in the Operational Manual on 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 archive 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 Operational Manual for the International Data Centre, the

output being considered products of the requesting State Party; and

(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 facilities, 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

[Eds...]

B. Standing Arrangements

[Eds...]

C. On-Site Inspection Request, Inspection Mandate and Notification Of Inspection

[Eds...]

D. Pre-Inspection Activities

[Eds...]

E. Conduct Of Inspections

[Eds...]

Part III — Confidence-Building Measures

1. Pursuant to Article IV, paragraph 68, each State Party shall, on a voluntary basis, provide the Technical Secretariat with notification of any chemical explosion using 300 tonnes or greater of TNT-equivalent blasting material detonated as a single explosion anywhere on its territory, or at any place under its jurisdiction or control. If possible, such notification shall be provided in advance. Such notification shall include details on location, time, quantity and type of explosive used, as well as on the configuration and intended purpose of the blast.

2. Each State Party shall, on a voluntary basis, as soon as possible after the entry into force of this Treaty provide to the Technical Secretariat, and at annual intervals thereafter update, information related to its national use of all other chemical explosions greater than 300 tonnes TNT-equivalent. In particular, the State Party shall seek to advise:

- The geographic locations of sites where the explosions originate;
 - The nature of activities producing them and the general profile and frequency of such explosions;
 - Any other relevant detail, if available; and
- to assist the Technical Secretariat in clarifying the origins of any such event detected by the International Monitoring System.

3. A State Party may, on a voluntary and mutually-acceptable basis, invite representatives of the Technical Secretariat or of other States Parties to visit sites within its territory referred to in paragraphs 1 and 2.

4. For the purpose of calibrating the International Monitoring System, States Parties may liaise with the Technical Secretariat to carry out chemical calibration explosions or to provide relevant information on chemical explosions planned for other purposes.

Annex 1 to the Protocol

Table 1-A — List of Seismological Stations Compromising the Primary Network

Table 1-B List of Seismological Stations Comprising the Auxiliary Network

Table 2-A List of Radionuclide Stations

Table 2-B List of Radionuclide Laboratories

Table 3 List of Hydroacoustic Stations

Table 4 List of Infrasound Station

[The full tables can be found at:

http://pws.ctbto.org/treaty/treaty_text.pdf pp.158-188]

Annex 2 to the Protocol

List of Characterisation Parameters for International Data Centre Standard Event Screening

1. The International Data Centre standard event screening criteria shall be based on the standard event characterisation parameters determined during the combined processing of data from all the monitoring technologies in the International Monitoring System. Standard event screening shall make use of both global and supplementary screening criteria to take account of regional variations where applicable.

2. For events detected by the International Monitoring System seismic component, the following parameters, *inter alia*, may be used:

- location of the event;
- depth of the event;
- ratio of the magnitude of surface waves to body waves;
- signal frequency content;
- spectral ratios of phases;
- spectral scalloping;
- first motion of the P-wave;
- focal mechanism;
- relative excitation of seismic phases;
- comparative measures to other events and groups of events; and
- regional discriminants where applicable.

3. For events detected by the International Monitoring System hydroacoustic component, the following parameters, *inter alia*, may be used:

- signal frequency content including corner frequency, wide-band energy and mean Centre frequency and bandwidth;
- frequency-dependent duration of signals;
- spectral ratio; and
- indications of bubble-pulse signals and bubble-pulse delay.

4. For events detected by the International Monitoring System infrasound component, the following parameters, *inter alia*, may be used:

- signal frequency content and dispersion;
- signal duration; and
- peak amplitude.

5. For events detected by the International Monitoring System radionuclide component, the following parameters, *inter alia*, may be used:

- concentration of background natural and man-made radionuclides;
- concentration of specific fission and activation products outside normal observations; and
- ratios of one specific fission and activation product to another.

Comprehensive Test Ban Treaty – Signatures and Ratifications

[as at 12 January 2010]

Total States:195 Total Signed:182 Total Ratified:151

Not signed: 13 Not Ratified: 44

State	Signature	Ratification
Afghanistan	24 SEP 2003	24 SEP 2003
Albania	27 SEP 1996	23 APR 2003
†Algeria	15 OCT 1996	11 JUL 2003
Andorra	24 SEP 1996	12 JUL 2006
Angola	27 SEP 1996	
Antigua and Barbuda	16 APR 1997	11 JAN 2006
†Argentina	24 SEP 1996	04 DEC 1998
Armenia	01 OCT 1996	12 JUL 2006
†Australia	24 SEP 1996	09 JUL 1998
†Austria	24 SEP 1996	13 MAR 1998
Azerbaijan	28 JUL 1997	02 FEB 1999
Bahamas	04 FEB 2005	30 NOV 2007
Bahrain	24 SEP 1996	12 APR 2004
†Bangladesh	24 OCT 1996	08 MAR 2000
Barbados	14 JAN 2008	14 JAN 2008
Belarus	24 SEP 1996	13 SEP 2000
†Belgium	24 SEP 1996	29 JUN 1999
Belize	14 NOV 2001	26 MAR 2004
Benin	27 SEP 1996	06 MAR 2001
Bhutan		
Bolivia	24 SEP 1996	04 OCT 1999
Bosnia and Herzegovina	24 SEP 1996	26 OCT 2006
Botswana	16 SEP 2002	28 OCT 2002

†Brazil	24 SEP 1996	24 JUL 1998	Lithuania	07 OCT 1996	07 FEB 2000
Brunei Darussalam	22 JAN 1997		Luxembourg	24 SEP 1996	26 MAY 1999
†Bulgaria	24 SEP 1996	29 SEP 1999	Madagascar	09 OCT 1996	15 SEP 2005
Burkina Faso	27 SEP 1996	17 APR 2002	Malawi	09 OCT 1996	21 NOV 2008
Burundi	24 SEP 1996	24 SEP 2008	Malaysia	23 JUL 1998	17 JAN 2008
Cambodia	26 SEP 1996	10 NOV 2000	Maldives	01 OCT 1997	07 SEP 2000
Cameroon	16 NOV 2001	06 FEB 2006	Mali	18 FEB 1997	04 AUG 1999
†Canada	24 SEP 1996	18 DEC 1998	Malta	24 SEP 1996	23 JUL 2001
Cape Verde	01 OCT 1996	01 MAR 2006	Marshall Islands	24 SEP 1996	28 OCT 2009
Central African Republic	19 DEC 2001		Mauritania	24 SEP 1996	30 APR 2003
Chad	08 OCT 1996		Mauritius		
†Chile	24 SEP 1996	12 JUL 2000	†Mexico	24 SEP 1996	05 OCT 1999
†China	24 SEP 1996		Micronesia, Federated	24 SEP 1996	25 JUL 1997
†Colombia	24 SEP 1996	29 JAN 2008	States of		
Comoros	12 DEC 1996		Moldova	24 SEP 1997	16 JAN 2007
Congo	11 FEB 1997		Monaco	01 OCT 1996	18 DEC 1998
Cook Islands	05 DEC 1997	06 SEP 2005	Mongolia	01 OCT 1996	08 AUG 1997
Costa Rica	24 SEP 1996	25 SEP 2001	Montenegro	23 OCT 2006	23 OCT 2006
Cote d'Ivoire	25 SEP 1996	11 MAR 2003	Morocco	24 SEP 1996	17 APR 2000
Croatia	24 SEP 1996	02 MAR 2001	Mozambique	26 SEP 1996	4 NOV 2008
Cuba			Myanmar	25 NOV 1996	
Cyprus	24 SEP 1996	18 JUL 2003	Namibia	24 SEP 1996	29 JUN 2001
Czech Republic	12 NOV 1996	11 SEP 1997	Nauru	08 SEP 2000	12 NOV 2001
†Democratic People's			Nepal	08 OCT 1996	
Republic of Korea			†Netherlands	24 SEP 1996	23 MAR 1999
†Democratic Republic of	04 OCT 1996	28 SEP 2004	New Zealand	27 SEP 1996	19 MAR 1999
the Congo			Nicaragua	24 SEP 1996	05 DEC 2000
Denmark	24 SEP 1996	21 DEC 1998	Niger	03 OCT 1996	09 SEP 2002
Djibouti	21 OCT 1996	15 JUL 2005	Nigeria	08 SEP 2000	27 SEP 2001
Dominica			Niue		
Dominican Republic	03 OCT 1996	4 SEP 2007	†Norway	24 SEP 1996	15 JUL 1999
Ecuador	24 SEP 1996	12 NOV 2001	Oman	23 SEP 1999	13 JUN 2003
†Egypt	14 OCT 1996		†Pakistan		
El Salvador	24 SEP 1996	11 SEP 1998	Palau	12 AUG 2003	1 AUG 2007
Equatorial Guinea	09 OCT 1996		Panama	24 SEP 1996	23 MAR 1999
Eritrea	11 NOV 2003	11 NOV 2003	Papua New Guinea	25 SEP 1996	
Estonia	20 NOV 1996	13 AUG 1999	Paraguay	25 SEP 1996	04 OCT 2001
Ethiopia	25 SEP 1996	08 AUG 2006	†Peru	25 SEP 1996	12 NOV 1997
Fiji	24 SEP 1996	10 OCT 1996	Philippines	24 SEP 1996	23 FEB 2001
†Finland	24 SEP 1996	15 JAN 1999	†Poland	24 SEP 1996	25 MAY 1999
†France	24 SEP 1996	06 APR 1998	Portugal	24 SEP 1996	26 JUN 2000
Gabon	07 OCT 1996	20 SEP 2000	Qatar	24 SEP 1996	03 MAR 1997
Gambia	09 APR 2003		†Republic of Korea	24 SEP 1996	24 SEP 1999
Georgia	24 SEP 1996	27 SEP 2002	†Romania	24 SEP 1996	05 OCT 1999
†Germany	24 SEP 1996	20 AUG 1998	†Russian Federation	24 SEP 1996	30 JUN 2000
Ghana	03 OCT 1996		Rwanda	30 NOV 2004	30 NOV 2004
Greece	24 SEP 1996	21 APR 1999	Saint Kitts and Nevis	23 MAR 2004	27 APR 2005
Grenada	10 OCT 1996	19 AUG 1998	Saint Lucia	04 OCT 1996	05 APR 2001
Guatemala	20 SEP 1999		Saint Vincent and the	02 JUL 2009	23 SEP 2009
Guinea	03 OCT 1996		Grenadines		
Guinea-Bissau	11 APR 1997		Samoa	09 OCT 1996	27 SEP 2002
Guyana	07 SEP 2000	07 MAR 2001	San Marino	07 OCT 1996	12 MAR 2002
Haiti	24 SEP 1996	01 DEC 2005	Sao Tome and Principe	26 SEP 1996	
Holy See	24 SEP 1996	18 JUL 2001	Saudi Arabia		
Honduras	25 SEP 1996	30 OCT 2003	Senegal	26 SEP 1996	09 JUN 1999
†Hungary	25 SEP 1996	13 JUL 1999	Serbia	08 JUN 2001	19 MAY 2004
Iceland	24 SEP 1996	26 JUN 2000	Seychelles	24 SEP 1996	13 APR 2004
†India			Sierra Leone	08 SEP 2000	17 SEP 2001
†Indonesia	24 SEP 1996		Singapore	14 JAN 1999	10 NOV 2001
†Iran (Islamic Republic of)	24 SEP 1996		†Slovakia	30 SEP 1996	03 MAR 1998
Iraq	19 AUG 2008		Slovenia	24 SEP 1996	31 AUG 1999
Ireland	24 SEP 1996	15 JUL 1999	Solomon Islands	03 OCT 1996	
†Israel	25 SEP 1996		Somalia		
†Italy	24 SEP 1996	01 FEB 1999	†South Africa	24 SEP 1996	30 MAR 1999
Jamaica	11 NOV 1996	13 NOV 2001	†Spain	24 SEP 1996	31 JUL 1998
†Japan	24 SEP 1996	08 JUL 1997	Sri Lanka	24 OCT 1996	
Jordan	26 SEP 1996	25 AUG 1998	Sudan	10 JUN 2004	10 JUN 2004
Kazakhstan	30 SEP 1996	14 MAY 2002	Suriname	14 JAN 1997	07 FEB 2006
Kenya	14 NOV 1996	30 NOV 2000	Swaziland	24 SEP 1996	
Kiribati	07 SEP 2000	07 SEP 2000	†Sweden	24 SEP 1996	02 DEC 1998
Kuwait	24 SEP 1996	06 MAY 2003	†Switzerland	24 SEP 1996	01 OCT 1999
Kyrgyzstan	08 OCT 1996	02 OCT 2003	Syrian Arab Republic		
Lao People's Dem. Rep.	30 JUL 1997	05 OCT 2000	Tajikistan	07 OCT 1996	10 JUN 1998
Latvia	24 SEP 1996	20 NOV 2001	Thailand	12 NOV 1996	
Lebanon	16 SEP 2005	21 NOV 2008	The former Yugoslav	29 OCT 1998	14 MAR 2000
Lesotho	30 SEP 1996	14 SEP 1999	Republic of Macedonia		
Liberia	01 OCT 1996	17 AUG 2009	Timor-Leste	26 SEP 2008	
Libyan Arab Jamahiriya	13 NOV 2001	06 JAN 2004	Togo	02 OCT 1996	02 JUL 2004
Liechtenstein	27 SEP 1996	21 SEP 2004	Tonga		

Trinidad and Tobago	08 OCT 2009	
Tunisia	16 OCT 1996	23 SEP 2004
†Turkey	24 SEP 1996	16 FEB 2000
Turkmenistan	24 SEP 1996	20 FEB 1998
Tuvalu		
Uganda	07 NOV 1996	14 MAR 2001
†Ukraine	27 SEP 1996	23 FEB 2001
United Arab Emirates	25 SEP 1996	18 SEP 2000
†United Kingdom of Great Britain and Northern Ireland	24 SEP 1996	06 APR 1998
United Republic of Tanzania	30 SEP 2004	30 SEP 2004
†United States of America	24 SEP 1996	
Uruguay	24 SEP 1996	21 SEP 2001
Uzbekistan	03 OCT 1996	29 MAY 1997
Vanuatu	24 SEP 1996	16 SEP 2005
Venezuela	03 OCT 1996	13 MAY 2002
†Viet Nam	24 SEP 1996	10 MAR 2006
Yemen	30 SEP 1996	
Zambia	03 DEC 1996	23 FEB 2006
Zimbabwe	13 OCT 1999	

† indicates those states that are listed in Annex 2 of the CTBT.

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 nuclear disarmament and nuclear non-proliferation. Therefore, China supports the conclusion, through negotiation, of a fair, reasonable and verifiable treaty with universal adherence and unlimited duration and is ready to take active measures to promote its ratification and entry into force.

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 it 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 according 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 MESA 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.

Report on the Conference on Facilitating the Entry into Force of The Comprehensive Nuclear-Test-Ban Treaty

[CTBT – Art.XIV/2009/6, 8 October 2009]

[Editorial note: Footnote not included]

Introduction

1. The Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, convened pursuant to Article XIV of the Treaty (hereinafter called “the Conference”), was opened on 24 September 2009 by Mr Sergio Duarte, United Nations High Representative for Disarmament Affairs, who acted on behalf of the Depositary of the Treaty, the Secretary-General of the United Nations.

2. Mr Ban Ki-moon, Secretary-General of the United Nations, was present at the opening meeting of the Conference. Mr Michael Spindelegger, Federal Minister for European and International Affairs of Austria, and Mr Bruno Stagno Ugarte, Minister for Foreign Affairs of Costa Rica, who served together in the office of the Presidency of the previous conference held in 2007 in Vienna and were selected as coordinators of States Signatories pursuant to measure 11(c) of the 2007 Final Declaration (Annex to CTBT-Art. XIV/2007/6), as well as Mr Michael Douglas, United Nations Messenger of Peace, were also present at the opening meeting.

3. The following 103 States that had already deposited their instruments of ratification of the Treaty before the opening of the Conference and States Signatories that had not yet

deposited their instruments of ratification before the opening of the Conference participated in the Conference: Algeria, Andorra, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Yemen.

4. In conformity with rule 40 of the rules of procedure, the following other States attended the Conference: Pakistan, Saudi Arabia and Trinidad and Tobago.

5. In accordance with rule 41 of the rules of procedure, the following 10 specialized agencies, related organizations and intergovernmental organizations attended the Conference: Community of Portuguese-Speaking Countries, European Commission, International Atomic Energy Agency, International Committee of the Red Cross, League of Arab States, Organisation for the Prohibition of Chemical Weapons, Organisation internationale de la Francophonie, Organization for Security and Cooperation in Europe, Pacific Islands Forum and World Meteorological Organization.

6. In accordance with rule 43 of the rules of procedure, 19 non-governmental organizations (NGOs) attended the Conference, as listed in document CTBTArt.XIV/2009/INF.4.

7. A provisional list of participants at the Conference, including participating States, other States, specialized agencies, related organizations, intergovernmental organizations and NGOs, is contained in document CTBT-Art.XIV/2009/INF.5. The final version of the list of participants will be issued after the closure of the Conference.

Organizational and procedural decisions

8. At the 1st plenary meeting, on 24 September 2009, Mr Duarte presided over the consideration of items 2 to 7 of the provisional agenda. The Conference took decisions on these items, as stipulated below, based on the agreements on procedural and organizational matters reached at the informal consultations of States Signatories in Vienna prior to the opening of the Conference. These agreements are described in document CTBTArt.XIV/2009/INF.3 of 23 September 2009.

9. At the same plenary meeting, the Conference elected, by acclamation, France and Morocco in the office of the Presidency of the Conference. The high representatives of Austria and Costa Rica handed over the Presidency of the Conference to the high representatives of France and Morocco.

10. At the same meeting, the Conference adopted its rules of procedure (CTBTArt.XIV/2009/1).

11. At the same meeting, the Conference adopted the provisional agenda (CTBT-Art.XIV/2009/2/Rev.2) with the following agenda items:

1. Opening of the Conference by the Secretary-General of the United Nations or his representative
2. Election of the Presidency
3. Adoption of the rules of procedure

4. Adoption of the agenda and other organizational matters

5. Election of officers other than the Presidency

6. Credentials of representatives to the Conference:

(a) Appointment of the members of the Credentials Committee

(b) Report of the Credentials Committee

7. Confirmation of the Secretary of the Conference

8. Statement by the Secretary-General of the United Nations

9. Statement(s) by the Presidency

10. Address by the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

11. Presentation of progress reports on cooperation to facilitate the entry into force of the Treaty

12. General exchange of views by ratifiers and signatories on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty

13. Consideration of draft final declaration and measures to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty

14. Statements by non-signatory States

15. Statement on behalf of NGOs

16. Adoption of a final document

17. Any matters arising from paragraph 3 of Article XIV of the Treaty

18. Adoption of the report of the Conference

19. Closure of the Conference.

12. Also at the same meeting, in accordance with rule 6 of the rules of procedure, the Conference elected the representatives of Belgium, Japan, Nigeria, Romania and the Russian Federation as Vice-Presidents of the Conference.

13. Also at the same meeting, in accordance with rule 4 of the rules of procedure, upon the proposal of the Presidency, the Conference established a Credentials Committee composed of representatives of Australia, Costa Rica, Germany, South Africa and the United Kingdom of Great Britain and Northern Ireland. The Conference adopted the Report of the Credentials Committee (CTBT-Art.XIV/2009/5/Rev.2) at its 3rd plenary meeting, on 25 September 2009.

14. At the 1st plenary meeting, in accordance with rule 11 of the rules of procedure, the Conference confirmed the nomination by the Secretary-General of the United Nations of Mr Tibor Tóth, Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (hereinafter called "the CTBTO Preparatory Commission"), as Secretary of the Conference.

Work of the Conference

15. The Conference held a total of three plenary meetings and had before it the following documents:

CTBT-Art.XIV/2009/1 – Draft Rules of Procedure

CTBT-Art.XIV/2009/2/Rev.2 – Draft Provisional Agenda

CTBT-Art.XIV/2009/3 – Background Document by the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization Prepared for the Conference on Facilitating the Entry into Force of the CTBT (New York, 2009)

CTBT-Art.XIV/2009/4 – Activities Undertaken by Signatory and Ratifying States Under Measure (j) of the Final Declaration of the 2007 Conference on Facilitating the Entry into Force of the CTBT in the Period September 2007 – August 2009

CTBT-Art.XIV/2009/5/Rev.2 – Credentials of Representatives to the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty: Report of the Credentials Committee

CTBT-Art.XIV/2009/WP.1 – Draft Final Declaration and Measures to Promote the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

CTBT-Art.XIV/2009/WP.2/Rev.1 – Draft Report of the Conference

CTBT-Art.XIV/2009/INF.1* – Information for Participants at the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

CTBT-Art.XIV/2009/INF.2* – Information for Participation by Non-Governmental Organizations at the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

CTBT-Art.XIV/2009/INF.3 – Procedural and Organizational Matters

CTBT-Art.XIV/2009/INF.4 – List of Non-Governmental Organizations Requesting Accreditation in Accordance with Rule 43 of the Draft Rules of Procedure

CTBT-Art.XIV/2009/INF.5 – Provisional List of Participants at the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty.

16. A list of all documents issued for the Conference will be included in an Information Paper (CTBT-Art.XIV/2009/INF.7), which will contain, in addition to the documents listed in paragraph 15, the final version of the list of participants (CTBT-Art.XIV/2009/INF.6) and the report of the Conference (CTBT-Art.XIV/2009/6).

17. Mr Bernard Kouchner, Minister of Foreign and European Affairs of France, and Mr Taïb Fassi-Fihri, Minister of Foreign Affairs and Cooperation of the Kingdom of Morocco, presided over the 1st plenary meeting on 24 September 2009 after their election. Ambassador Florence Mangin, Permanent Representative of France in Vienna, and Ambassador Omar Zniber, Permanent Representative of Morocco in Vienna, presided over the 2nd and 3rd plenary meetings.

18. At the 1st plenary meeting, under agenda item 8, the Secretary-General of the United Nations addressed the Conference.

19. At the same meeting, speaking under agenda item 9, the Minister of Foreign and European Affairs of France and the Minister of Foreign Affairs and Cooperation of the Kingdom of Morocco addressed consecutively the Conference on behalf of the Presidency.

20. At the same meeting, speaking also under agenda item 9, the United Nations Messenger of Peace addressed the Conference.

21. The Conference decided to adjourn its 1st plenary meeting to allow delegations to attend or observe a parallel summit meeting of the United Nations Security Council on nuclear non-proliferation and nuclear disarmament. The Conference resumed its 1st plenary meeting by starting the general exchange of views, at the level of foreign ministers, on facilitating the entry into force of the Treaty under agenda item 12, which was followed by consideration at the same meeting of agenda items 10 and 11.

22. At the resumed 1st plenary meeting, speaking under agenda item 10, the Executive Secretary of the CTBTO Preparatory Commission addressed the Conference.

23. At the same meeting, speaking under agenda item 11, Ambassador Thomas Mayr-Harting, Permanent Representative of Austria in New York, and Ambassador Jairo Hernandez-Milian, Deputy Permanent Representative of Costa Rica in New York, presented progress reports on the cooperation activities of their countries to facilitate the entry into force of the Treaty, pursuant to measure 11(c) of the 2007 Final Declaration, and on the 2009 International Scientific Studies Conference in Vienna (10-12 June 2009).

24. Also at the same meeting, speaking under agenda item 11, Ambassador Jaap Ramaker, who had served as Special Representative following agreements in 2003, 2005 and 2007 to assist the coordinating States in performing their functions to promote the entry into force of the Treaty, presented a report covering his activities. The Conference expressed its sincere appreciation for the work done by Ambassador Ramaker in his many years of service.

25. At its 1st to 3rd plenary meetings, from 24 to 25 September 2009, the Conference held, under agenda item 12, a general exchange of views by ratifiers and signatories on facilitating the entry into force of the Treaty. Representatives of the following 53 participating States made statements: Algeria, Australia, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Croatia, Czech

Republic, Egypt, El Salvador, Holy See, Hungary, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Luxembourg, Marshall Islands, Mexico, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Qatar, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden (on behalf of the European Union), Switzerland, 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 and Viet Nam.

26. At the third plenary meeting, in accordance with rule 43 of the rules of procedure, under agenda item 15, a statement on behalf of the NGOs attending the Conference was made by Ms Jessica Mathews, President of the Carnegie Endowment for International Peace.

Conclusion of the Conference

27. At its 1st plenary meeting, under agenda items 13 and 16, the Conference considered and adopted the Final Declaration and Measures to Promote the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, the text of which is contained in the Annex to the present report.

28. The Presidency informed the Conference of its intention to request the Secretary-General of the United Nations, as Depositary of the Treaty, to forward the Final Declaration to all States as soon as possible.

29. At its 3rd plenary meeting, the Conference considered agenda item 17, entitled "Any matters arising from paragraph 3 of Article XIV of the Treaty", and took note of the provisions contained in that paragraph.

30. Also at the same meeting, the Conference considered and adopted its report, which will be translated and circulated in all official languages as document CTBT-Art.XIV/2009/6.

31. The Conference was closed at 12:20 on 25 September 2009.

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

[CTBT – Art.XIV/2009/6, Annex, 8 October 2009]

1. We the ratifiers, together with the States Signatories, met in New York on 24 and 25 September 2009 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 reaffirm that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under strict and effective international control. 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

affirmed the importance and urgency of signatures and ratifications without delay to achieve early entry into force of the Treaty as one of the practical steps for the systematic and progressive efforts towards nuclear disarmament and nuclear non-proliferation, which were agreed to by the participating States at international forums dealing with nuclear disarmament and nuclear non-proliferation.

4. We note that significant progress has been made in signing and ratifying the CTBT, which has achieved near universal adherence with signature by 181 States and ratification by 150 States as of today, of which four have signed and ten, including one listed in Annex 2 to the Treaty, whose ratification is required for its entry into force, have ratified since the 2007 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 to the Treaty, 41 have signed and of these, 35 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 thirteen years after its opening for signature on 24 September 1996. Relevant international developments since the 2007 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 non-proliferation efforts. Noting the improved prospects for ratification in several Annex 2 countries, 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 that have not yet signed and ratified the Treaty to do so, and agreed to intensify our efforts to encourage ratification. Such efforts should pay special attention to States listed in Annex 2 to the Treaty. We expressed appreciation for the efforts of the Special Representative in promoting entry into force of the Treaty.

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. With respect to the nuclear tests announced by the Democratic People's Republic of Korea on 9 October 2006 and 25 May 2009, bearing in mind the United Nations General Assembly Resolutions (A/RES/61/104 and A/RES/63/87) and other relevant United Nations resolutions including the latest (S/RES/1874 (2009)), we underline the need for a peaceful solution of the nuclear issues through successful implementation of the Joint Statement agreed upon in the framework of the Six-Party Talks. We also believe that the aforementioned events, internationally condemned, highlighted the urgent need for the early entry

into force of the Treaty and hence the completion of the CTBT verification regime at its entry into force, in accordance with the provisions of the Treaty and the mandate of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

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 tangible 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. In this regard we note the progress achieved in the establishment of the International Monitoring System, which has currently 249 certified facilities, and the satisfactory functioning of the International Data Centre.

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.

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 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 coordinators 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 coordinators in various regions in promoting activities enhancing the entry into force of the Treaty;

(e) Encourage the organization of regional seminars in conjunction with other regional meetings in order to increase the awareness of the important role that the Treaty plays;

(f) Call upon the Preparatory Commission 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;

(g) 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;

(h) 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;

(i) Request the Provisional Technical Secretariat to continue to act as a 'focal point' for collecting information on outreach activities undertaken by ratifiers and signatories, and to maintain an updated overview of the information based on inputs provided by States Signatories for this purpose on the

public web site of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, thereby assisting in promoting the entry into force of the Treaty;

(j) Encourage cooperation with inter-governmental and non-governmental organizations and other elements of civil society to raise awareness of and support for the Treaty and its objectives, as well as the need for its early entry into force.

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]

Preamble

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighborliness;

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), unanimously adopted as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type";

Recalling that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage;

Recalling United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America and the Caribbean should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements";

Recalling United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured;

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable;

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand;

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration;

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions;

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist;

That the privileged situation of the Signatory States, whose

territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind;

That the existence of nuclear weapons in any country of Latin America and the Caribbean would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development;

That the foregoing reasons, together with the traditional peace loving outlook of Latin America and the Caribbean, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American and Caribbean countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

Convinced finally:

That the military denuclearization of Latin America and the Caribbean -being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America and the Caribbean, faithful to their tradition of universality, must not only endeavor to banish from their homelands the scourge of a nuclear war, but also strive to promote the well-being and advancement of their peoples, at the same time co-operating in the fulfillment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

Have agreed as follows:

Obligations

Article 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

- The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
- The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Definition of the Contracting Parties

Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

Definition of territory

Article 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

Zone of Application**Article 4**

1. The Zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of Article 29, paragraph 1, the Zone of Application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0° latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

Definition of nuclear weapons**Article 5**

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

Meeting of Signatories**Article 6**

At the request of any of the Signatory States or if the Agency established by Article 7 should so decide, a meeting of all the Signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the Secretary General.

Organization**Article 7**

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising there from.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

Organs**Article 8**

1. **There are hereby established as principal organs of the Agency:** a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

The General Conference**Article 9**

1. The General Conference, the supreme organ of the Agency,

shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

a. May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

b. Shall establish procedures for the Control System to ensure observance of this Treaty in accordance with its provisions.

c. Shall elect the Members of the Council and the Secretary General.

d. May remove the Secretary General from office if the proper functioning of the Agency so requires.

e. Shall receive and consider the biennial and special reports submitted by the Council and the Secretary General.

f. Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the Secretary General independently to carry out similar studies for submission to and consideration by the Conference.

g. Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the Control System and measures referred to in Article 20, the admission of new Members, the election or removal of the Secretary General, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own Rules of Procedure.

The Council**Article 10**

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the Secretary General, ensure the proper operation of the Control System in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple

majority of its Members present and voting.

9. The Council shall adopt its own Rules of Procedure.

The Secretariat

Article 11

1. The Secretariat shall consist of a Secretary General, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the Secretary General shall be four years and he may be re-elected for a single additional term. The Secretary General may not be a national of the country in which the Agency has its headquarters. In case the office of Secretary General becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the Secretary General, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the Secretary General shall ensure, as provided by Article 10, paragraph 5, the proper operation of the Control System established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The Secretary General shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the Secretary General may deem desirable.

5. The Secretary General shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the Secretary General and the staff and not to seek to influence them in the discharge of their responsibilities.

Control System

Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with Article 1, a Control System shall be established which shall be put into effect in accordance with the provisions of Articles 13-18 of this Treaty.

2. The Control System shall be used in particular for the purpose of verifying:

- a. That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons,
- b. That none of the activities prohibited in Article I of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and
- c. That explosions for peaceful purposes are compatible with Article 18 of this Treaty.

IAEA Safeguards

Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances

or *force majeure*.

Reports of the Contracting Parties

Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties to the Treaty shall simultaneously transmit to the Agency a copy of the reports submitted to the International Atomic Energy Agency which relate to matters subject of this Treaty that are relevant to the work of the Agency.

3. The information furnished by the Contracting Parties shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when the Contracting Parties give their express consent.

Complementary or supplementary information

Article 15

1. At the request of any of the Contracting Parties and with the authorization of the Council, the Secretary General may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any extraordinary event or circumstance which affects the compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the Secretary General.

2. The Secretary General shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special inspections

Article 16

1. The International Atomic Energy Agency has the power of carrying out special inspections in accordance with Article 12 and with the agreements referred to in Article 13 of this Treaty.

2. At the request of any of the Contracting Parties and in accordance with the procedures established in Article 15 of this Treaty, the Council may submit for the consideration of the International Atomic Energy Agency a request that the necessary mechanisms be put into operation to carry out a special inspection.

3. The Secretary General shall request the Director General of the International Atomic Energy Agency to transmit to him in a timely manner the information forwarded to the Board of Governors of the IAEA relating to the conclusion of the special inspection. The Secretary General shall make this information available to the Council promptly.

4. The Council, through the Secretary General shall transmit this information to all the Contracting Parties.

Use of nuclear energy for peaceful purposes

Article 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

Explosions for peaceful purposes

Article 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes -including explosions which involve devices similar to those used in nuclear weapons- or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this Article and the other articles of the Treaty, particularly Articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

- a. The nature of the nuclear device and the source from

which it was obtained,

- b. The place and purpose of the planned explosion,
- c. The procedures which will be followed in order to comply with paragraph 3 of this Article,
- d. The expected force of the device, and
- e. The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

The Secretary General and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this Article and the other provisions of this Treaty.

3. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present Article, in accordance with paragraphs 2 and 3 thereof.

Relations with the International Atomic Energy Agency

Article 19

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

Relations with other international organizations

Article 20

1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

2. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

Measures in the event of violation of the Treaty

Article 21

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

United Nations and Organization of American States

Article 22

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of State Members of the Organization of American States, under existing regional treaties.

Privileges and immunities

Article 23

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of

their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this Article.

Notification of other agreements

Article 24

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Settlement of disputes

Article 25

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

Signature

Article 26

1. This Treaty shall be open indefinitely for signature by:
 - a. All the Latin American Republics, and the Caribbean.
 - b. All other sovereign States in the western hemisphere situated in their entirety south of parallel 35° north latitude; and, except as provided in paragraph 2 of this Article, all such States when they have been admitted by the General Conference.

2. The condition of State Party to the Treaty of Tlatelolco shall be restricted to Independent States which are situated within the Zone of application of the Treaty in accordance with Article 4 of same, and with paragraph 1 of the present Article, and which were Members of the United Nations as of December 10, 1985 as well as to the non-autonomous territories mentioned in document OEA/CER.P. AG/doc. 1939/ 85 of November 5, 1985, once they attain their independence.

Ratification and deposit

Article 27

1. This Treaty shall be subject to ratification by Signatory States in accordance with their respective constitutional procedures.
2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.
3. The Depositary Government shall send certified copies of this Treaty to the Governments of Signatory States and shall notify them of the deposit of each instrument of ratification.

Reservations

Article 28

This Treaty shall not be subject to reservations.

Entry into force

Article 29

1. Subject to the provisions of paragraph 2 of this Article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:
 - a. Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in Article 26 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of Article 26, paragraph 2;
 - b. Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having de jure or de facto international responsibility for territories situated in the Zone of Application of the Treaty;
 - c. Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;
 - d. Conclusion of bilateral or multilateral agreements on the

application of the Safeguards System of the International Atomic Energy Agency in accordance with Article 13 of this Treaty.

2. All Signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the Zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph c) of this Article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

Amendments

Article 30

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the Secretary General, who shall transmit them to all the other Contracting Parties and, in addition, to all other Signatories in accordance with Article 6. The Council through the Secretary General, shall immediately following the meeting of Signatories convene a Special Session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in Article 29 of this Treaty have been complied with.

Duration and denunciation

Article 31

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the Secretary General of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the Secretary General of the Agency of the notification by the Government of the Signatory State concerned. The Secretary General shall immediately communicate such notification to the other Contracting Parties and to the Secretary General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary General of the Organization of American States.

Authentic texts and registration

Article 32

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with Article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary General of the Organization of American States for its information.

Transitional Article

Denunciation of the declaration referred to in Article 29, paragraph 2, shall be subject to the same procedures as the denunciation of

this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the fourteenth day of February, one thousand nine hundred and sixty-seven.

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in Articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in territories for which, *de jure or de facto*, they are internationally responsible and which lie within the limits of the geographical Zone established in that Treaty.

Article 2

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

ADDITIONAL PROTOCOL II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

The statute of denuclearization of Latin America and the Caribbean in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America

and the Caribbean of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2

The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies in accordance with Article 4 thereof.

Article 3

The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Article 4

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in Articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in Articles 27, 28, 31 and 32 of the Treaty.

Article 5

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

Status of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and its Additional Protocols I and II and its Amendments [Treaty of Tlatelolco]

Opened for Signature in Mexico City on 14 February 1967

Enter into force: 25 April 1969

Status: 12 January 2010

The Ministry of Foreign Relations of Mexico, in the capacity of Depositary of the Treaty of Tlatelolco, sent the following information to the Secretariat General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Country	Signature	Ratification	Waiver (Art.28)
Antigua and Barbuda	11 Oct 1983	11 Oct 1983	11 Oct 1983
Argentina	27 Sep 1967	18 Jan 1994	18 Jan 1994
Bahamas	29 Nov 1976	26 Apr 1977	26 Apr 1977
Barbados	18 Oct 1968	25 Apr 1969	25 Apr 1969
Belize	14 Feb 1992	09 Nov 1994	09 Nov 1994
Bolivia	14 Feb 1967	18 Feb 1969	18 Feb 1969
Brazil	09 May 1967	29 Jan 1968	30 May 1994
Chile	14 Feb 1967	09 Oct 1974	30 May 1994
Colombia	14 Feb 1967	04 Aug 1972	06 Sept 1972
Costa Rica	14 Feb 1967	25 Aug 1969	25 Aug 1969
Cuba	25 Mar 1995	23 Oct 2002	23 Oct 2002
Dominica	02 May 1989	04 Jun 1993	25 Aug 1993
Dominican Republic	28 Jul 1967	14 Jun 1968	14 Jun 1968
Ecuador	14 Feb 1967	11 Feb 1969	11 Feb 1969
El Salvador	14 Feb 1967	22 Apr 1968	22 Apr 1968
Granada	29 Apr 1975	20 Jun 1975	20 June 1975
Guatemala	14 Feb 1967	06 Feb 1970	06 Feb 1970
Guyana	16 Jan 1995	16 Jan 1995	14 May 1997
Haiti	14 Feb 1967	23 May 1969	23 May 1969
Honduras	14 Feb 1967	23 Sep 1968	23 Sept 1968
Jamaica	26 Oct 1967	26 Jun 1969	26 Jun 1969
Mexico	14 Feb 1967	20 Sep 1967	20 Sep 1967
Nicaragua	15 Feb 1967	24 Oct 1968	24 Oct 1968

Panama	14 Feb 1967	11 Jun 1971	11 Jun 1971
Paraguay	26 Apr 1967	19 Mar 1969	19 Mar 1969
Peru	14 Feb 1967	04 Mar 1969	04 Mar 1969
Saint Kitts and Nevis	18 Feb 1994	18 Apr 1995	14 Feb 1997
Saint Vincent and Gren.	14 Feb 1992	14 Feb 1992	11 May 1992
Saint Lucia	25 Aug 1992	02 Jun 1995	02 Jun 1995
Suriname	13 Feb 1976	10 Jun 1997	10 Jun 1977
Trinidad and Tobago	27 Jun 1967	03 Dec 1970	27 Jun 1975
Uruguay	14 Feb 1967	20 Aug 1968	20 Aug 1968
Venezuela	14 Feb 1967	23 Mar 1970	23 Mar 1970

ADDITIONAL PROTOCOL I

Country	Signature	Ratification
France	02 Mar 1979	24 Aug 1992
Holland	15 Mar 1968	26 Jul 1971
United Kingdom	20 Dec 1967	11 Dec 1969
United States	26 May 1977	23 Nov 1981

ADDITIONAL PROTOCOL II

Country	Signature	Ratification
France	18 Jul 1973	22 Mar 1974
People's Rep of China	21 Aug 1973	2 Jun 1974
United Kingdom	20 Dec 1967	11 Dec 1969
United States	01 Apr 1968	12 May 1971
Russia Federation	18 May 1978	8 Jan 1979

Amendments of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

(Treaty of Tlatelolco)

Regarding the signature and ratification of the first amendment of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) pursuant to [Resolution 267 \(E-V\)](#), of the General Conference of OPANAL approved in Mexico City on July 30, 1990, which resolved to add to the legal name of the Treaty for the Prohibition of Nuclear Weapons in Latin America the words "and the Caribbean," and consequently amend Article 7 of the Treaty, the countries that have signed and ratified the first amendment until now are:

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	10 Dec 1990	18 Jan 1994
Bahamas	18 Mar 1992	
Barbados	14 Feb 1997	14 Feb 1997
Belize	23 Nov 1995	23 Nov 1995
Bolivia	10 Dec 1990	
Brazil	05 Dec 1990	30 May 1994
Chile	16 Jan 1991	18 Jan 1994
Colombia	05 Dec 1990	18 Jan 1999
Costa Rica	10 Dec 1990	20 Jan 1999
Cuba	05 Dec 1995	23 Oct 2002
Dominica		
Dominican Republic	16 Jan 1991	
Ecuador	05 Dec 1990	18 Oct 1995
El Salvador	21 Feb 1991	22 May 1992
Granada	17 Sept 1991	17 Sept 1991
Guatemala	10 Dec 1990	21 Aug 1998
Guyana	16 Jan 1995	16 Jan 1995
Haiti	16 Jan 1991	
Honduras	16 Jan 1991	
Jamaica	21 Feb 1991	13 Mar 1992
Mexico	05 Nov 1990	24 Oct 1991
Nicaragua	10 Dec 1990	
Panama		8 Aug 2000
Paraguay	19 Feb 1991	22 Oct 1996
Peru	05 Dec 1990	14 Jul 1995
Saint Kitts and Nevis	18 Feb 1994	
Saint Vincent and Gren.		
Saint Lucia		
Suriname		13 Jan 1994 AC
Trinidad and Tobago		
Uruguay	16 Nov 1990	30 Aug 1994
Venezuela	16 Jan 1991	14 Feb 1997

South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga]

[Opened for signature 6 August 1985,
entered into force 11 December 1986]

Preamble

The Parties to this Treaty

United in their commitment to a world at peace,

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people,

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth,

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all,

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security,

Noting, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

Noting that the prohibitions of emplacement and emplacement of nuclear weapons on the sea-bed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific,

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water applies in the South Pacific,

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter,

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting,

Have agreed as follows:

Article 1

Usage of terms

For the purposes of this Treaty and its Protocols:

(a) 'South Pacific Nuclear Free Zone' means the areas described in Annex 1 as illustrated by the map attached to that Annex;

(b) 'territory' means internal waters, territorial sea and archipelagic waters, the sea-bed and subsoil beneath, the land territory and the airspace above them;

(c) 'nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but, does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) 'stationing' means emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2

Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.
2. Nothing in this Treaty shall prejudice or in any way affect the

rights, or the exercise of the right, of any State under international law with regard to freedom of the seas.

Article 3

Renunciation of nuclear explosive devices

Each Party undertakes:

- (a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;
- (b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;
- (c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4

Peaceful nuclear activities

- (a) reports and exchange of information as provided for in Article 9;
- (b) consultations as provided for in Article 10 and Annex 4 (1);
- (c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;
- (d) a complaints procedure as provided for in Annex 4.

Each Party undertakes:

- (a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:
 - (i) any non-nuclear-weapon State unless subject to the safeguards required by Article III.1 of the NPT, or
 - (ii) any nuclear-weapon State unless subject to applicable safeguards agreement with the International Atomic Energy Agency (IAEA).

Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

- (b) to support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

Article 5

Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.
2. Each Party in the exercise of its sovereign right remains free to decide for itself whether to allow visit by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 6

Prevention of testing of nuclear explosive devices

Each Party undertakes:

- (a) to prevent in its territory the testing of any nuclear explosive device;
- (b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7

Prevention of dumping

1. Each Party undertakes:

- (a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
- (b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;
- (c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
- (d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of

radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1 (a) and 1 (b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

Article 8

Control system

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.
2. The control system shall comprise:
 - (a) reports and exchange of information as provided for in Article 9;
 - (b) consultations as provided for in Article 10 and Annex 4 (1);
 - (c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;
 - (d) a complaints procedure as provided for in Annex 4.

Article 9

Reports and exchanges of information

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.
2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.
3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8 (2) (d) and 10 and Annex 2 (4).

Article 10

Consultations and review

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11

Amendment

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director, who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depositary of acceptances from all Parties.

Article 12

Signature and ratification

1. This Treaty shall be open for signature by any Member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depositary 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

Depositary functions

The depositary shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Government, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, One thousand nine hundred and eighty-five, in a single original in the English language.

ANNEX 1

South Pacific Nuclear Free Zone

- A. The area bounded by a line—
- (1) commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
 - (2) running thence northerly along that maritime boundary to its intersection by the outer limit of the exclusive economic zone of Papua New Guinea;
 - (3) thence generally north-easterly and south-easterly along that outer limit to its intersection by the Equator;
 - (4) thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
 - (5) thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
 - (6) thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
 - (7) thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
 - (8) thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
 - (9) thence south along that meridian to its intersection by the Equator;
 - (10) thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
 - (11) thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;
 - (12) thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
 - (13) thence south along that meridian to its intersection by the Equator;
 - (14) thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
 - (15) thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
 - (16) thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;
 - (17) thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
 - (18) thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;

- (19) thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
- (20) thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;
- (21) thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
- (22) thence generally northerly along that boundary to the point of commencement.

B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

ANNEX 2

IAEA Safeguards

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.
4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

ANNEX 3

Consultative Committee

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.
2. The costs of the Consultative Committee, including the cost of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

ANNEX 4

Complaints Procedure

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject-matter of the Complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.

2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.
3. The Consultative Committee, taking account of effort made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.
5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2(1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.
6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.
7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.
8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.
9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

PROTOCOL 1

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)
Have agreed as follows:

Article 1

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the South Pacific Nuclear Free Zone, the prohibitions contained in Articles 3, 5 and 6, in so far as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in Article 8(2)(c) and Annex 2 of the Treaty.

Article 2

Each Party may, by written notification to the depositary, indicate its

acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

PROTOCOL 2

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty) Have agreed as follows:

Article 1

Each Party further undertakes not to use or threaten to use any nuclear explosive device against:

- (a) Parties to the Treaty; or
- (b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol 1 is internationally responsible.

Article 2

Each Party undertakes not to contribute to any act which constitutes a violation of the Treaty, or to any act of another Party to a Protocol which constitutes a violation of a Protocol.

Article 3

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 4

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

PROTOCOL 3

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty) Have agreed as follows:

Article 1

Each party undertakes not to test any nuclear explosive device anywhere within the South Pacific Nuclear Free Zone.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

Status of the South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga] and Protocols

Signed at Rarotonga, Cook Island: 8 August 1985

Entering into Force on 11 December 1986

Depositary: Director of the South Pacific Bureau for Economic Cooperation

Status: 31 March 2009

Party	Signature	In Force
Australia	August 6, 1985	December 11, 1986
Cook Islands	August 6, 1985	December 11, 1986
Fed. States of Micronesia		
Fiji	August 6, 1985	December 11, 1986
Kiribati	August 6, 1985	December 11, 1986
Marshall Islands Republic		
Nauru	July 17, 1985	April 13, 1987
New Zealand	August 6, 1985	December 11, 1986
Niue	August 6, 1985	December 11, 1986
Palau		

Papua New Guinea	September 16, 1985	September 15, 1989
Solomon Islands	May 29, 1987	January 27, 1989
Tonga	August 2, 1996	December 18, 2000
Tuvalu	August 6, 1985	December 11, 1986
Vanuatu	September 16, 1995	February 9, 1996
Western Samoa	August 6, 1985	December 11, 1986

Protocol I

Party	Signature	Ratification	In Force
France	Mar 25, 1996	Sep 20, 1996	Sep 20, 1996
United Kingdom	Mar 25, 1996	Sep 19, 1997	Sep 19, 1997
United States	Mar 25, 1996		

Protocol II

Party	Signature	Ratification	In Force
China	Feb 10, 1987	Oct 21, 1988	Oct 21, 1988
France	Mar 25, 1996	Sep 20, 1996	Sep 20, 1996
United Kingdom	Mar 25, 1996	Sep 19, 1997	Sep 19, 1997
United States	Mar 25, 1996		
USSR (Russia)	Dec 15, 1986	Apr 21, 1988	Apr 21, 1988

Protocol III

Party	Signature	Ratification	In Force
China	Feb 10, 1987	Oct 21, 1988	Oct 21, 1988
France	Mar 25, 1996	Sep 20, 1996	Sep 20, 1996
United Kingdom	Mar 25, 1996	Sep 19, 1997	Sep 19, 1997
United States	Mar 25, 1996		
USSR (Russia)	Dec 15, 1986	Apr 21, 1988	Apr 21, 1988

African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba]

[Opened for signature 11 April 1996,
Entered into force 15 July 2009]

The Parties to this Treaty,

Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/RES.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifth-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/RES.1342 (LIV) and CM/RES.1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognizing that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which

recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have decided by this treaty to establish the African NWFZ and hereby agree as follows:

Article 1**Definition/Usage of terms**

For the purpose of this Treaty and its Protocols:

- '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;
- '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;
- '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;
- 'Stationing' means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;
- 'Nuclear installation' means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.
- '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**

- Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in annex I.
- Nothing in this Treaty shall prejudice in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

Article 3**Renunciation of nuclear explosive devices**

Each Party undertakes:

- Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;
- Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;
- Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

Article 4**Prevention of stationing of nuclear explosive devices**

- Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
- Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to

decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5

Prohibition of testing of nuclear explosive devices

Each Party undertakes:

- (a) Not to test any nuclear explosive device;
- (b) To prohibit in its territory the testing of any nuclear explosive device;
- (c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6

Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture

Each Party undertakes:

- (a) To declare any capability for the manufacture of nuclear explosive devices;
- (b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;
- (c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- (d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7

Prohibition of dumping of radioactive wastes

Each Party undertakes:

- (a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
- (b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8

Peaceful nuclear activities

1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9

Verification of Peaceful Uses

Each Party undertakes:

- (a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
- (b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- (c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable

material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10

Physical protection of nuclear materials and facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11

Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12

Mechanism for compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.
2. The Commission shall be responsible *inter alia* for:
 - (a) Collating the reports and the exchange of information as provided for in article 13;
 - (b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
 - (c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
 - (d) Bringing into effect the complaints procedure elaborated in annex IV;
 - (e) Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
 - (f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

Article 13

Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14

Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, *inter alia*, elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15**Interpretation of the Treaty**

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16**Reservations**

This Treaty shall not be subject to reservations.

Article 17**Duration**

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18**Signature, ratification and entry into force**

1. This Treaty shall be open for signature by any state in the African nuclear-weapon-free zone. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19**Amendments**

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.
3. An amendment so adopted shall enter into force for all parties after receipt by the Depository of the instrument of ratification by the majority of Parties.

Article 20**Withdrawal**

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.
2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other parties.

Article 21**Depository functions**

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depository of the Treaty.
2. The Depository shall:
 - (a) Receive instruments of ratification;
 - (b) Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
 - (c) Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22**Status of the annexes**

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

Annex I**Map of an African Nuclear-weapon-Free Zone**

[not reproduced]

Annex II**Safeguards of the International Atomic Energy Agency**

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.
4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

Annex III**African Commission on Nuclear Energy**

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to included Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.
2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.
3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.
4.
 - (a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;
 - (b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

Annex IV**Complaints procedure and settlement of disputes**

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol I is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon

between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the I International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.

(a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;

(b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;

(c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;

(d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

(e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;

(f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

(g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;

(h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanisms.

Protocol I

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev. 1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

- (a) Any Party to the Treaty; or
- (b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex I.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdrawal from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. *In witness whereof* the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol III

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3,4,5,6,7,8,9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by France and Spain.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. *In witness whereof* the undersigned, being duly authorised by their Governments have signed this Protocol.

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

Signed at Cairo, Egypt: 11 April 1996

Entered into force 15 July 2009

Depository: Organization of African Unity

Status: 12 January 2010

Country	Signature	Deposit
Algeria	April 11, 1996	February 11, 1998
Angola	April 11, 1996	
Benin	April 11, 1996	4 September 2007
Botswana	June 9, 1998	June 16, 1999
Burkina Faso	April 11, 1996	August 27, 1998
Burundi	April 11, 1996	July 15, 2009
Cameroon	April 11, 1996	
Cape Verde	April 11, 1996	
Central African Republic	April 11, 1996	
Chad	April 11, 1996	
Comoros	April 11, 1996	
Congo	January 27, 1997	
Côte d'Ivoire	April 11, 1996	July 28, 1999
Dem. Rep. Congo	April 11, 1996	
Djibouti	April 11, 1996	
Egypt	April 11, 1996	
Equatorial Guinea		Feb 19, 2003 (a)
Eritrea	April 11, 1996	
Ethiopia	April 11, 1996	13 March 2008
Gabon	April 11, 1996	June 12, 2007
Gambia	April 11, 1996	November 16, 1996
Ghana	April 11, 1996	
Guinea	April 11, 1996	January 21, 2000
Guinea-Bissau	April 11, 1996	
Kenya	April 11, 1996	January 9, 2001
Lesotho	April 11, 1996	March 14, 2002 (a)
Liberia	July 9, 1996	
Libya	April 11, 1996	May 11, 2005
Madagascar		December 23, 2003
Malawi	April 11, 1996	April 23, 2009
Mali	April 11, 1996	July 22, 1999
Mauritania	April 11, 1996	February 24, 1998
Mauritius	April 11, 1996	April 24, 1996
Morocco	April 11, 1996	
Mozambique	April 11, 1996	March 26, 2008
Namibia	April 11, 1996	
Niger	April 11, 1996	
Nigeria	April 11, 1996	June 18, 2001
Rwanda	April 11, 1996	February 1, 2007
Sao Tome & Principe	July 9, 1996	
Senegal	April 11, 1996	October 25, 2006
Seychelles	July 9, 1996	
Sierra Leone	April 11, 1996	
Somalia	February 23, 2006	
South Africa	April 11, 1996	March 27, 1998
Sudan	April 11, 1996	

Swaziland	April 11, 1996	July 17, 2000
Tanzania	April 11, 1996	June 19, 1998
Togo	April 11, 1996	July 18, 2000
Tunisia	April 11, 1996	
Uganda	April 11, 1996	
Zambia	April 11, 1996	
Zimbabwe	April 11, 1996	April 6, 1998

"This treaty shall be open for signature by any State in the African Nuclear-Weapon-Free Zone. It shall be subject to ratification. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification."

Protocol I

Country	Signature	Ratification	Deposit
China	April 11, 1996	Sep 6, 1996	Sep 20, 1996
France	April 11, 1996	July 31, 1997	Oct 10, 1997
Russian Federation	November 5, 1996		
United Kingdom	April 11, 1996		19 March 2001
United States	April 11, 1996		

Protocol II

Country	Signature	Ratification	Deposit
China	April 11, 1996	Sep 6, 1996	Sep 20, 1996
France	April 11, 1996	July 31, 1997	Oct 10, 1997
Russian Federation	Nov 5, 1996		
United Kingdom	April 11, 1996		19 March 2001
United States	April 11, 1996		

Protocol III

Country	Signature	Ratification	Deposit
France	April 11, 1996	July 31, 1997	October 10, 1997
Spain			

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

[Reproduced from the ASEAN Summit press release, 5 December 1995, entered into force 27 March 1997]

The States Parties to this Treaty:

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations;

Determined to take concrete action which will contribute to the progress towards general and complete disarmament of nuclear weapons, and to the promotion of international peace and security;

Reaffirming the desire of the Southeast Asian States to maintain peace and stability in the region in the spirit of peaceful coexistence and mutual understanding and cooperation as enunciated in various communiqués, declarations and other legal instruments;

Recalling the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) signed in Kuala Lumpur on 27 November 1971 and the Programme of Action on ZOPFAN adopted at the 26th ASEAN Ministerial Meeting in Singapore in July 1993;

Convinced that the establishment of a Southeast Asia Nuclear Weapon-Free Zone, as an essential component of the ZOPFAN, will contribute towards strengthening the security of States within the Zone and towards enhancing international peace and security as a whole;

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing towards international peace and security;

Recalling Article VII of the NPT which recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Recalling the Final Document of the Tenth Special Session of the United Nations General Assembly which encourages the establishment of nuclear weapon-free zones;

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and

Extension Conference of the Parties to the NPT, that the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is important for the maximum effectiveness of this nuclear weapon-free zone treaty and its relevant protocol;

Determined to protect the region from environmental pollution and the hazards posed by radioactive wastes and other radioactive material;

Have agreed as follows:

Article I

Use of Terms

For the purposes of this Treaty and its Protocol:

(a) 'Southeast Asia Nuclear Weapon-Free Zone', hereinafter referred to as the 'Zone', means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);

(b) 'territory' means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;

(c) 'nuclear weapon' means any explosive device capable of releasing nuclear energy in an uncontrolled manner but does not include the means, transport or delivery of such device if separable from and not an indivisible part thereof;

(d) 'station' means to deploy, emplace, implant, install, stockpile or store;

(e) 'radioactive material' means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);

(f) 'radioactive wastes' means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen; and

(g) 'dumping' means

(i) any deliberate disposal at sea, including seabed, and subsoil insertion of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and

(ii) any deliberate disposal at sea, including seabed and subsoil insertion, of vessels, aircraft, platforms or other man-made structures at sea containing radioactive material,

but does not include the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose, of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.

Article 2

Application of the Treaty

1. This Treaty and its Protocol shall apply to the territories, continental shelves and EEZ of the States Parties within the Zone in which the Treaty is in force.

2. Nothing in this Treaty shall prejudice the rights or the exercise of these rights by any State under the provisions of the United Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.

Article 3

Basic Undertakings

1. Each State Party undertakes not to, anywhere inside or outside the Zone:

- develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
- station or transport nuclear weapons by any means; or
- test or use nuclear weapons.

2. Each State Party also undertakes not to allow, in its territory, any other State to:

- (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
 - (b) station nuclear weapons; or
 - (c) test or use nuclear weapons.
3. Each State Party also undertakes not to:
- (a) dump at sea or discharge into the atmosphere anywhere within the Zone any radioactive material or wastes;
 - (b) dispose radioactive material or wastes on land in the territory of or under the jurisdiction of other States except as stipulated in Paragraph 2(e) of Article 4; or
 - (c) allow, within in territory, any other State to dump at sea or discharge into the atmosphere any radioactive material or wastes.
4. Each State Party undertakes not to:
- (a) seek or receive any assistance in the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article; or
 - (b) take any action to assist or encourage the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article.

Article 4

Use of Nuclear Energy for Peaceful Purposes

1. Nothing in this Treaty shall prejudice the right of the States Parties to use nuclear energy, in particular for their economic development and social progress.
2. Each State Party therefore undertakes:
 - (a) to use exclusively for peaceful purposes nuclear material and facilities which are within its territory and areas under its jurisdiction and control;
 - (b) prior to embarking on its peaceful nuclear energy programme, to subject its programme to rigorous nuclear safety assessment conforming to guidelines and standards recommended by the IAEA for the protection of health and minimization of danger to life and property in accordance with Paragraph 6 of Article 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 the compliance of that State Party with this Treaty. It shall inform the Executive Committee of such a request. The requested State Party shall duly respond by providing without delay the necessary information and inform the Executive Committee of its reply to the requesting State Party.
2. Each State Party shall have the right to request the Executive Committee to seek clarification from another State Party concerning any situation which may be considered ambiguous or which may give rise to doubts about compliance of that State Party with this Treaty. Upon receipt of such a request, the Executive Committee shall consult the State Party from which clarification is sought for the purpose of obtaining the clarification requested.

Article 13

Request for a Fact-Finding Mission

A State Party shall have the right to request the Executive Committee to send a fact-finding mission to another State Party in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty.

Article 14

Remedial Measures

1. In case the Executive Committee decides in accordance with the Annex that there is a breach of this Treaty by a State Party, that State Party shall, within a reasonable time, take all steps necessary to bring itself in full compliance with this Treaty and shall promptly inform the Executive Committee of the action taken or proposed to be taken by it.
2. Where a State Party fails or refuses to comply with the provisions of Paragraph 1 of this Article, the Executive Committee shall request the Commission to convene a meeting in accordance with the provisions of Paragraph 3(e) of Article 9.
3. At the meeting convened pursuant to Paragraph 2 of this Article, the Commission shall consider the emergent situation and shall decide on any measure it deems appropriate to cope with the situation, including the submission of the matter to the IAEA and, where the situation might endanger international peace and security, the Security Council and the General Assembly of the United Nations.
4. In the event of breach of the Protocol attached to this Treaty by a State Party to the Protocol, the Executive Committee shall convene a special meeting of the Commission to decide on appropriate measures to be taken.

Article 15

Signature, Ratification, Accession, Deposit and Registration

1. This Treaty shall be open for signature by all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with the Government of the Kingdom of Thailand which is hereby designated as the Depositary State.
3. This Treaty shall be open for accession. The instruments of accession shall be deposited with the Depositary State.
4. The Depositary State shall inform the other States Parties to this Treaty on the deposit of instruments of ratification or accession.
5. The Depositary State shall register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations.

Article 16

Entry Into Force

1. This Treaty shall enter into force on the date of the deposit of the seventh instrument of ratification and/or accession.
2. For States which ratify or accede to this Treaty after the date of this seventh instrument of ratification or accession, the Treaty shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 17

Reservations

This Treaty shall not be subject to reservations.

Article 18

Relations with Other International Organizations

The Commission may conclude such agreements with the IAEA or other international organizations as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

Article 19

Amendments

1. Any State Party may propose amendments to this Treaty and its Protocol and shall submit its proposals to the Executive Committee, which shall transmit them to all the other States Parties. The Executive Committee shall immediately request the Commission to convene a meeting to examine the proposed amendments. The quorum required for such a meeting shall be all the members of the Commission. Any amendment shall be adopted by a consensus decision of the Commission.
2. Amendments adopted shall enter into force 30 days after the receipt by the Deposit State of the seventh instrument of acceptance from the States Parties.

Article 20

Review

Ten years after this Treaty enters into force, a meeting of the Commission shall be convened for the purpose of reviewing the operation of this Treaty. A meeting of the Commission for the same purpose may also be convened at anytime thereafter if there is consensus among all its members.

Article 21

Settlement of Disputes

Any dispute arising from the interpretation of the provisions of this Treaty shall be settled by peaceful means as may be agreed upon by the States Parties to the dispute. If within one month the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

Article 22**Duration and Withdrawal**

1. This Treaty shall remain in force indefinitely.
2. In the event of a breach by any State Party of this Treaty essential to the achievement of the objectives of this Treaty, every other State Party shall have the right to withdraw from this Treaty.
3. Withdrawal under Paragraph 2 of Article 22, shall be effected by giving notice twelve months in advance to the members of the Commission.

In witness whereof, the undersigned have signed this Treaty.

Done at Bangkok, this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

Annex**Procedure for a Fact-Finding Mission**

1. The State Party requesting a fact-finding mission as provided in Article 13, hereinafter referred to as the 'requesting State', shall submit the request to the Executive Committee specifying the following:
 - (a) the doubts or concerns and the reasons for such doubts or concerns;
 - (b) the location in which the situation which gives rise to doubts has allegedly occurred;
 - (c) the relevant provisions of the Treaty about which doubts of compliance have arisen; and
 - (d) any other relevant information.
2. Upon receipt of a request for a fact-finding mission, the Executive Committee shall:
 - (a) immediately inform the State Party to which the fact-finding mission is requested to be sent, hereinafter referred to as the 'receiving State', about the receipt of the request; and
 - (b) not later than 3 weeks after receiving the request, decide if the request complies with the provisions of Paragraph 1 and whether or not it is frivolous, abusive or clearly beyond the scope of this Treaty. Neither the requesting nor receiving State Party shall participate in such decisions.
3. In case the Executive Committee decides that the request does not comply with the provisions of Paragraph 1, or that it is frivolous, abusive or clearly beyond the scope of this Treaty, it shall take no further action on the request and inform the requesting State and the receiving State accordingly.
4. In the event that the Executive Committee decides that the request complies with the provisions of Paragraph 1, and that it is not frivolous, abusive or clearly beyond the scope of this Treaty, it shall immediately forward the request for a fact-finding mission to the receiving State, indicating, *inter alia*, the proposed date for sending the mission. The proposed date shall not be later than 3 weeks from the time the receiving State receives the request for a fact-finding mission. The Executive Committee shall also immediately set up a fact-finding mission consisting of 3 inspectors from the IAEA who are neither nationals of the requesting nor receiving State.
5. The receiving State shall comply with the request for a fact-finding mission referred to in Paragraph 4. It shall cooperate with the Executive Committee in order to facilitate the effective functioning of the fact-finding mission, *inter alia*, by promptly providing unimpeded access of the fact-finding mission to the location in question. The receiving State shall accord to the members of the fact-finding mission such privileges and immunities as are necessary for them to exercise their functions effectively, including inviolability of all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken for the purpose of the mission.
6. The receiving State shall have the right to take measures to protect sensitive installations and to prevent disclosures of confidential information and data not related to this Treaty.
7. The fact-finding mission, in the discharge of its functions, shall:
 - (a) respect the laws and regulations of the receiving State;
 - (b) refrain from activities inconsistent with the objectives and purposes of this Treaty;
 - (c) submit preliminary or interim reports to the Executive Committee; and
 - (d) complete its task without undue delay and shall submit its final report to the Executive Committee within a reasonable time upon completion of its work.

8. The Executive Committee shall:
 - (a) consider the reports submitted by the fact-finding mission and reach a decision on whether or not there is a breach of this Treaty;
 - (b) immediately communicate its decision to the requesting State and the receiving State; and
 - (c) present a full report on its decision to the Commission.
9. In the event that the receiving State refuses to comply with the request for a fact-finding mission in accordance with Paragraph 4, the requesting State through the Executive Committee shall have the right to request for a meeting of the Commission. The Executive Committee shall immediately request the Commission to convene a meeting in accordance with Paragraph 3(e) of Article 9.

Protocol to the Treaty on Southeast Asia Nuclear Weapon-Free Zone

The States Parties to this Protocol,

Desiring to contribute to efforts towards achieving general and complete disarmament of nuclear weapons, and thereby ensuring international peace and security, including in Southeast Asia;

Noting the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, signed at Bangkok, on the fifteenth day of December, one thousand nine hundred and ninety-five;

Have agreed as follows:

Article 1

Each State Party undertakes to respect the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Treaty', and not to contribute to any act which constitutes a violation of the Treaty or its Protocol by States Parties to them.

Article 2

Each State Party undertakes not to use or threaten to use nuclear weapons against any State Party to the Treaty. It further undertakes not to use or threaten to use nuclear weapons within the Southeast Asia Nuclear Weapon-Free Zone.

Article 3

This Protocol shall be open for signature by the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

Each State Party undertakes, by written notification to the Depositary State, to indicate its acceptance or other wise of any alteration to its obligations under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to Article 19 thereof.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. It shall give notice of such withdrawal to the Depositary State twelve months in advance. Such notice shall include a statement of the extraordinary events its regards as having jeopardized its supreme national interests.

Article 6

This Protocol shall be subject to ratification.

Article 7

This Protocol shall enter into force for each State Party on the date of its deposit of its instrument of ratification with the Depositary State. The Depositary State shall inform the other States Parties to the Treaty and to this Protocol on the deposit of instruments of ratification.

In witness whereof the undersigned, being duly authorised by their Governments, have signed the Protocol.

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

Signed at Bangkok, on 15 December 1995

Entering into Force on 27 March 1997

Depositary: Thailand

Status: 12 January 2010

Country	Signature	Deposit
Brunei	15 - Dec - 1995	22 - Nov - 1996
Cambodia	15 - Dec - 1995	27 - Mar - 1997
Indonesia	15 - Dec - 1995	10 - Apr - 1997
Laos	15 - Dec - 1995	16 - Jul - 1996
Malaysia	15 - Dec - 1995	11 - Oct - 1996
Myanmar	15 - Dec - 1995	17 - Jul - 1996
Philippines	15 - Dec - 1995	25 - Jun - 2001
Singapore	15 - Dec - 1995	27 - Mar - 1997
Thailand	15 - Dec - 1995	20 - Mar - 1997
Vietnam	15 - Dec - 1995	26 - Nov - 1996

Protocol

Country	Signature	Ratification	Deposit
China			
France			
Russia			
United Kingdom			
United States			

Treaty on a Nuclear-Weapon-Free Zone in Central Asia [Treaty of Semipalatinsk]

[Opened for signature on 8 September 2006,
entered into force 21 March 2009]

Signed by Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, Kyrgyzstan on 8 September 2006. Ratifications deposited by Kazakhstan 11 December 2008, Tajikistan 12 November 2008, Turkmenistan 19 April 2008, Uzbekistan 2 April 2007 and Kyrgyzstan 22 March 2007.

The Parties to this Treaty,

Guided by the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia", and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Stressing the need for continued systematic and consistent efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control, and *convinced* that all states are obliged to contribute to that end,

Convinced that a Central Asian Nuclear-Weapon-Free Zone will constitute an important step toward strengthening the nuclear non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting cooperation in the environmental rehabilitation of territories affected by radioactive contamination, and enhancing regional and international peace and security,

Believing that a Central Asian Nuclear-Weapon-Free Zone will help to promote the security of Central Asian States, particularly if the five Nuclear-Weapon States, as recognized under the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 (hereafter referred to as the NPT) adhere to the accompanying Protocol on security assurances,

Recognizing that a number of regions, including Latin America and the Caribbean, the South Pacific, South-East Asia and Africa, have created nuclear-weapon-free zones, in which the possession of

nuclear weapons, their development, production, introduction and deployment as well as use or threat of use, are prohibited, and *striving* to broaden such regime throughout the planet for the good of all living things,

Reaffirming the obligations set out in the NPT, the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted by the 1995 Review and Extension Conference of the Parties to the NPT, and the Final Document of the 2000 Review Conference of the Parties to the NPT, as well as the principles and objectives set out in the Comprehensive Nuclear-Test-Ban Treaty of 1996 (hereafter referred to as the CTBT),

Have decided to establish a nuclear-weapon-free zone in Central Asia and *have agreed* as follows:

Article 1

Definitions and Usage of Terms

For the purposes of this Treaty and its Protocol:

(a) The "Central Asian Nuclear-Weapon-Free Zone" includes: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;

(b) "Nuclear weapon or other nuclear explosive device" means any weapon or other explosive device capable of releasing nuclear energy, irrespective of the military or civilian purpose for which the weapon or device could be used. The term includes such a weapon or device in unassembled or partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(c) "Stationing" means implantation, emplacement stockpiling, storage, installation and deployment;

(d) "Nuclear material" means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (hereinafter referred to as the IAEA), as amended from time to time by the IAEA;

(e) "Radioactive waste" means any radioactive material, i.e. any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA;

(f) "Facility" means:

- (i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

Article 2

Application of the Treaty

a) The scope of application of a Central Asian Nuclear-Weapon-Free Zone is defined exclusively for the purposes of this Treaty as the land territory, all waters (harbors, lakes, rivers and streams) and the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;

b) Nothing in this Treaty shall prejudice or in any way affect the rights of any Central Asian States in any dispute concerning the ownership of or sovereignty over lands or waters that may or may not be included within this zone.

Article 3

Basic Obligations

1. Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear weapon or other nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in research on, development, manufacture, stockpiling, acquisition, possession or obtaining control over any nuclear weapon or other nuclear explosive device;

(c) Not to take any action to assist or encourage the conduct of research on, development, manufacture, stockpiling, acquisition or possession of any nuclear weapon or other nuclear explosive device;

(d) Not to allow in its territory:

- (i) The production, acquisition, stationing, storage or use, of any nuclear weapon or other nuclear explosive device;
- (ii) The receipt, storage, stockpiling, installation or other form of possession of or control over any nuclear weapon or other nuclear explosive device;
- (iii) Any actions, by anyone, to assist or encourage the development, production, stockpiling, acquisition, possession of or control over any nuclear weapon or other nuclear explosive device.

2. Each Party undertakes not to allow the disposal in its territory of radioactive waste of other States.

Article 4

Foreign Ships, Aircraft, and Ground Transportation

Without prejudice to the purposes and objectives of this Treaty, each Party, in the exercise of its sovereign rights, is free to resolve issues related to transit through its territory by air, land or water, including visits by foreign ships to its ports and landing of foreign aircraft at its airfields.

Article 5

Prohibition of Testing of Nuclear Weapons or Other Nuclear Explosive Devices

Each Party undertakes, in accordance with the CTBT:

- (a) Not to carry out any nuclear weapon test explosion or any other nuclear explosion;
- (b) To prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control;
- (c) To refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

Article 6

Environmental Security

Each Party undertakes to assist any efforts toward the environmental rehabilitation of territories contaminated as a result of past activities related to the development, production or storage of nuclear weapons or other nuclear explosive devices, in particular uranium tailings storage sites and nuclear test sites.

Article 7

Use of Nuclear Energy for Peaceful Purposes

No provision of this Treaty shall prejudice the rights of the Parties to use nuclear energy for peaceful purposes.

Article 8

IAEA Safeguards

Each Party undertakes:

- (a) To use for exclusively peaceful purposes the nuclear material and facilities which are within its territory, under its jurisdiction, or under its control anywhere;
- (b) To conclude with the IAEA and bring into force, if it has not already done so, an agreement for the application of safeguards in accordance with the NPT (INFCIRC/153 (Corr.)), and an Additional Protocol (INFCIRC/540 (Corr.)) not later than 18 months after the entry into force of this Treaty;
- (c) Not to provide: (i) source or special fissionable material or (ii) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State, unless that State has concluded with the IAEA a comprehensive safeguards agreement and its Additional Protocol referred to in paragraph (b) of this article.

Article 9

Physical Protection of Nuclear Material and Equipment

Each Party undertakes to maintain effective standards of physical protection of nuclear material, facilities and equipment to prevent its unauthorized use or handling or theft. To that end, each Party undertakes to apply measures of physical protection to nuclear material in domestic use, transport and storage, to nuclear material in international transport, and to nuclear facilities within its territory at least as effective as those called for by the Convention on Physical Protection of Nuclear Material of 1987 and by the recommendations and guidelines developed by the IAEA for physical protection.

Article 10

Consultative Meetings

The Parties agree to hold annual meetings of their representatives, on a rotating basis, as well as extraordinary meetings, at the request of any Party, in order to review compliance with this Treaty or other matters related to its implementation.

Article 11

Settlement of Disputes

Disputes between the Parties involving the interpretation or application of this Treaty shall be settled through negotiations or by other means as may be deemed necessary by the Parties.

Article 12

Other Agreements

This Treaty does not affect the rights and obligations of the Parties under other international treaties which they may have concluded prior to the date of the entry into force of this Treaty. The Parties shall take all necessary measures for effective implementation of the purposes and objectives of this Treaty in accordance with the main principles contained therein.

Article 13

Reservations

This Treaty shall not be subject to reservations.

Article 14

Signature and Ratification

(a) This Treaty shall be open for signature at Semipalatinsk, the Republic of Kazakhstan, by all States of the Central Asian Nuclear-Weapon-Free Zone: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan.

(b) This Treaty shall be subject to ratification.

Article 15

Entry into Force and Duration

(a) This Treaty shall enter into force 30 days after the date of the deposit of the fifth instrument of ratification.

(b) This Treaty shall be of unlimited duration.

Article 16

Withdrawal from the Treaty

(a) Any Party may, by written notification addressed to the Depositary, withdraw from the Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.

(b) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of the Protocol.

Article 17

Amendments

(a) Any amendment to this Treaty, proposed by a Party, shall be

circulated by it to all Parties and submitted to the Consultative Meeting at least 90 days before the Meeting.

(b) Decisions on the adoption of such an amendment shall be taken by consensus of the Parties.

(c) An amendment so adopted shall enter into force for all Parties after receipt by the Depositary of the instrument of ratification of this amendment from all Parties.

Article 18

Depositary

(a) This Treaty shall be deposited with the Kyrgyz Republic, which is hereby designated as Depositary of this Treaty.

(b) The Depositary shall, *inter alia*:

(i) Provide an opportunity to sign this Treaty and its Protocol and receive instruments of ratification of this Treaty and its Protocol;

(ii) Register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations;

(iii) Transmit certified copies of this Treaty and its Protocol to all Parties and to all Parties to its Protocol, and notify them of signatures and ratifications of this Treaty and its Protocol.

In witness whereof, the undersigned, being duly authorized, have signed this Treaty.

Done at Semipalatinsk, the Republic of Kazakhstan, this eighth day of September, two thousand six, in one copy in the English and Russian languages, both texts being equally authentic.

PROTOCOL

The Parties to this Protocol,

Recalling the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia"; and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons and that all States are obliged to contribute to that end,

Striving therefore to support the establishment of a Nuclear-Weapon-Free Zone in Central Asia,

Have agreed as follows:

Article 1

Negative Security Assurances

Each Party to this Protocol undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty.

Article 2

Not Contributing to Violations

Each Party to this Protocol undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol by Parties to them.

Article 3

Effect of Treaty Amendments

Each Party to this Protocol undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of amendments to the Treaty pursuant to Article 17 of the Treaty.

Article 4

Signature

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

Ratification

This Protocol shall be subject to ratification.

Article 6

Duration of and Withdrawal from the Protocol

(a) This Protocol is of a permanent nature and shall remain in force indefinitely;

(b) Any Party to this Protocol may, by written notification addressed to the Depositary, withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests;

(c) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of this Protocol.

Article 7

Entry into Force

This Protocol shall enter into force for each Party to this Protocol on the date of its deposit with the Depositary of its instrument of ratification or on the date of entry into force of the Treaty, whichever is later.

RULES OF PROCEDURE TO IMPLEMENT ARTICLE 10 OF THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

CONSULTATIVE MEETINGS OF THE PARTIES TO THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

1. Consultative Meetings

Pursuant to Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia the Parties shall hold annual meetings or extraordinary meetings in order to review compliance with the Treaty or other matters related to its implementation.

2. First Consultative Meeting

2.1 The first annual consultative meeting shall take place no later than 2 months after the entry into force of the Treaty.

2.2 The first annual consultative meeting will take place in Dushanbe, the Republic of Tajikistan.

2.3 At the end of the first annual meeting, the Parties shall decide on the venue and date of the next annual meeting.

3. Extraordinary Consultative Meeting

3.1 Extraordinary consultative meetings shall be convened, at the request of any Party to the Treaty, whenever that motion is seconded by two other Parties.

3.2 The motion to convene an extraordinary consultative meeting shall be transmitted through, diplomatic channels, by the initiating Party to the Party acting as Host at that time, with an explanation of the need to convene it.

3.3 The Host Party clears the holding of the meeting with all other Parties within 10 days since the receipt of the motion to convene such a meeting.

4. Duration of Consultative Meetings

The duration of consultative meetings shall be normally no more than 3 days unless the Parties decide otherwise.

5. Composition of Delegations

5.1 An official delegation of the Party shall consist of the head of the delegation (or an authorized official) and his/her advisors.

5.2 The names of the members of the official delegation and the accompanying officials are communicated by the Parties to the Host Party through, diplomatic channels, normally no later than 10 days before the start of the meeting.

5.3 The composition of official delegations sent to attend consultative meetings shall not exceed the “1+3” formula.

6. The Host Party's functions and responsibilities as Chair

6.1 The Host Party, through its representative, chairs annual and extraordinary consultative meetings.

6.2 The Host Party acts as Chair until the next annual meeting.

6.3 Throughout that period, the designated 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.

H – The International Atomic Energy Agency

Statute of the International Atomic Energy Agency

[Approved 23 October 1956,
entered into force 29 July 1957]

Article I — Establishment of the Agency

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as 'the Agency') upon the terms and conditions hereinafter set forth.

Article II — Objectives

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Article III — Functions

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another; and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;
2. To make provision, in accordance with this Statute, for materials, services, equipment and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;
3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;
4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;
5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;
6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;
7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;
2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connexion with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C or article XII;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

Article IV — Membership

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligation assumed by them in accordance with this Statute.

Article V — General Conference

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII and paragraph B or article XIX shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute of quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:

1. Elect members of the Board of Governors in accordance with article VI;
2. Approve States for membership in accordance with article IV;
3. Suspend a member from the privileges and rights of membership in accordance with article XIX;
4. Consider the annual report of the Board;
5. In accordance with article XIV, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board for resubmission to the General Conference;
6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except reports referred to in paragraph C of article XI I, or return them to the Board with its recommendations;
7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article XVI or return such agreements with its recommendations to the Board, for resubmission to the General Conference;
8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article XIV; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F or article XIV, the manner in which the general fund referred to in that paragraph may be used;
9. Approve amendments to this Statute in accordance with paragraph C of article XVIII;
10. Approve the appointment of the Director General in accordance with paragraph A of article VII.

F. The General Conference shall have the authority:

1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;
2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

Article VI — Board of Governors

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid ten is located:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa
- (6) Middle East and South Asia
- (7) South East Asia and the Pacific
- (8) Far East

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office: and

(b) One further member from among the members in the following areas:

- Middle East and South Asia
- South East Asia and the Pacific
- Far East

(c) One further member from among the members in the

following areas:

- Africa
- Middle East and South Asia
- South East Asia and the Pacific

B. The designations provided for in sub-paragraph A-1 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in sub-paragraph A-2 of this article shall take place at regular annual sessions of the General Conference.

C. Members represented on the Board of Governors in accordance with sub-paragraph A-1 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

D. Members represented on the Board of Governors in accordance with sub-paragraph A-2 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter.

E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article XIV. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.

F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.

G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.

H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.

I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.

J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

Article VII — Staff

A. The staff of the Agency shall be headed by a Director General. The Director General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.

B. The Director General shall be responsible for the appointment, organization and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfil the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members to the Agency and to the importance of recruiting the

staff on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term 'staff' includes guards.

Article VIII — Exchange of information

A. Each member should make available such information as would, in the judgement of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

Article IX — Supplying of materials

A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article XX and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article XIII.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.

E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governors, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make

available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

H. The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal or diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

Article X — Services, equipment, and facilities

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

Article XI — Agency projects

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:

1. The usefulness of the project, including its scientific and technical feasibility;
2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;
3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;
4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;
5. The equitable distribution of materials and other resources available to the Agency;
6. The special needs of the under-developed areas of the world;

and

7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:

1. Provide for allocation to the project of any required special fissionable or other materials;
2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;
3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the project and the supplying member;
4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject to the safeguards provided for in article XII, the relevant safeguards being specified in the agreement;
5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project;
6. Make appropriate provision regarding settlement of disputes;
7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connexion with an existing project.

Article XII — Agency safeguards

A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:

1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article.
2. To require the observance of any health and safety measures prescribed by the Agency;
3. To require maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;
4. To call for and receive progress reports;
5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above.
6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military

purpose referred to in sub-paragraph F-4 of article XI, with the health and safety measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the States concerned if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;

7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The Staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to present the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub-paragraph F-4 of article XI, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

Article XIII — Reimbursement of members

Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

Article XIV — Finance

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:

(a) Costs of the staff of the Agency other than the staff employed in connexion with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;

(b) Costs of implementing the safeguards referred to in article XI I in relation to Agency projects or, under sub-paragraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and

handling charges referred to in paragraph E below;

2. Expenses, other than those included in sub-paragraph 1 of this paragraph, in connexion with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services, equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1(b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

Article XV — Privileges and immunities

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the members.

Article XVI — Relationship with other organizations

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in sub-paragraphs B-4 and B-5 of Article I II;

2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

Article XVII — Settlement of disputes

A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

Article XVIII — Amendments and withdrawals

A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.

B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.

C. Amendments shall come into force for all members when:

- (i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and
- (ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article XXI.

D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article XXI or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article XXI, which shall promptly inform the Board of Governors and all members.

E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article XI or its budgetary obligations for the year in which it withdraws.

Article XIX — Suspension of privileges

A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

Article XX — Definitions

As used in this Statute:

1. The term 'special fissionable materials' means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other

fissionable material as the Board of Governors shall from time to time determine; but the term 'special fissionable materials' does not include source material.

2. The term 'uranium enriched in the isotopes 235 or 233' means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The term 'source material' means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

Article XXI — Signature, acceptance, and entry into force

A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.

B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.

C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph C or article IV of this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

Article XXII — Registration with the United Nations

A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

Article XXIII — Authentic texts and certified copies

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article IV.

In witness whereof the undersigned, duly authorized, have signed this Statute.

DONE at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

ANNEX

PREPARATORY COMMISSION

A. A Preparatory Commission shall come into existence on the first day this Statute is open for signature. It shall be composed of one representative each of Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America, and one representative each of six other States to be chosen by the International Conference on the Statute of the International Atomic Energy Agency. The Preparatory Commission shall remain in existence until this Statute comes into force and thereafter until the General Conference has convened and a Board of Governors has been selected in accordance with Article VI.

B. The expenses of the Preparatory Commission may be met by a loan provided by the United Nations and for this purpose the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for repayment of the loan by the Agency. Should these funds be insufficient, the Preparatory Commission may accept advances from Governments. Such advances may be set off against the contributions of the Governments concerned to the Agency.

C. The Preparatory Commission shall:

1. Elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
2. Appoint an executive secretary and staff as shall be necessary, who shall exercise such powers and perform such duties as the Commission may determine;
3. Make arrangements for the first session of the General Conference, including the preparation of a provisional agenda and draft rules of procedure, such session to be held as soon as possible after the entry into force of this Statute;
4. Make designations for membership on the first Board of Governors in accordance with sub-paragraph A-1 and A-2 and paragraph B of article VI;
5. Make studies, reports, and recommendations for the first session of the General Conference and for the first meeting of the Board of Governors on subjects of concern to the Agency requiring immediate attention, including (a) the financing of the Agency; (b) the programmes and budget for the first year of the Agency; (c) technical problems relevant to advance planning of Agency operations; (d) the establishment of a permanent Agency staff; and (e) the location of the permanent headquarters of the Agency;
6. Make recommendations for the first meeting of the Board of Governors concerning the provisions of a headquarters agreement defining the status of the Agency and the rights and obligations which will exist in the relationship between the Agency and host Government;
7. (a) Enter into negotiations with the United Nations with a view to the preparation of a draft agreement in accordance with article XVI of this Statute, such draft agreement to be submitted to the first session of the General Conference and to the first meeting of the Board of Governors; and
(b) make recommendations to the first session of the Conference and to the first meeting of the Board of Governors concerning the relationship of the Agency to other international organizations as contemplated in article XVI of this Statute.

Amendment to Article VI of the Statute

[Resolution GC(43)/RES/19/Corr.1, adopted by the IAEA General Conference, September 1999]

The General Conference,

- a. *Recalling* its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- b. *Having examined* the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- c. *Having also examined* the proposal for the modification of the Japanese amendment submitted by Slovenia in

accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,

d. *Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,*

e. *Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,*

1. *Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;*

2. *Approves the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:*

I. Replace paragraph A of Article VI of the Agency's Statute by the following:

"A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

2. The General Conference shall elect to membership of the Board of Governors:

- a. Twenty-two members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in subparagraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America,
four representatives of the area of Western Europe,
three representatives of the area of Eastern Europe,
five representatives of the area of Africa,
three representatives of the area of the Middle East and South Asia,
two representatives of the area of South East Asia and the Pacific, and
one representative of the area of Far East.

- b. Two further members from among the members in the following areas:

Western Europe
Eastern Europe
Middle East and South Asia

- c. One further member from among the members in the following areas:

Latin America
Eastern Europe"

and

II. Add at the end of Article VI the following new paragraph:

"K. The provisions of paragraph A of this Article as approved by the General Conference on 1 October 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present

and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change".

3. *Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII.C(ii) of the Statute;*

4. *Requests the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.*

Amendment to Article VI of the Statute

[Decision GC(53)/DEC/12, adopted by the General Council at its 53rd Session, September 2009]

Decision adopted on 18 September 2009 during the eleventh plenary meeting

1. The General Conference recalls its resolution GC(43)/RES/19 of 1 October 1999, by which the Conference approved an amendment to Article VI of the Agency's Statute, and its decisions GC(47)/DEC/14, GC(49)/DEC/12, GC(50)/DEC/12 and GC(51)/DEC/13.

2. The General Conference takes note of the report by the Director General contained in document GC(53)/10.

3. The General Conference encourages all Member States which have not done so to accept the amendment as soon as possible in accordance with their respective constitutional processes.

4. The General Conference requests the Director General to draw the attention of the Governments of Member States to this issue, to submit to the Conference at its 55th (2011) regular session a report on the progress made towards the entry into force of this amendment and to include in the provisional agenda for that session an item entitled "Amendment to Article VI of the Statute".

Article XIV.A of the Statute

[Decision GC(53)/DEC/11, adopted by the General Conference at its 53rd Session, September 2009]

Decision adopted on 18 September 2009 during the eleventh plenary meeting

1. The General Conference recalls its resolution GC(43)/RES/8, which approved an amendment to Article XIV.A of the Agency's Statute permitting the establishment of biennial budgeting, and its decisions GC(49)/DEC/13, GC(50)/DEC/11, GC(51)/DEC/14 and GC(52)/DEC/9.

2. The General Conference notes that, in accordance with Article XVIII.C (ii) of the Statute, two thirds of all the members of the Agency will have to accept the amendment in order for it to enter into force, but also notes from document GC(53)/INF/5 that as of 13 July 2009 only 44 Member States had deposited instruments of acceptance with the depositary Government. For this reason, the General Conference encourages and urges Member States that have not yet deposited an instrument of acceptance of this amendment to do so as soon as feasible in order to allow the benefits of biennial budgeting to be attained. This would permit the Agency to come into line with the virtually universal practice among UN organizations of biennial budgeting.

3. The General Conference requests the Director General to draw the attention of the governments of Member States to this issue, to submit to the Conference at its 54th (2010) regular session a report on the progress made towards the entry into force of this amendment and to include in the provisional agenda for that session an item entitled "Amendment to Article XIV.A of the Statute".

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]

I. GENERAL CONSIDERATIONS

A. The purpose of this document

1. Pursuant to Article II of the Statute the Agency has the task of seeking 'to accelerate and enlarge the contribution of atomic energy and peace, health and prosperity throughout the world'. Inasmuch as the technology of nuclear energy for peaceful purposes is closely coupled with that for the production of materials for nuclear weapons, the same Article of the Statute provides that the Agency 'shall ensure so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose'.

2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A.5 of the Statute, which authorizes the Agency to 'establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose'. This Article further authorizes the Agency to 'apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy'. Article XII.A sets forth the rights and responsibilities that the Agency is to have, to the extent relevant, with respect to any project or arrangement which it is to safeguard.

3. The principles set forth in this document and the procedures for which it provides are established for the information of Member States, to enable them to determine in advance the circumstances and manner in which the Agency would administer safeguards, and for the guidance of the organs of the Agency itself, to enable the Board and the Director General to determine readily what provisions should be included in agreements relating to safeguards and how to interpret such provisions.

4. Provisions of this document that are relevant to a particular project, arrangement or activity in the field of nuclear energy will only become legally binding upon the entry into force of a *safeguards agreement* and to the extent that they are incorporated therein. Such incorporation may be made by reference.

5. Appropriate provisions of this document may also be incorporated in bilateral or multilateral arrangements between Member States, including all those that provide for the transfer to the Agency of responsibility for administering safeguards. The Agency will not assume such responsibility unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.

6. Agreements incorporating provisions from the earlier version of the Agency's safeguards system will continue to be administered in accordance with such provisions, unless all States parties thereto request the Agency to substitute the provisions of the present document.

7. Provisions relating to types of *principal nuclear facilities*, other than *reactors*, which may produce, process or use safeguarded *nuclear material* will be developed as necessary.

8. The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.

B. General principles of the Agency's safeguards The Agency's obligations

9. Bearing in mind Article II of the Statute, the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development.

10. The safeguards procedures set forth in this document shall be implemented in a manner designed to be consistent with

prudent management practices required for the economic and safe conduct of nuclear activities.

11. In no case shall the Agency request a State to stop the construction or operation of any *principal nuclear facility* to which the Agency's safeguards procedures extend, except by explicit decision of the Board.

12. The State or States concerned and the Director General shall hold consultations regarding the application of the provisions of the present document.

13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.

14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

- (a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;
- (b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and
- (c) Additional information may be published upon decision of the Board and if all States directly concerned agree.

Principles of implementation

15. The Agency shall implement safeguards in a State if:

- (a) The Agency has concluded with the State a *project agreement* under which materials, services, equipment, facilities or information are supplied, and such agreement provides for the application of safeguards; or
- (b) The State is a party to a bilateral or multilateral arrangement under which materials, services, equipment, facilities or information are supplied or otherwise transferred, and:
 - (i) All the parties to the arrangement have requested the Agency to administer safeguards; and
 - (ii) The Agency has concluded the necessary *safeguards agreement* with the State; or
- (c) The Agency has been requested by the State to safeguard certain nuclear activities under the latter's jurisdiction, and the Agency has concluded the necessary *safeguards agreement* with the State.

16. In the light of Article XI I.A.5 of the Statute, it is desirable that *safeguards agreements* should provide for the continuation of safeguards, subject to the provisions of this document, with respect to produced special fissionable material and to any materials substituted therefor.

17. The principal factors to be considered by the Board in determining the relevance of particular provisions of this document to various types of materials and facilities shall be the form, scope and amount of the assistance supplied, the character of each individual project and the degree to which such assistance could further any military purpose. The related *safeguards agreement* shall take account of all pertinent circumstances at the time of its conclusion.

18. In the event of any non-compliance by a State with a *safeguards agreement*, the Agency may take the measures set forth in Articles XI I.A.7 and XI I.C of the Statute.

II. CIRCUMSTANCES REQUIRING SAFEGUARDS

A. Nuclear materials subject to safeguards

19. Except as provided in paragraphs 21-28, *nuclear material* shall be subject to the Agency's safeguards if it is being or has been:

- (a) Supplied under a *project agreement*; or
- (b) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
- (c) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or

(d) Produced, processed or used in a *principal nuclear facility* which has been:

- (i) Supplied wholly or substantially under a *project agreement*; or
- (ii) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
- (iii) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or

(e) Produced in or by the use of safeguarded *nuclear material*; or

(f) Substituted, pursuant to paragraph 26(d), for safeguarded *nuclear material*.

20. A *principal nuclear facility* shall be considered as substantially supplied under a *project agreement* if the Board has so determined.

B. Exemption from Safeguards

General Exemptions

21. *Nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request so exempted in that State may not at any time exceed:

(a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:

- (i) Plutonium;
- (ii) Uranium with an *enrichment* of 0.2 (20%) above, taken account of by multiplying its weight by its *enrichment*.
- (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its *enrichment*.

(b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);

(c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and

(d) 20 metric tons of thorium.

Exemptions related to reactors

22. Produced or used *nuclear material* that would otherwise be subject to safeguards pursuant to paragraph 19(d) or (e) shall be exempted from safeguards if:

(a) It is plutonium produced in the fuel of a *reactor* whose rate of production does not exceed 100 grams of plutonium per year; or

(b) It is produced in a *reactor* determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a *reactor* and would not be subject to safeguards except for such use, provided that the total power of the *reactors* with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

23. Produced special fissionable material that would otherwise be subject to safeguards pursuant only to paragraph 19(e) shall in part be exempted from safeguards if it is produced in a *reactor* in which the ratio of fissionable isotopes within safeguarded *nuclear material* to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the *reactor* and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

C. Suspension of safeguards

24. Safeguards with respect to *nuclear material* may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing, research or development within the State concerned or to any other member State or to an international organization, provided that the quantities of *nuclear material* with respect to which safeguards are thus suspended in a State may not at any time exceed:

(a) 1 *effective kilogram* of special fissionable material;

(b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);

(c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and

(d) 20 metric tons of thorium.

25. Safeguards with respect to *nuclear material* in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute *nuclear material* in accordance with paragraph 26(d) for the period of suspension. In addition, safeguards with respect to plutonium contained in irradiated fuel which is transferred for the purpose of

reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose *enrichment* in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

D. Termination of Safeguards

26. *Nuclear material* shall no longer be subject to safeguards after:

(a) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:

(i) It was not *improved* while under safeguards; or

(ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(b) The Agency has determined that:

(i) It was subject to safeguards only by reason of its use in a *principal nuclear facility* specified in paragraph 19(d);

(ii) It has been removed from such facility; and

(iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(c) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable; or

(d) The State or States concerned have, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to safeguards, as the Agency has determined contains fissionable isotopes:

(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and

(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material; provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose *enrichment* is not greater than 0.05 (5%); or

(e) It has been transferred out of the State under paragraph 28(d), provided that such material shall again be subject to safeguards if it is returned to the State in which the Agency had safeguarded it; or

(f) The conditions specified in the *safeguards agreement* pursuant to which it was subject to Agency safeguards, no longer apply, by expiration of the agreement or otherwise.

27. If a State wishes to use safeguarded source material for non-nuclear purposes, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such material may be terminated.

E. Transfer of safeguarded nuclear material out of the State

28. No safeguarded *nuclear material* shall be transferred outside the jurisdiction of the State in which it is being safeguarded until the Agency has satisfied itself that one or more of the following conditions apply:

(a) The material is being returned, under the conditions specified in paragraph 26(a), to the State that originally supplied it; or

(b) The material is being transferred subject to the provisions of paragraph 24 or 24; or

(c) Arrangements have been made by the Agency to safeguard the material in accordance with this document in the State to which it is being transferred; or

(d) The material was not subject to safeguards pursuant to a *project agreement* and will be subject, in the State to which it is being transferred, to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

III. SAFEGUARDS PROCEDURES

A. General procedures

Introduction

29. The safeguards procedures, set forth below shall be followed, as far as relevant with respect to safeguarded *nuclear materials*, whether they are being produced, processed or used in any *principal nuclear facility* or are outside any such facility. These procedures also extend to facilities containing or to contain such materials, including *principal nuclear facilities* to which the criteria in paragraph 19(d) apply.

Design review

30. The Agency shall review the design of *principal nuclear facilities*, for the sole purpose of satisfying itself that a facility will permit the effective application of safeguards.

31. The design review of a *principal nuclear facility* shall take place at as early a stage as possible. In particular, such review shall be carried out in the case of:

- (a) An Agency project, before the project is approved;
- (b) A bilateral or multilateral arrangement under which the responsibility for administering safeguards is to be transferred to the Agency, or an activity *unilaterally submitted* by a State, before the Agency assumes safeguards responsibilities with respect to the facility;
- (c) A transfer of safeguarded *nuclear material* to a *principal nuclear facility* whose design has not previously been reviewed, before such transfer takes place; and
- (d) A significant modification of a *principal nuclear facility* whose design has previously been reviewed, before such modification is undertaken.

32. To enable the Agency to perform the required design review, the State shall submit to it relevant design information sufficient for the purpose, including information on such basic characteristics of the *principal nuclear facility* as may bear on the Agency's safeguards procedures. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibility under this section. It shall complete the review promptly after the submission of this information by the State and shall notify the latter of its conclusions without delay.

Records

33. The State shall arrange for the keeping of records with respect to *principal nuclear facilities* and also with respect to all safeguarded *nuclear material* outside such facilities. For this purpose the State and the Agency shall agree on a system of records with respect to each facility and also with respect to such material, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the records need to be kept.

34. If the records are not kept in one of the working languages of the Board, the State shall make arrangements to facilitate their examination by inspectors.

35. The records shall consist, as appropriate, of:

- (a) Accounting records of all safeguarded *nuclear material*; and
- (b) Operating records for *principal nuclear facilities*.

36. All records shall be retained for at least two years.

Reports

General Requirements

37. The State shall submit to the Agency reports with respect to the production, processing and use of safeguarded *nuclear material* in or outside *principal nuclear facilities*. For this purpose the State and the Agency shall agree on a system of reports with respect to each facility and also with respect to safeguarded *nuclear material* outside such facilities, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the reports need to be submitted. The reports need include only such information as is relevant for the purpose of safeguards.

38. Unless otherwise provided in the applicable *safeguards agreement*, reports shall be submitted in one of the working languages of the Board.

Routine reports

39. Routine reports shall be based on the records compiled in accordance with paragraphs 33-36 and shall consist, as appropriate, of:

- (a) Accounting reports showing the receipt, transfer out, inventory and use of all safeguarded *nuclear material*. The inventory shall indicate the nuclear and chemical composition and physical form of all material and its location on the date of the report; and
- (b) Operating reports showing the use that has been made of each *principal nuclear facility* since the last report and, as far as possible, the programme of future work in the period until the next routine report is expected to reach the Agency.

40. The first routine report shall be submitted as soon as:

- (a) There is any safeguarded *nuclear material* to be accounted for; or
- (b) The *principal nuclear facility* to which it relates is in a condition to operate.

Progress in construction

41. The Agency may, if so provided in a *safeguards agreement*, request information as to when particular stages in the construction of a *principal nuclear facility* have been or are to be reached.

Special reports

42. The State shall report to the Agency without delay:

- (a) If any unusual incident occurs involving actual or potential loss or destruction of, or damage to, any safeguarded *nuclear material* or *principal nuclear facility*; or
- (b) If there is good reason to believe that safeguarded *nuclear material* is lost or unaccounted for in quantities that exceed the normal operating and handling losses that have been accepted by the Agency as characteristic of the facility.

43. The State shall report to the Agency, as soon as possible, and in any case within two weeks, any transfer not requiring advance notification that will result in a significant change (to be defined by the Agency in agreement with the State) in the quantity of safeguarded *nuclear material* in a facility, or in a complex of facilities considered as a unit for this purpose by agreement with the Agency. Such report shall indicate the amount and nature of the material and its intended use.

Amplification of reports

44. At the Agency's request, the State shall submit amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General procedures

45. The Agency may inspect safeguarded *nuclear materials* and *principal nuclear facilities*.

46. The purpose of safeguards inspections shall be to verify compliance with *safeguards agreements* and to assist States in complying with such agreements and in resolving any questions arising out of the implementation of safeguards.

47. The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.

48. Inspectors shall neither operate any facility themselves nor direct the staff of a facility to carry out any particular operation.

Routine inspections

49. Routine inspections may include, as appropriate:

- (a) Audit of records and reports;
- (b) Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;
- (c) Examination of *principal nuclear facilities*, including a check of their measuring instruments and operating characteristics; and
- (d) Check of the operations carried out at *principal nuclear facilities* and at *research and development facilities* containing safeguarded *nuclear material*.

50. Whenever the Agency has the right of access to a *principal nuclear facility* at all times, it may perform inspections of which notice as required by paragraph 4 of the *Inspectors Document* need not be given, in so far as this is necessary for the effective application of safeguards. The actual procedures to implement

these provisions shall be agreed upon between the parties concerned in the *safeguards agreement*.

Initial inspections

51. To verify that the construction of a *principal nuclear facility* is in accordance with the design reviewed by the Agency, an initial inspection or inspections of the facility may be carried out, if so provided in a *safeguards agreement*:

- (a) As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or
- (b) Before the facility starts to operate, in other cases.

52. The measuring instruments and operating characteristics of the facility shall be reviewed to the extent necessary for the purpose of implementing safeguards. Instruments that will be used to obtain data on the *nuclear materials* in the facility may be tested to determine their satisfactory functioning. Such testing may include the observation by inspectors of commissioning or routine tests by the staff of the facility, but shall not hamper or delay the construction, commissioning or normal operation of the facility.

Special inspections

53. The Agency may carry out special inspections if:

- (a) The study of a report indicates that such inspection is desirable; or
- (b) Any unforeseen circumstance requires immediate action. The Board shall subsequently be informed of the reasons for and the results of each such inspection.

54. The Agency may also carry out special inspections of substantial amounts of safeguarded *nuclear material* that are to be transferred outside the jurisdiction of the State in which it is being safeguarded, for which purpose the State shall give the Agency sufficient advance notice of any such proposed transfer.

B. Special procedures for reactors Reports

55. The frequency of submission of routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections. However, at least two such reports shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Inspections

56. One of the initial inspections of a *reactor* shall if possible be made just before the reactor first reaches criticality.

57. The maximum frequency of routine inspections of a *reactor* and of the safeguarded *nuclear material* in it shall be determined from the following table:

Whichever is the largest of: (a) Facility inventory (including loading); (b) Annual throughput; (c) Maximum potential annual production of special fissionable material (<i>Effective kilograms of nuclear material</i>)	Maximum number of routine inspections annually
Up to 1	0
More than 1 and up to 5	1
More than 5 and up to 10	2
More than 10 and up to 15	3
More than 15 and up to 20	4
More than 20 and up to 25	5
More than 25 and up to 30	6
More than 30 and up to 35	7
More than 35 and up to 40	8
More than 40 and up to 45	9
More than 45 and up to 50	10
More than 50 and up to 55	11
More than 55 and up to 60	12
More than 60	Right of access at all times

58. The actual frequency of inspection of a *reactor* shall take account of:

- (a) Whether the State possesses irradiated-fuel reprocessing facilities;
- (b) The nature of the *reactor*; and
- (c) The nature and amount of the *nuclear material* produced or used in the *reactor*.

C. Special procedures relating to safeguarded nuclear material outside principal nuclear facilities Nuclear material in

research and development facilities

Routine reports

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities*. The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

Source materials in sealed storage

61. The following simplified procedures for safeguarding stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

Design of storage facilities

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

Routine reports

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

Routine inspections

64. The Agency may perform one routine inspection of each sealed storage facility annually.

Removal of material

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

Nuclear material in other locations

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

Routine reports

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms*, and shall be determined from the table in paragraph 57 if the amount is greater.

IV. DEFINITIONS

69. 'Agency' means the International Atomic Energy Agency.

70. 'Board' means the Board of Governors of the Agency.

71. 'Director General' means the Director General of the Agency.

72. 'Effective kilograms' means:

- (a) In the case of plutonium, its weight in kilograms;
- (b) In the case of uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its

enrichment;

(c) In the case of uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and

(d) In the case of depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and in the case of thorium, its weight in kilograms multiplied by 0.00005.

73. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

74. 'Improved' means, with respect to *nuclear material*, that either:

(a) The concentration of fissionable isotopes in it has been increased; or

(b) The amount of chemically separable fissionable isotopes in it has been increased; or

(c) Its chemical or physical form has been changed so as to facilitate further use or processing.

75. 'Inspector' means an Agency official designated in accordance with the *Inspectors Document*.

76. 'Inspectors Document' means the Annex to the Agency's document GC(V)/INF/39.

77. 'Nuclear material' means any source or special fissionable material as defined in Article XX of the Statute.

78. 'Principal nuclear facility' means a *reactor*, a plant for processing *nuclear material* irradiated in a *reactor*, a plant for separating the isotopes of a *nuclear material*, a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.

79. 'Project agreement' means a *safeguards agreement* relating to an Agency project and containing provisions as foreseen in Article XI.F4(b) of the Statute.

80. 'Reactor' means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.

81. 'Research and development facility' means a facility, other than a *principal nuclear facility*, used for research or development in the field of nuclear energy.

82. 'Safeguards agreement' means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:

(a) An Agency project;

(b) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or

(c) Any of a State's nuclear activities *unilaterally submitted* to Agency safeguards.

83. 'Statute' means the Statute of the Agency.

84. 'Throughput' means the rate at which *nuclear material* is introduced into a facility operating at full capacity.

85. 'Unilaterally submitted' means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement*.

ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

Introduction

1. The Agency's Safeguards System (1965) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of *reprocessing plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two years' experience of their application has been gained.

Special procedures

Reports

2. The frequency of submission of routine reports shall be once each calendar month.

Inspections

3. A *reprocessing plant* having an annual *throughput* not exceeding 5 *effective kilograms* of *nuclear material*, and the safeguarded *nuclear material* in it, may be routinely inspected twice a year. A *reprocessing plant* having an annual *throughput* exceeding 5 *effective kilograms* of *nuclear material*, and the safeguarded *nuclear material* in it, may be inspected at all times. The arrangements for inspections set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *reprocessing plant* is under Agency safeguards only because it contains safeguarded *nuclear material*, the inspection frequency shall be based on the rate of delivery of safeguarded *nuclear material*.

5. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the taking, shipping or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

Mixtures of safeguarded and un-safeguarded nuclear material

6. By agreement between the State and the Agency, the following special arrangements may be made in the case of a *reprocessing plant* to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded *nuclear materials* are present:

(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which irradiated fuel is stored, until such time as all or any part of such fuel is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to apply to the storage area or plant when either contains no safeguarded *nuclear material*; and

(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded material, and at as early a stage as possible. Where separate measurement, sampling or processing are not possible, the whole of the material being processed in that *campaign* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of the processing the *nuclear material* that is thereafter to be safeguarded shall be selected by agreement between the State and the Agency from the whole output of the plant resulting from that *campaign*, due account being taken of any processing losses accepted by the Agency.

Definitions

7. 'Reprocessing plant' means a facility to separate irradiated *nuclear materials* and fission products, and includes the facility's head-end treatment section and its associated storage and analytical sections.

8. 'Campaign' means the period during which the chemical processing equipment in a *reprocessing plant* is operated between two successive wash-outs of the *nuclear material* present in the equipment.

ANNEX II. PROVISIONS FOR SAFEGUARDED NUCLEAR MATERIAL IN CONVERSION PLANTS AND FABRICATION PLANTS

Introduction

1. The Agency's Safeguards System (1965, as Provisionally Extended in 1966) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to safeguarded *nuclear material* in *conversion plants* and *fabrication plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two years' experience of their application has been gained.

Special procedures

Reports

2. The frequency of submission of routine reports shall be once each calendar month.

Inspections

3. A *conversion plant* or *fabrication plant* to which the criteria in

paragraph 19(d) apply and the *nuclear material* in it, may be inspected at all times if the plant inventory at any time, or the annual input, of *nuclear material* exceeds five *effective kilograms*. Where neither the inventory at any time, nor the annual input, exceeds five *effective kilograms* of *nuclear material*, the routine inspections shall not exceed two in a year. The arrangements for inspection set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *conversion plant* or *fabrication plant* to which the criteria in paragraph 19(d) do not apply contains safeguarded *nuclear material* the frequency of routine inspections shall be based on the inventory at any time and the annual input of safeguarded *nuclear material*. Where the inventory at any time, or the annual input, of safeguarded *nuclear material* exceeds five *effective kilograms* the plant may be inspected at all times. Where neither the inventory at any time, nor the annual input, exceeds five *effective kilograms* of safeguarded *nuclear material* the routine inspections shall not exceed two a year. The arrangements for inspection set forth in paragraph 50 shall apply to all inspections to be made under this paragraph 2.

5. The intensity of inspection of safeguarded *nuclear material* at various steps in a *conversion plant* or *fabrication plant* shall take account of the nature, isotopic composition and amount of safeguarded *nuclear material* in the plant. Safeguards shall be applied in accordance with the general principles set forth in paragraphs 9-14. Emphasis shall be placed on inspection to control uranium of high enrichments and plutonium.

6. Where a plant may handle safeguarded and unsafeguarded *nuclear material*, the State shall notify the Agency in advance of the programme for handling safeguarded batches to enable the Agency to make inspections during these periods, due account being also taken of the arrangements under paragraph 10 below.

7. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the preparation of inventories of safeguarded *nuclear material* and the taking, shipping and/or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

Residue, scrap and waste

8. The State shall ensure that safeguarded *nuclear material* contained in residues, scrap or waste created during conversion or fabrication is recovered, as far as is practicable, in its facilities and within a reasonable period of time. If such recovery is not considered practicable by the State, the State and the Agency shall co-operate in making arrangements to account for and dispose of the material.

Safeguarded and unsafeguarded nuclear material

9. By agreement between the State and the Agency, the following special arrangements may be made in the case of a conversion plant or a fabrication plant to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded nuclear material are both present:

(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which safeguarded *nuclear material* is stored, until such time as all or any part of such *nuclear material* is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to be applied to the storage area or plant when it contains no safeguarded *nuclear material*; and

(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded *nuclear material*, and at as early a stage as possible. Where separate measurement sampling or processing is not possible, any *nuclear material* containing safeguarded *nuclear material* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of processing, the *nuclear material* that is thereafter to be safeguarded shall be selected, in accordance with paragraph 11 below when applicable, by agreement between the State and the Agency, due account being taken of any processing losses accepted by the Agency.

Blending of nuclear material

10. When safeguarded *nuclear material* is to be blended with either safeguarded or unsafeguarded *nuclear material*, the State shall notify the Agency sufficiently in advance of the programme of blending to enable the Agency to exercise its right to obtain

evidence, through inspection of the blending operation or otherwise, that the blending is performed according to the programme.

11. When safeguarded and unsafeguarded *nuclear material* are blended, if the ratio of fissionable isotopes in the safeguarded component going into the blend to all the fissionable isotopes in the blend is 0.3 or greater, and if the concentration of fissionable isotopes in the unsafeguarded *nuclear material* is increased by such blending, then the whole blend shall remain subject to safeguards. In other cases the following procedures shall apply:

(a) Plutonium/plutonium blending. The quantity of the blend that shall continue to be safeguarded shall be such that its weight, when multiplied by the square of the weight fraction of contained fissionable isotopes, is not less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, provided however that:

(i) In cases where the weight of the whole blend, when multiplied by the square of the weight fraction of contained fissionable isotopes, is less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, the whole of the blend shall be safeguarded; and

(ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded plutonium;

(b) Uranium/uranium blending. The quantity of the blend that shall continue to be safeguarded shall be such that the number of *effective kilograms* is not less than the number of *effective kilograms* in the originally safeguarded uranium, provided however that:

(i) In cases where the number of *effective kilograms* in the whole blend is less than in the safeguarded uranium, the whole of the blend shall be safeguarded; and

(ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded uranium;

(c) Uranium/plutonium blending. The whole of the resultant blend shall be safeguarded until the uranium and the plutonium constituents are separated. After separation of the uranium and plutonium, safeguards shall apply to the originally safeguarded component; and

(d) Due account shall be taken of any processing losses agreed upon between the State and the Agency.

Definitions

12. 'Conversion plant' means a facility (excepting a mine or ore-processing) plant to *improve* unirradiated *nuclear material*, or irradiated *nuclear material* that has been separated from fission products, by changing its chemical or physical form so as to facilitate further use or processing. The term *conversion plant* includes the facility's storage and analytical sections. The term does not include a plant intended for separating the isotopes of a *nuclear material*.

13. 'Fabrication plant' means a plant to manufacture fuel elements or other components containing *nuclear material* and includes the plant's storage and analytical sections.

[Editorial note: Footnotes not included. They may be viewed at <http://www.iaea.org/Publications/Documents/Infocircs/Inf66r2.shtml>]

The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from IAEA Information Circular 153 (Corrected) (INFCIRC/153), dated June 1972]

PART I

Basic Undertaking

1. The Agreement should contain, in accordance with Article I II.1 of the Treaty on the Non-Proliferation of Nuclear Weapons, an undertaking by the State to accept safeguards, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its

jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Application of Safeguards

2. The Agreement should provide for the Agency's right and obligation to ensure that safeguards will be applied, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Co-operation Between the Agency and the State

3. The Agreement should provide that the Agency and the State shall co-operate to facilitate the implementation of the safeguards provided for therein.

Implementation of Safeguards

4. The Agreement should provide that safeguards shall be implemented in a manner designed:

(a) To avoid hampering the economic and technological development of the State or international co-operation in the field of peaceful nuclear activities, including international exchange of *nuclear material*;

(b) To avoid undue interference in the State's peaceful nuclear activities, and in particular in the operation of *facilities*; and

(c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

5. The Agreement should provide that the Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of the Agreement, except that specific information relating to such implementation in the State may be given to the Board of Governors and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the Agreement. Summarized information on *nuclear material* being safeguarded by the Agency under the Agreement may be published upon decision of the Board if the states directly concerned agree.

6. The Agreement should provide that in implementing safeguards pursuant thereto the Agency shall take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of *nuclear material* subject to safeguards under the Agreement by use of instruments and other techniques at certain *strategic points* to the extent that present or future technology permits. In order to ensure optimum cost-effectiveness, use should be made, for example, of such means as:

(a) Containment as a means of defining *material balance points* for accounting purposes;

(b) Statistical techniques and random sampling in evaluating the flow of *nuclear material*; and

(c) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of *nuclear material* from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other *nuclear material* on condition that this does not hamper the Agency in applying safeguards under the Agreement.

National System of Accounting for and Control of Nuclear Material

7. The Agreement should provide that the State shall establish and maintain a system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and that such safeguards shall be applied in such a manner as to enable the Agency to verify, in ascertaining that there has been no diversion of *nuclear material* from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the State's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in

accordance with the procedures specified in Part II below. The Agency, in its verification, shall take due account of the technical effectiveness of the State's system.

Provision of Information to the Agency

8. The Agreement should provide that to ensure the effective implementation of safeguards thereunder the Agency shall be provided, in accordance with the provisions set out in Part II below, with information concerning *nuclear material* subject to safeguards under the Agreement and the features of *facilities* relevant to safeguarding such material. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under the Agreement. Information pertaining to *facilities* shall be the minimum necessary for safeguarding *nuclear material* subject to safeguards under the Agreement. In examining design information, the Agency shall, at the request of the State, be prepared to examine on premises of the State design information which the State regards as being of particular sensitivity. Such information would not have to be physically transmitted to the Agency provided that it remained available for ready further examination by the Agency on premises of the State.

Agency Inspectors

9. The Agreement should provide that the State shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under the Agreement. The Agency shall secure the consent of the State to the designation of Agency inspectors to that State. If the State, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the State an alternative designation or designations. The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to appropriate action. The visits and activities of Agency Inspectors shall be so arranged as to reduce to a minimum the possible inconvenience and disturbance to the State and to the peaceful nuclear activities inspected, as well as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

Privileges and Immunities

10. The Agreement should specify the privileges and immunities which shall be granted to the Agency and its staff in respect of their functions under the Agreement. In the case of a State party to the Agreement on the Privileges and Immunities of the Agency, the provisions thereof, as in force for such State, shall apply. In the case of other States, the privileges and immunities granted should be such as to ensure that:

(a) The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and

(b) No such State will be placed thereby in a more favourable position than States party to the Agreement on the Privileges and Immunities of the Agency.

Termination of Safeguards

Consumption or dilution of nuclear material

11. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable.

Transfer of nuclear material out of the State

12. The Agreement should provide, with respect to *nuclear material* subject to safeguards thereunder, for notification of transfers of such material out of the State, in accordance with the provisions set out in paragraphs 92-94 below. The Agency shall terminate safeguards under the Agreement on *nuclear material* when the recipient State has assumed responsibility therefore, as provided for in paragraph 91. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred *nuclear material*.

Provisions relating to nuclear material to be used in non-nuclear activities

13. The Agreement should provide that if the State wishes to

use *nuclear material* subject to safeguards thereunder in non-nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such *nuclear material* may be terminated.

Non-application of Safeguards to Nuclear Material to be Used in Non-peaceful Activities

14. The Agreement should provide that if the State intends to exercise its discretion to use *nuclear material* which is required to be safeguarded thereunder in a nuclear activity which does not require the application of safeguards under the Agreement, the following procedures will apply:

(a) The State shall inform the Agency of the activity, making it clear:

(i) That the use of the *nuclear material* is a non-prescribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the *nuclear material* will be used only in a peaceful nuclear activity; and

(ii) That during the period of non-application of safeguards the *nuclear material* will not be used for the production of nuclear weapons or other nuclear explosive devices;

(b) The Agency and the State shall make an arrangement so that, only while the *nuclear material* is in such an activity, the safeguards provided for in the Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any event, the safeguards provided for in the Agreement shall again apply as soon as the *nuclear material* is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such unsafeguarded *nuclear material* in the State and of any exports of such material; and

(c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible; it shall only relate to the temporary and procedural provisions, reporting arrangements, etc., but shall not involve any approval or classified knowledge of the military activity or relate to the use of the *nuclear material* therein.

Finance

15. The Agreement should contain one of the following sets of provisions:

(a) An agreement with a Member of the Agency should provide that each party thereto shall bear the expenses it incurs in implementing its responsibilities thereunder. However, if the State or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case the Agency shall bear the cost of any additional measuring or sampling which inspectors may request; or

(b) An agreement with a party not a Member of the Agency should in application of the provisions of Article XIV.C of the Statute, provide that the party shall reimburse fully to the Agency the safeguards expenses the Agency incurs thereunder. However, if the party or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so.

Third Party Liability for Nuclear Damage

16. The Agreement should provide that the State shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of the Agreement, in the same way as that protection applies to nationals of the State.

International Responsibility

17. The Agreement should provide that any claim by one party thereto against the other in respect of any damage, other than damage arising out of a nuclear incident, resulting from the implementation of safeguards under the Agreement, shall be settled in accordance with international law.

Measures in Relation to Verification of Non-diversion

18. The Agreement should provide that if the Board, upon report of the Director General decides that an action by the State is

essential and urgent in order to ensure verification that *nuclear material* subject to safeguards under the Agreement is not diverted to nuclear weapons or other nuclear explosive devices the Board shall be able to call upon the State to take the required action without delay, irrespective of whether procedures for the settlement of a dispute have been invoked.

19. The Agreement should provide that if the Board upon examination of relevant information reported to it by the Director General finds that the Agency is not able to verify that there has been no diversion of *nuclear material* required to be safeguarded under the Agreement to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XI I of the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall afford the State every reasonable opportunity to furnish the Board with any necessary reassurance.

Interpretation and Application of the Agreement and Settlement of Disputes

20. The Agreement should provide that the parties thereto shall, at the request of either, consult about any question arising out of the interpretation or application thereof.

21. The Agreement should provide that the State shall have the right to request that any question arising out of the interpretation or application thereof be considered by the Board; and that the State shall be invited by the Board to participate in the discussion of any such question by the Board.

22. The Agreement should provide that any dispute arising out of the interpretation or application thereof except a dispute with regard to a finding by the Board under paragraph 19 above or an action taken by the Board pursuant to such a finding which is not settled by negotiation or another procedure agreed to by the parties should, on the request of either party, be submitted to an arbitral tribunal composed as follows: each party would designate one arbitrator, and the two arbitrators so designated would elect a third, who would be the Chairman. If, within 30 days of the request for arbitration, either party has not designated an arbitrator, either party to the dispute may request the president of the International Court of Justice to appoint an arbitrator. The same procedure would apply if, within 30 days of the designation or appointment of the second arbitrator, the third arbitrator had not been elected. A majority of the members of the arbitral tribunal would constitute a quorum, and all decisions would require the concurrence of two arbitrators. The arbitral procedure would be fixed by the tribunal. The decisions of the tribunal would be binding on both parties.

Final Clauses

Amendment of the Agreement

23. The Agreement should provide that the parties thereto shall, at the request of either of them, consult each other on amendment of the Agreement. All amendments shall require the agreement of both parties. It might additionally be provided, if convenient to the State, that the agreement of the parties on amendments to Part I I of the Agreement could be achieved by recourse to a simplified procedure. The Director General shall promptly inform all Member States of any amendment to the Agreement.

Suspension of application of Agency safeguards under other agreements

24. Where applicable and where the State desires such a provision to appear, the Agreement should provide that the application of Agency safeguards in the State under other safeguards agreements with the Agency shall be suspended while the Agreement is in force. If the State has received assistance from the Agency for a project, the State's undertaking in the Project Agreement not to use items subject thereto in such a way as to further any military purpose shall continue to apply.

Entry into force and duration

25. The Agreement should provide that it shall enter into force on the date on which the Agency receives from the State written notification that the statutory and constitutional requirements for entry into force have been met. The Director General shall promptly inform all Member States of the entry into force.

26. The Agreement should provide for it to remain in force as

long as the State is party to the Treaty on the Non-Proliferation of Nuclear Weapons.

PART II

Introduction

27. The Agreement should provide that the purpose of Part I 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 practicably irrecoverable.

Exemptions from Safeguards

36. The Agreement should provide that the Agency shall, at the request of the State, exempt *nuclear material* from safeguards, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) *Nuclear material*, when it is used in non-nuclear activities in accordance with paragraph 13 above, if such *nuclear material* is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

37. The Agreement should provide that *nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State, provided that *nuclear material* so exempted in the State may not at any time exceed:

- (a) One kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (i) Plutonium;
 - (ii) Uranium with an *enrichment* of 0.2 (20%) and above, taken account of by multiplying its weight by its *enrichment*; and
 - (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight five times the square of its *enrichment*;
 - (b) Ten metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
 - (c) Twenty metric tons of depleted uranium with a *enrichment* of 0.005 (0.5%) or below; and
 - (d) Twenty metric tons of thorium;
- or such greater amounts as may be specified by the Board of Governors for uniform application.

38. The Agreement should provide that if exempted *nuclear material* is to be processed or stored together with safeguarded *nuclear material*, provision should be made for the re-application of safeguards thereto.

Subsidiary Arrangements

39. The Agreement should provide that the Agency and the State shall make Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under the Agreement in an effective and efficient manner, how the procedures laid down in the Agreement are to be applied. Provision should be made for the possibility of an extension or change of the Subsidiary Arrangements by agreement between the Agency and the State without amendment of the Agreement.

40. It should be provided that the Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of the Agreement. The State and the Agency shall make every effort to achieve their entry into force within 90 days of the entry into force of the Agreement, a later date being acceptable only with the agreement of both parties. The State shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. The Agreement should also provide that, upon its entry into force, the Agency shall be entitled to apply the procedures laid down therein in respect of the *nuclear material* listed in the inventory provided for in paragraph 41 below.

Inventory

41. The Agreement should provide that, on the basis of the initial report referred to in paragraph 62 below, the Agency shall establish a unified inventory of all *nuclear material* in the State subject to safeguards under the Agreement, irrespective of its origin, and maintain this inventory on the basis of subsequent reports and of the results of its verification activities. Copies of the inventory shall be made available to the State at agreed intervals.

Design Information

General

42. Pursuant to paragraph 8 above, the Agreement should stipulate that design information in respect of existing *facilities* shall be provided to the Agency during the discussion of the Subsidiary Arrangements, and that the time limits for the provision of such information in respect of new *facilities* shall be specified in the Subsidiary Arrangements. It should further be stipulated that such information shall be provided as early as possible before *nuclear material* is introduced into a new *facility*.

43. The Agreement should specify that the design information in respect of each *facility* to be made available to the Agency shall include, when applicable:

- (a) Identification of the *facility*, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) A description of the general arrangement of the *facility* with reference, to the extent feasible, to the form, location and flow of *nuclear material* and to the general layout of important items of equipment which use, produce or process *nuclear material*;
- (c) A description of features of the *facility* relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the *facility* for *nuclear material* accountancy and control, with special reference to *material balance areas* established by the operator, measurements of flow and procedures for *physical inventory* taking.

44. The Agreement should further provide that other information relevant to the application of safeguards shall be made available to the Agency in respect of each *facility*, in particular on organizational responsibility for material accountancy and control. It should also be provided that the State shall make available to the Agency supplementary information on the health and safety procedures which the Agency shall observe and with which the inspectors shall comply at the *facility*.

45. The Agreement should stipulate that design information in respect of a modification relevant for safeguards purposes shall be provided for examination sufficiently in advance for the safeguards procedures to be adjusted when necessary.

Purposes of examination of design information

46. The Agreement should provide that the design information made available to the Agency shall be used for the following purposes:

- (a) To identify the features of *facility* and *nuclear material* relevant to the application of safeguards to *nuclear material* in sufficient detail to facilitate verification;
- (b) To determine *material balance points* to be used for Agency accounting purposes and to select those *strategic points* which are *key measurement points* and which will be used to determine the *nuclear material* flows and inventories; in determining such *material balance points* the Agency shall, inter alia, use the following criteria:
 - (i) The size of the *material balance area* should be related to the accuracy with which the material balance can be established;
 - (ii) In determining the *material balance area* advantage should be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby simplify the application of safeguards and concentrate measurement efforts at *key measurement points*;
 - (iii) A number of *material balance points* in use at a *facility* or at distinct sites may be combined in one *material balance area* to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and
 - (iv) If the State so requests, a special *material balance area* around a process step involving commercially sensitive information may be established;
- (c) To establish the nominal timing and procedures for taking of

physical inventory for Agency accounting purposes;

- (d) To establish the records and reports requirements and records evaluation procedures;
- (e) To establish requirements and procedures for verification of the quantity and location of *nuclear material*; and
- (f) To select appropriate combinations of containment and surveillance methods and techniques and the *strategic points* at which they are to be applied.

It should further be provided that the results of the examination of the design information shall be included in the Subsidiary Arrangements.

Re-examination of design information

47. The Agreement should provide that design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action the Agency has taken pursuant to paragraph 46 above.

Verification of design information

48. The Agreement should provide that the Agency, in co-operation with the State, may send inspectors to *facilities* to verify the design information provided to the Agency pursuant to paragraphs 42-45 above for the purposes stated in paragraph 46.

Information in Respect of Nuclear Material Outside Facilities

49. The Agreement should provide that the following information concerning *nuclear material* customarily used outside *facilities* shall be provided as applicable to the Agency:

- (a) A general description of the use of the *nuclear material*, its geographic location, and the user's name and address for routine business purposes; and
 - (b) A general description of the existing and proposed procedures for *nuclear material* accountancy and control, including organizations responsibility for material accountancy and control.
- The Agreement should further provide that the Agency shall be informed on a timely basis of any change in the information provided to it under this paragraph.

50. The Agreement should provide that the information made available to the Agency in respect of *nuclear material* customarily used outside *facilities* may be used, to the extent relevant, for the purposes set out in sub-paragraphs 46(b)-(f) above.

Records System

General

51. The Agreement should provide that in establishing a national system of accounting for and control of *nuclear material* as referred to in paragraph 7 above, the State shall arrange that records are kept in respect of each *material balance area*. Provision should also be made that the Subsidiary Arrangements shall describe the records to be kept in respect of each *material balance area*.

52. The Agreement should provide that the State shall make arrangements to facilitate the examination of records by inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

53. The Agreement should provide that the records shall be retained for at least five years.

54. The Agreement should provide that the records shall consist, as appropriate, of:

- (a) Accounting records of all *nuclear material* subject to safeguards under the Agreement; and
- (b) Operating records for *facilities* containing such *nuclear material*.

55. The Agreement should provide that the system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records

56. The Agreement should provide that the accounting records shall set forth the following in respect of each *material balance area*:

- (a) All *inventory changes*, so as to permit a determination of the *book inventory* at any time;
- (b) All measurement results that are used for determination of the *physical inventory*; and
- (c) All *adjustments* and *corrections* that have been made in

respect of *inventory changes*, *book inventories* and *physical inventories*.

57. The Agreement should provide that for all *inventory changes* and *physical inventories* the records shall show, in respect of each *batch of nuclear material*: material identification, *batch data* and *source data*. Provision should further be included that records shall account for uranium, thorium and plutonium separately in each *batch of nuclear material*. Furthermore, the date of the *inventory change* and, when appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient, shall be indicated for each *inventory change*.

Operating records

58. The Agreement should provide that the operating records shall set forth as appropriate in respect of each *material balance area*:

- (a) Those operating data which are used to establish changes in the quantities and composition of *nuclear material*;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking, a *physical inventory* in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

Reports System

General

59. The Agreement should specify that the State shall provide the Agency with reports as detailed in paragraphs 60-69 below in respect of *nuclear material* subject to safeguards thereunder.

60. The Agreement should provide that reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the Subsidiary Arrangements.

61. The Agreement should provide that reports shall be based on the records kept in accordance with paragraphs 51-58 above and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

62. The Agreement should stipulate that the Agency shall be provided with an initial report on all *nuclear material* which is to be subject to safeguards thereunder. It should also be provided that the initial report shall be dispatched by the State to the Agency within 30 days of the last day of the calendar month in which the Agreement enters into force, and shall reflect the situation as of the last day of that month.

63. The Agreement should stipulate that for each *material balance area* the State shall provide the Agency with the following accounting reports:

- (a) *Inventory change* reports showing changes in the inventory of *nuclear material*. The reports shall be dispatched as soon as possible and in any event within 30 days after the end of the month in which the *inventory changes* occurred or were established; and
- (b) Material balance reports showing the material balance based on a *physical inventory* of *nuclear material* actually present in the *material balance area*. The report shall be dispatched as soon as possible and in any event within 30 days after the *physical inventory* has been taken. The reports shall be based on data available as of the date of reporting and may be corrected at a later date as required.

64. The Agreement should provide that *inventory change* reports shall specify identification and *batch data* for each *batch of nuclear material*, the date of the *inventory change* and, as appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient. These reports shall be accompanied by concise notes:

- (a) Explaining the *inventory changes*, on the basis of the operating data contained in the operating records provided for under subparagraph 58(a) above; and
- (b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a *physical inventory*.

65. The Agreement should provide that the State shall report each *inventory change*, *adjustment* and *correction* either

periodically in a consolidated list or individually. The *inventory changes* shall be reported in terms of *batches*; small amounts, such as analytical samples, as specified in the Subsidiary Arrangements, may be combined and reported as one *inventory change*.

66. The Agreement should stipulate that the Agency shall provide the State with semi-annual statements of *book inventory* of *nuclear material* subject to safeguards, for each *material balance area*, as based on the *inventory change* reports for the period covered by each such statement.

67. The Agreement should specify that the material balance reports shall include the following entries, unless otherwise agreed by the Agency and the State:

- (a) Beginning *physical inventory*;
- (b) *Inventory changes* (first increases, then decreases);
- (c) Ending *book inventory*;
- (d) *Shipper/receiver differences*;
- (e) Adjusted ending *book inventory*;
- (f) Ending *physical inventory*; and
- (g) *Material accounted for*.

A statement of the *physical inventory*, listing all *batches* separately and specifying material identification and *batch data* for each *batch*, shall be attached to each material balance report.

Special reports

68. The Agreement should provide that the State shall make special reports without delay:

- (a) If any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material* that exceeds the limits to be specified for this purpose in the Subsidiary Arrangements; or
- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of *nuclear material* has become possible.

Amplification and clarification of reports

69. The Agreement should provide that at the Agency's request the State shall supply amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General

70. The Agreement should stipulate that the Agency shall have the right to make inspections as provided for in paragraphs 71-82 below.

Purposes of inspections

71. The Agreement should provide that the Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial report on the *nuclear material* subject to safeguards under the Agreement;
- (b) Identify and verify changes in the situation which have occurred since the date of the initial report; and
- (c) Identify, and if possible verify the quantity and composition of, *nuclear material* in accordance with paragraphs 93 and 96 below, before its transfer out of or upon its transfer into the State.

72. The Agreement should provide that the Agency may make routine inspections in order to:

- (a) Verify that reports are consistent with records;
- (b) Verify the location, identity, quantity and composition of all *nuclear material* subject to safeguards under the Agreement; and
- (c) Verify information on the possible causes of *material unaccounted for*, *shipper/receiver differences* and uncertainties in the *book inventory*.

73. The Agreement should provide that the Agency may make special inspections subject to the procedures laid down in paragraph 77 below:

- (a) In order to verify the information contained in special reports; or
- (b) If the Agency considers that information made available by the State, including explanations from the State and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under the Agreement. An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in paragraphs 78-82 below, or involves access to information or locations in addition to the access specified in paragraph 76 for ad hoc and routine inspections, or both.

Scope of inspections

74. The Agreement should provide that for the purposes stated in paragraphs 71-73 above the Agency may:

- (a) Examine the records kept pursuant to paragraphs 51-58;
- (b) Make independent measurements of all *nuclear material* subject to safeguards under the Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

75. It should further be provided that within the scope of paragraph 74 above the Agency shall be enabled:

- (a) To observe that samples at *key measurement points* for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) To observe that the measurements of *nuclear material* at *key measurement points* for material balance accounting are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with the State that, if necessary:
 - (i) Additional measurements are made and additional samples taken for the Agency's use;
 - (ii) The Agency's standard analytical samples are analysed;
 - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements, to arrange to install such equipment;
- (e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with the State for the shipping of samples taken for the Agency's use.

Access for inspections

76. The Agreement should provide that:

- (a) For the purposes specified in sub-paragraphs 71(a) and (b) above and until such time as the *strategic points* have been specified in the Subsidiary Arrangements, the Agency's inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that *nuclear material* is present;
- (b) For the purposes specified in sub-paragraph 71(c) above the inspectors shall have access to any location of which the Agency has been notified in accordance with sub-paragraphs 92(c) or 95(c) below;
- (c) For the purposes specified in paragraph 72 above the Agency's inspectors shall have access only to the *strategic points* specified in the Subsidiary Arrangements and to the records maintained pursuant to paragraphs 51-58; and
- (d) In the event of the State concluding that any unusual circumstances require extended limitations on access by the Agency, the State and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

77. The Agreement should provide that in circumstances which may lead to special inspections for the purposes specified in paragraph 73 above the State and the Agency shall consult forthwith. As a result of such consultations the Agency may make inspections in addition to the routine inspection effort provided for in paragraphs 78-82 below, and may obtain access in agreement with the State to information or locations in addition to the access specified in paragraph 76 above for ad hoc and routine inspections. Any disagreement concerning the need for additional access shall be resolved in accordance with paragraphs 21 and 22; in case action by the State is essential and urgent, paragraph 18 above shall apply.

Frequency and intensity of routine inspections

78. The Agreement should provide that the number, intensity, duration and timing of routine inspections shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth therein, and that the Agency shall make the optimum and most economical use of available inspection resources.

79. The Agreement should provide that in the case of *facilities* and *material balance area* outside *facilities* with a content or *annual throughput*, whichever is greater, of *nuclear material* not exceeding five *effective kilograms*, routine inspections shall not exceed one per year. For other *facilities* the number, intensity, duration, timing and mode of inspections shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of *nuclear material*.

80. The Agreement should provide that the maximum routine inspection effort in respect of *facilities* with a content or *annual throughput* of *nuclear material* exceeding five *effective kilograms* shall be determined as follows:

- (a) For reactors and sealed stores, the maximum total of routine inspection per year shall be determined by allowing one sixth of a *man-year of inspection* for each such *facility* in the State;
- (b) For other *facilities* involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* 30 x -E man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material*, whichever is greater, expressed in *effective kilograms*. The maximum established for any such *facility* shall not, however, be less than 1.5 *man-years of inspection*; and
- (c) For all other *facilities*, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* one third of a *man-year of inspection* plus 0.4 x E man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material*, whichever is greater, expressed in *effective kilograms*.

The Agreement should further provide that the Agency and the State may agree to amend the maximum figures specified in this paragraph upon determination by the Board that such amendment is reasonable.

81. Subject to paragraphs 78-80 above the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections of any *facility* shall include:

- (a) The form of *nuclear material*, in particular, whether the material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high *enrichment*; and its accessibility;
- (b) The effectiveness of the State's accounting and control system, including the extent to which the operators of *facilities* are functionally independent of the State's accounting and control system; the extent to which the measures specified in paragraph 32 above have been implemented by the State; the promptness of reports submitted to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the *material unaccounted for*, as verified by the Agency;
- (c) Characteristics of the State's nuclear fuel cycle, in particular, the number and types of *facilities* containing *nuclear material* subject to safeguards, the characteristics of such *facilities* relevant to safeguards, notably the degree of containment; the extent to which the design of such *facilities* facilitates verification of the flow and inventory of *nuclear material*; and the extent to which information from different *material balance points* can be correlated;
- (d) International interdependence, in particular, the extent to which *nuclear material* is received from or sent to other States for use or processing; any verification activity by the Agency in connection therewith; and the extent to which the State's nuclear activities are interrelated with those of other States; and
- (e) Technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of *nuclear material*.

82. The Agreement should provide for consultation between the Agency and the State if the latter considers that the inspection effort is being deployed with undue concentration on particular *facilities*.

Notice of inspections

83. The Agreement should provide that the Agency shall give advance notice to the State before arrival of inspectors at *facilities* or *material balance points* outside *facilities*, as follows:

- (a) For ad hoc inspections pursuant to sub-paragraph 71(c) above, at least 24 hours, for those pursuant to sub-paragraphs 71(a) and (b), as well as the activities provided for in paragraph 48, at least one week;
- (b) For special inspections pursuant to paragraph 73 above, as promptly as possible after the Agency and the State have consulted as provided for in paragraph 77, it being understood that notification of arrival normally will constitute part of the consultations; and
- (c) For routine inspections pursuant to paragraph 72 above, at least 24 hours in respect of the *facilities* referred to in sub-paragraph 80(b) and sealed stores containing plutonium or uranium enriched to more than 5%, and one week in all other cases. Such notice of inspections shall include the names of the inspectors and shall indicate the *facilities* and the *material balance area* outside *facilities* to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside the State the Agency shall also give advance notice of the place and time of their arrival in the State.

84. However, the Agreement should also provide that, as a supplementary measure, the Agency may carry out without advance notification a portion of the routine inspections pursuant to paragraph 80 above in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided by the State pursuant to paragraph 64(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the State periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for *facility* operators and the State, bearing in mind the relevant provisions of paragraphs 44 above and 89 below. Similarly the State shall make every effort to facilitate the task of the inspectors.

Designation of inspectors

85. The Agreement should provide that:
- (a) The Director General shall inform the State in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for the State;
 - (b) The State shall inform the Director General within 30 days of the receipt of such a proposal whether it accepts the proposal;
 - (c) The Director General may designate each official who has been accepted by the State as one of the inspectors for the State, and shall inform the State of such designations; and
 - (d) The Director General, acting in response to a request by the State or on his own initiative, shall immediately inform the State of the withdrawal of the designation of any official as an inspector for the State.
- The Agreement should also provide, however, that in respect of inspectors needed for the purposes stated in paragraph 48 above and to carry out ad hoc inspections pursuant to sub-paragraphs 71(a) and (b) the designation procedures shall be completed if possible within 30 days after the entry into force of the Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

86. The Agreement should provide that the State shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for the State.

Conduct and visits of inspectors

87. The Agreement should provide that inspectors, in exercising their functions under paragraphs 48 and 71–75 above, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of *facilities* or affecting their safety. In particular inspectors shall not operate any *facility* themselves or direct the staff of a *facility* to carry out any operation. If inspectors consider that in pursuance of paragraphs 74 and 75, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

88. When inspectors require services available in the State,

including the use of equipment, in connection with the performance of inspections, the State shall facilitate the procurement of such services and the use of such equipment by inspectors.

89. The Agreement should provide that the State shall have the right to have inspectors accompanied during their inspections by representatives of the State, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Statements on the Agency's Verification Activities

90. The Agreement should provide that the Agency shall inform the State of:

- (a) The results of inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) The conclusions it has drawn from its verification activities in the State, in particular by means of statements in respect of each *material balance area*, which shall be made as soon as possible after a *physical inventory* has been taken and verified by the Agency and a material balance has been struck.

International Transfers*General*

91. The Agreement should provide that *nuclear material* subject or required to be subject to safeguards thereunder which is transferred internationally shall, for purposes of the Agreement, be regarded as being the responsibility of the State:

- (a) In the case of import, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the *nuclear material* reaches its destination; and
- (b) In the case of export, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the *nuclear material* reaches its destination.

The Agreement should provide that the States concerned shall make suitable arrangements to determine the point at which the transfer of responsibility will take place. No State shall be deemed to have such responsibility for *nuclear material* merely by reason of the fact that the *nuclear material* is in transit on or over its territory or territorial waters, or that it is being transported under its flag or in its aircraft.

Transfers out of the State

92. The Agreement should provide that any intended transfer out of the State of safeguarded *nuclear material* in a amount exceeding one *effective kilogram* or by successive shipments to the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram*, shall be notified to the Agency after the conclusion of the contractual arrangements leading to the transfer and normally at least two weeks before the *nuclear material* is to be prepared for shipping. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:
- (a) The identification and, if possible, the expected quantity and composition of the *nuclear material* to be transferred, and the *material balance area* from which it will come;
 - (b) The State for which the *nuclear material* is destined;
 - (c) The dates on and locations at which the *nuclear material* is to be prepared for shipping;
 - (d) The approximate dates of dispatch and arrival of the *nuclear material*; and
 - (e) At what point of the transfer the recipient State will assume responsibility for the *nuclear material*, and the probable date on which this point will be reached.

93. The Agreement should further provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards under the Agreement before it is transferred out of the State and, if the Agency so wishes or the State so requests, to affix seals to the *nuclear material* when it has been prepared for shipping. However, the transfer of the *nuclear material* shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to this notification.

94. The Agreement should provide that, if the *nuclear material* will not be subject to Agency safeguards in the recipient State, the exporting State shall make arrangements for the Agency to receive, within three months of the time when the recipient State accepts responsibility for the *nuclear material* from the exporting State, confirmation by the recipient State of the transfer.

Transfers into the State

95. The Agreement should provide that the expected transfer into the State of *nuclear material* required to be subject to safeguards in an amount greater than one *effective kilogram*, or by successive shipments from the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram*, shall be notified to the Agency as much in advance as possible of the expected arrival of the *nuclear material*, and in any case not later than the date on which the recipient State assumes responsibility therefor. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the *nuclear material*;
- (b) At what point of the transfer responsibility for the *nuclear material* will be assumed by the State for the purposes of the Agreement, and the probable date on which this point will be reached; and
- (c) The expected date of arrival, the location to which the *nuclear material* is to be delivered and the date on which it is intended that the *nuclear material* should be unpacked.

96. The Agreement should provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards which has been transferred into the State, by means of inspection of the consignment at the time it is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to this notification.

Special reports

97. The Agreement should provide that in the case of international transfers a special report as envisaged in paragraph 68 above shall be made if any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material*, including the occurrence of significant delay during the transfer.

Definitions

98. 'Adjustment' means an entry into an accounting record or a report showing a *shipper/receiver difference* or *material unaccounted for*.

99. 'Annual throughput' means, for the purposes of paragraphs 79 and 80 above, the amount of *nuclear material* transferred annually out of a *facility* working at nominal capacity.

100. 'Batch' means a portion of *nuclear material* handled as a unit for accounting purposes at a *key measurement point* and for which the composition and quantity are defined by a single set of specifications or measurements. The *nuclear material* may be in bulk form or contained in a number of separate items.

101. 'Batch data' means the total weight of each element of *nuclear material* and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:

- (a) Grams of contained plutonium;
- (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
- (c) Kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the *batch* shall be added together before rounding to the nearest unit.

102. 'Book inventory' of a *material balance area* means the algebraic sum of the most recent *physical inventory* of that *material balance area* and of all *inventory changes* that have occurred since that *physical inventory* was taken.

103. 'Correction' means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

104. 'Effective kilogram' means a special unit used in safeguarding *nuclear material*. The quantity in 'effective kilograms' is obtained by taking:

- (a) For plutonium, its weight in kilograms;
- (b) For uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its *enrichment*;
- (c) For uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) For depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by

0.00005.

105. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

106. 'Facility' means:

- (a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (b) Any location where *nuclear material* in amounts greater than one *effective kilogram* is customarily used.

107. 'Inventory change' means an increase or decrease, in terms of *batches of nuclear material* in a *material balance area* such a change shall involve one of the following:

- (a) Increases:
 - (i) Import;
 - (ii) Domestic receipt: receipts from other *material balance points*, receipts from a non-safeguarded (non-peaceful) activity or receipts at the starting point of safeguards;
 - (iii) Nuclear production: production of special fissionable material in a reactor; and
 - (iv) De-exemption: reapplication of safeguards on *nuclear material* previously exempted therefrom on account of its use or quantity.

- (b) Decreases:
 - (i) Export;
 - (ii) Domestic shipment: shipments to other *material balance points* or shipments for a non-safeguarded (non-peaceful) activity;
 - (iii) Nuclear loss: loss of *nuclear material* due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;

(iv) Measured discard: *nuclear material* which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;

(v) Retained waste: *nuclear material* generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;

(vi) Exemption: exemption of *nuclear material* from safeguards on account of its use or quantity; and

(vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of *nuclear material* as the result of an operational accident) or theft.

108. 'Key measurement point' means a location where *nuclear material* appears in such a form that it may be measured to determine material flow or inventory. 'Key measurement points' thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in *material balance points*.

109. 'Man-year of inspection' means, for the purposes of paragraph 80 above, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a *facility* at any time for a total of not more than eight hours.

110. 'Material balance area' means an area in or outside of a *facility* such that:

- (a) The quantity of *nuclear material* in each transfer into or out of each 'material balance area' can be determined; and
- (b) The *physical inventory* of *nuclear material* in each 'material balance area' can be determined when necessary, in accordance with specified procedures, in order that the material balance for Agency safeguards purposes can be established.

111. 'Material unaccounted for' means the difference between *book inventory* and *physical inventory*.

112. 'Nuclear material' means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the State.

113. 'Physical inventory' means the sum of all the measured or derived estimates of *batch* quantities of *nuclear material* on hand at a given time within a *material balance area*, obtained in accordance with specified procedures.

114. 'Shipper/receiver difference' means the difference between the quantity of *nuclear material* in a *batch* as stated by the shipping *material balance area* and as measured at the receiving *material balance area*.

115. 'Source data' means those data, recorded during measurement or calibration or used to derive empirical

relationships, which identify *nuclear material* and provide *batch data*. 'Source data' may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

116. 'Strategic point' means a location selected during examination of design information where, under normal conditions and when combined with the information from all 'strategic points' taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a 'strategic point' may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

[Editorial note: Footnotes not included. They may be viewed at <http://www.iaea.org/Publications/Documents/Infocircs/Other/infirc153.pdf>]

Protocol Additional to the Agreement(s) Between and the International Atomic Energy Agency for the Application of Safeguards

[IAEA Information Circular 540, (INFCIRC/540),
September 1997, as corrected by INFCIRC/540/Corr.1,
12 October 1998]

Foreword to the model Protocol

This document is a model Additional Protocol designed for States having a Safeguards Agreement with the Agency, in order to strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.

The Board of Governors has requested the Director General to use this Model Protocol as the standard for additional protocols that are to be concluded by States and other parties to comprehensive safeguards agreements with the Agency. Such protocols shall contain all of the measures in this Model Protocol.

The Board of Governors has also requested the Director General to negotiate additional protocols or other legally binding agreements with nuclear-weapon States incorporating those measures provided for in the Model Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under Article I of the NPT.

The Board of Governors has further requested the Director General to negotiate additional protocols with other States that are prepared to accept measures provided for in the model Protocol in pursuance of safeguards effectiveness and efficiency objectives.

In conformity with the requirements of the Statute, each individual Protocol or other legally binding agreement will require the approval of the Board and its authorization to the Director General to conclude and subsequently implement the Protocol so approved.

Preamble

WHEREAS (hereinafter referred to as '.....') is a party to (an) Agreement(s) between and the International Atomic Energy Agency (hereinafter referred to as the 'Agency') for the application of safeguards [full title of the Agreement(s) to be inserted] (hereinafter referred to as the 'Safeguards Agreement(s)'), which entered into force on;

AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge;

WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the

efficiency of Agency safeguards;

NOW THEREFORE and the Agency have agreed as follows:

RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT

Article 1

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

PROVISION OF INFORMATION

Article 2

a shall provide the Agency with a declaration containing:

(i) A general description of and information specifying the location of *nuclear fuel cycle-related research and development activities*¹ not involving *nuclear material* carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of,

(ii) Information identified by the Agency on the basis of expected gains ineffectiveness or efficiency, and agreed to by on operational activities of safeguards relevance at *facilities* and at *locations outside facilities* where nuclear material is customarily used.

(iii) A general description of each building on each *site*, including its use and, if not apparent from that description, its contents. The description shall include a map of the *site*.

(iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.

(v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for as a whole shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed *nuclear material* accountancy.

(vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

(a) the quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in at which the material is present in quantities exceeding ten metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed *nuclear material* accountancy;

(b) the quantities, the chemical composition and the destination of each export out of of such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive exports of uranium from to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive exports of thorium from to the same State, each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

(c) the quantities, chemical composition, current location and use or intended use of each import into such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive imports of uranium in to each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive imports of thorium into each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.

(vii) (a) information regarding the quantities, uses and locations of

¹ Terms in italics have specialized meanings, which are defined in Article 18 below.

nuclear material exempted from safeguards pursuant to [paragraph 37 of INFCIRC/153]²;

(b) information regarding the quantities (which may be in the form of estimates) and uses at each location, of *nuclear material* exempted from safeguards pursuant to [paragraph 36(b) of INFCIRC/153]² but not yet in a non-nuclear end-use form, in quantities exceeding those set out in [paragraph 37 of INFCIRC/153]². The provision of this information does not require detailed *nuclear material* accountancy.

(viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 on which safeguards have been terminated pursuant to [paragraph 11 of INFCIRC/153]². For the purpose of this paragraph, 'further processing' does not include repackaging of the waste or its further conditioning not involving the separation of elements, for storage or disposal.

(ix) The following information regarding *specified equipment and non-nuclear material* as follows:

(a) for each export out of of such equipment and material: the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;

(b) upon specific request by the Agency, confirmation by as importing State, of information provided to the Agency by another State concerning the export of such equipment and material to

(x) General plans for the succeeding ten-year period relevant to the development of the nuclear fuel cycle (including planned *nuclear fuel cycle-related research and development activities*) when approved by the appropriate authorities in

b. shall make every reasonable effort to provide the Agency with the following information:

(i) a general description of and information specifying the location of *nuclear fuel cycle-related research and development activities* not involving *nuclear material* which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 that are carried out anywhere in but which are not funded, specifically authorized or controlled by, or carried out on behalf of, For the purpose of this paragraph, 'processing' of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.

(ii) A general description of activities and the identity of the person or entity carrying out such activities, at locations identified by the Agency outside a *site* which the Agency considers might be functionally related to the activities of that *site*. The provision of this information is subject to a specific request by the Agency. It shall be provided in consultation with the Agency and in a timely fashion.

c. Upon request by the Agency, shall provide amplifications or clarifications of any information it has provided under this Article, in so far as relevant for the purpose of safeguards.

Article 3

a. shall provide to the Agency the information identified in Article 2.a.(i), (iii), (iv), (v), (vi)(a), (vii) and (x) and Article 2.b.(i) within 180 days of the entry into force of this Protocol.

b. shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph a. above for the period covering the previous calendar year. If there has been no change to the information previously provided, shall so indicate.

c. shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(vi)(b) and (c) for the period covering the previous calendar year.

d. shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(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 mechanistically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:

(i) Any location referred to in Article 5.a.(i) or (ii) on a selective basis in order to assure the absence of undeclared *nuclear material* and activities;

(ii) Any location referred to in Article 5.b. or c. to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;

(iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes,s declaration of the decommissioned status of a *facility* or of a *location outside facilities* where *nuclear material* was customarily used.

b. (i) Except as provided in paragraph (ii) below, the Agency shall give advance notice of access of at least 24 hours;

(ii) For access to any place on a *site* that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that *site*, the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.

c. Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.

d. In the case of a question or inconsistency, the Agency shall provide with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question or inconsistency until has been provided with such an opportunity.

e. Unless otherwise agreed to by access shall only take place during regular working hours.

f. shall have the right to have Agency inspectors accompanied during their access by representatives of provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Provision of access

Article 5

..... shall provide the Agency with access to:

a. (i) Any place on a *site*;

(ii) Any location identified by under Article 2.a.(v)–(viii);

(iii) Any *decommissioned facility* or *decommissioned location outside facilities* where *nuclear material* was customarily used.

b. Any location identified by under Article 2.a.(i), Article 2.a.(iv), Article 2.a.(ix)(b) or Article 2.b, other than those referred to in paragraph a.(i) above, provided that if is unable to provide such access, shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.

c. Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out *location-specific environmental sampling*, provided that if is unable to provide such access, shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

Scope of Activities

Article 6

When implementing Article 5, the Agency may carry out the following activities:

a. For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals

² The reference to the corresponding provision of the relevant Safeguards Agreement should be inserted where bracketed references to INFCIRC/153 are made.

and other identifying and tamper indicating devices specified in Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors (hereinafter referred to as the 'Board') and following consultations between the Agency and

b. For access in accordance with Article 5.a.(ii): visual observation; item counting of nuclear material; non-destructive measurements and sampling; utilization of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and

c. For access in accordance with Article 5.b.: visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and

d. For access in accordance with Article 5.c., collection of environmental samples and, in the event the results do not resolve the question or inconsistency at the location specified by the Agency pursuant to Article 5.c., utilization at that location of visual observation, radiation detection and measurement devices, and, as agreed by and the Agency, other objective measures.

Managed access

Article 7

a. Upon request by the Agency and shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared *nuclear materials* and activities at the location in question, including the resolution of a question relating to the correctness and completeness of the information referred to in Article 2 or of an inconsistency relating to that information.

b. may, when providing the information referred to in Article 2, inform the Agency of the places at a *site* or location at which managed access may be applicable.

c. Pending the entry into force of any necessary Subsidiary Arrangements, may have recourse to managed access consistent with the provisions of paragraph a. above.

Article 8

Nothing in this Protocol shall preclude from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act upon such a request.

Article 9

..... shall provide the Agency with access to locations specified by the Agency to carry out *wide-area environmental sampling*, provided that if is unable to provide such access it shall make every reasonable effort to satisfy Agency requirements at alternative locations. The Agency shall not seek such access until the use of *wide-area environmental sampling* and the procedural arrangements therefor have been approved by the Board and following consultations between the Agency and

Statements on the Agency's access activities

Article 10

The Agency shall inform of:

a. The activities carried out under this Protocol, including those in respect of any questions or inconsistencies the Agency had brought to the attention of within sixty days of the activities being carried out by the Agency.

b. The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of

as soon as possible but in any case within thirty days of the results being established by the Agency.

c. The conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

DESIGNATION OF AGENCY INSPECTORS

Article 11

a. (i) The Director General shall notify of the Board's approval of any Agency official as a safeguards inspector. Unless advises the Director General of its rejection of such an official as an inspector for within three months of receipt of notification of the Board's approval, the inspector so notified to shall be considered designated to

(ii) The Director General, acting in response to a request by or on his own initiative, shall immediately inform of the withdrawal of the designation of any official as an inspector for

b. A notification referred to in paragraph a. above shall be deemed to be received by seven days after the date of the transmission by registered mail of the notification by the Agency to

Visas

Article 12

..... shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to

SUBSIDIARY ARRANGEMENTS

Article 13

a. Where or the Agency indicates that it is necessary to specify in Subsidiary Arrangements how measures laid down in this Protocol are to be applied, and the Agency shall agree on such Subsidiary Arrangements within ninety days of the entry into force of this Protocol or, where the indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within ninety days of the date of such indication.

b. Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

COMMUNICATIONS SYSTEMS

Article 14

a. shall permit and protect free communications by the Agency for official purposes between Agency inspectors in and Agency Headquarters and/or Regional Offices, including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in At the request of or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

b. Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which regards as being of particular sensitivity.

PROTECTION OF CONFIDENTIAL INFORMATION

Article 15

a. The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

b. The regime referred to in paragraph a. above shall include,

among others, provisions relating to:

- (i) General principles and associated measures for the handling of confidential information;
- (ii) Conditions of staff employment relating to the protection of confidential information;
- (iii) Procedures in cases of breaches or alleged breaches of confidentiality.

c. The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

ANNEXES

Article 16

a. The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of the Annexes, the term 'Protocol' as used in this instrument means the Protocol and the Annexes together.

b. The list of activities specified in Annex I, and the list of equipment and material specified in Annex II, may be amended by the Board upon the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

ENTRY INTO FORCE

Article 17

a. This Protocol shall enter into force on the date on which the Agency receives from written notification that³'s statutory and/or constitutional requirements for entry into force have been met.

OR³

upon signature by the representatives of and the Agency.

b. may, at any date before this Protocol enters into force, declare that it will apply this Protocol provisionally.

c. The Director General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

DEFINITIONS

Article 18

For the purpose of this Protocol:

a. *Nuclear fuel cycle-related research and development activities* means those activities which are specifically related to any process or system development aspect of any of the following:

- conversion of *nuclear material*,
- enrichment of *nuclear material*,
- nuclear fuel fabrication,
- reactors,
- critical facilities,
- reprocessing of nuclear fuel,
- processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233, but do not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.

b. *Site* means that area delimited by in the relevant design information for a *facility*, including a *closed-down facility*, and in the relevant information on a *location outside facilities* where *nuclear material* is customarily used, including a *closed-down location outside facilities* where *nuclear material* was customarily used (this is limited to locations with hot cells or where activities related to conversion, enrichment, fuel fabrication or reprocessing were carried out). It shall also include all installations, co-located with the *facility* or *location*, for the provision or use of essential services, including: hot cells for processing irradiated materials not containing *nuclear material*; installations for the treatment, storage and disposal of waste; and buildings associated with specified activities

identified by under Article 2.a.(iv) above.

c. *Specific equipment and non-nuclear material* means

equipment and non-nuclear material listed in Annex II to this Protocol.

d. *Decommissioned facility or decommissioned location outside facilities* means an installation or location at which residual structures and equipment essential for its use have been removed or rendered inoperable so that it is not used to store and can no longer be used to handle, process or utilize nuclear material.

e. *Closed-down facility or closed-down location outside facilities* means an installation or location where operations have been stopped and the *nuclear material* removed but which has not been decommissioned.

f. *High enriched uranium* means uranium containing 20 percent or more of the isotope uranium-235.

g. *Location-specific environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at, and in the immediate vicinity of, a location specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared *nuclear material* or nuclear activities at the specified location.

h. *Wide-area environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at a set of locations specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared *nuclear material* or nuclear activities over a wide area.

i. *Nuclear material* means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute of the Agency after the entry into force of this Protocol which adds to the materials considered to be source material or special fissionable material shall have effect under this Protocol only upon acceptance by

j. *Facility* means:

- (i) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (ii) Any location where *nuclear material* in amounts greater than one effective kilogram is customarily used.

k. *Location outside facilities* means any installation or location, which is not a *facility*, where *nuclear material* is customarily used in amounts of one effective kilogram or less.

Annex I

[Editorial Note: Annex I consists of a list of manufacturing and construction activities that should be reported to the Agency by each state. For example, the manufacture of centrifuge rotor tubes or the construction of hot cells.]

Annex II

[Editorial Note: Annex II consists of specified equipment and non-nuclear material about which import and export data should be provided to the Agency. The list is based upon Annex B of *Guidelines for Nuclear Transfers* (INFCIRC/254). This is reproduced in the 'Export Controls' section of this volume of the *Briefing Book*.]

Non-nuclear-weapon States which are party to the NPT but have not yet brought into force a safeguards agreement pursuant to Article III of that Treaty

[As of 15 December 2009]

State	Small Quantities Protocol	Status of Agreements
Andorra	Agreed	Signed 9 Jan 01
Angola		
Benin	Amended 15 Apr 08	Signed 7 Jun 05
Cape Verde	Amended 27 Mar 06	Signed 28 Jun 05
Chad	Signed 15 Sep 09	Signed 15 Sep 09
Congo, Rep of the	Approved 8 Sep 09	Approved 8 Sep 09
Djibouti	Approved 3 Mar 09	Approved 3 Mar 09
Equatorial Guinea	Agreed	Approved 13 Jun 86
Eritrea		
Gabon	Agreed	Signed 3 Dec 79
Guinea		

³ The choice of alternative depends on the preference of the State concerned according to its internal legal requirements.

Guinea Bissau		
Liberia		
Micronesia, Fed States		
Montenegro	Signed 26 May 08	Signed 26 May 08
Mozambique	Approved 22 Nov 07	Approved 22 Nov 07
Rwanda	Signed 18 Nov 09	Signed 18 Nov 09
Sao Tome & Principe		
Somalia		
Timor-Leste	Signed 6 Oct 09	Signed 6 Oct 09
Togo	Agreed	Signed 29 Nov 90
Vanuatu	Approved 8 Sep 09	Approved 8 Sep 09

'Small Quantities Protocol' applies to states with no, or very limited, amounts of nuclear material on their territory.

Strengthened Safeguards System: States with Additional Protocols

[As at 12 January 2010]

State	Board Approval	Date signed	In Force
Afghanistan	1 Mar '05	19 Jul '05	19 Jul '05
Albania	16 Jun '04	2 Dec '04	
Algeria	14 Sep '04		
Andorra	7 Dec '00	9 Jan '01	
Armenia	23 Sep '97	29 Sep '97	28 Jun '04
Australia	23 Sep '97	23 Sep '97	12 Dec '97
Austria	11 Jun '98	22 Sep '98	30 Apr '04
Azerbaijan	7 Jun '00	5 Jul '00	29 Nov '00
Bahrain	26 Nov '09		
Bangladesh	25 Sep '00	30 Mar '01	30 Mar '01
Belarus	3 Oct '05	15 Nov '05	
Belgium	11 Jun '98	22 Sep '98	30 Apr '04
Benin	17 Sep '04	7 Jun '05	
Botswana	20 Sep '05	24 Aug '06	24 Aug '06
Bulgaria	14 Sep '98	24 Sep '98	10 Oct '00
Burkina Faso	18 Mar '03	17 Apr '03	17 Apr '03
Burundi	13 Jun '07	27 Sep '07	27 Sep '07
Cameroon	16 Jun '04	16 Dec '04	
Canada	11 Jun '98	24 Sep '98	8 Sep '00
Cape Verde	16 Jun '05	28 Jun '05	
Central African Rep.	7 Mar '06	7 Sep '09	7 Sep '09
Chad	22 Nov '07		
Chile	10 Sep '02	19 Sep '02	3 Nov '03
China	25 Nov '98	31 Dec '98	28 Mar '02
Colombia	25 Nov '04	11 May '05	
Comoros	16 Jun '05	13 Dec '05	20 Jan 09
Congo, Rep of the	8 Sep '09		
Costa Rica	29 Nov '01	12 Dec '01	
Côte d'Ivoire	22 Nov '07	22 Oct 08	
Croatia	14 Sep '98	22 Sep '98	6 Jul '00
Cuba	9 Sep '03	18 Sep '03	3 Jun '04
Cyprus	²	²	1 May '08
Czech Republic	20 Sep '99	28 Sep '99	1 Jul '02
Democratic Republic of the Congo	28 Nov '02	9 Apr '03	9 Apr '03
Denmark	11 Jun '98	22 Sep '98	30 Apr '04
Djibouti	3 Mar '09		
Dominican Republic	23 Nov '06	20 Sep '07	
Ecuador	20 Sep '99	1 Oct '99	24 Oct '01
El Salvador	23 Sep '02	5 Sep '03	24 May '04
Estonia	²	²	1 Dec '05 ²
Fiji	16 Jun '05	14 Jul '06	14 Jul '06
Finland	11 Jun '98	22 Sep '98	30 Apr '04

France	11 Jun '98	22 Sep '98	30 Apr '04
Gabon	18 Mar '03	8 Jun '05	
Georgia	23 Sep '97	29 Sep '97	3 Jun '03
Germany	11 Jun '98	22 Sep '98	30 Apr '04
Ghana	11 Jun '98	12 Jun '98	11 Jun '04
Greece	11 Jun '98	22 Sep '98	30 Apr '04
Guatemala	29 Nov '01	14 Dec '01	28 May 08
Haiti	20 Mar '02	10 Jul '02	9 Mar '06
Holy See	14 Sep '98	24 Sep '98	24 Sep '98
Honduras	16 Jun '05	7 Jul '05	
Hungary	²	²	1 Jul '07 ²
Iceland	9 Sep '03	12 Sep '03	12 Sep '03
India	3 Mar '09	15 May '09	
Indonesia	20 Sep '99	29 Sep '99	29 Sep '99
Iran, Islamic Rep. of	21 Nov '03	18 Dec '03	
Iraq	24 Sep 08	9 Oct 08	
Ireland	11 Jun '98	22 Sep '98	30 Apr '04
Italy	11 Jun '98	22 Sep '98	30 Apr '04
Jamaica	12 Jun '02	19 Mar '03	19 Mar '03
Japan	25 Nov '98	4 Dec '98	16 Dec '99
Jordan	18 Mar '98	28 Jul '98	28 Jul '98
Kazakhstan	18 Jun '03	6 Feb '04	9 May '07
Kenya	8 Sep '09		
Kiribati	10 Sep '02	9 Nov '04	
Korea, Republic of	24 Mar '99	21 Jun '99	19 Feb '04
Kuwait	12 Jun '02	19 Jun '02	2 Jun '03
Kyrgyzstan	23 Nov '06	29 Jan '07	
Latvia	²	²	1 Oct '08 ²
Lesotho	24 Sep 08		
Libyan Arab Jamahiriya	9 Mar '04	10 Mar '04	11 Aug '06
Liechtenstein	16 Jun '05	14 Jul '06	
Lithuania	8 Dec '97	11 Mar '98	5 Jul '00
Luxembourg	11 Jun '98	22 Sep '98	30 Apr '04
Madagascar	18 Jun '03	18 Sep '03	18 Sep '03
Malawi	23 Nov '06	26 Jul '07	26 Jul '07
Malaysia	22 Sep '05	22 Nov '05	
Mali	10 Sep '02	12 Sep '02	12 Sep '02
Malta	²	²	1 Jul '07 ²
Marshall Islands	1 Mar '05	3 May '05	3 May '05
Mauritania	18 Mar '03	2 Jun '03	10 Dec '09
Mauritius	14 Sep '04	9 Dec '04	17 Dec '07
Mexico	12 Mar '04	29 Mar '04	
Monaco	25 Nov '98	30 Sep '99	30 Sep '99
Mongolia	11 Sep '01	5 Dec '01	12 May '03
Montenegro	13 Jun '07	26 May 08	
Morocco	16 Jun '04	22 Sep '04	
Mozambique	22 Nov '07		
Namibia	21 Mar '00	22 Mar '00	
Netherlands	11 Jun '98	22 Sep '98	30 Apr '04
New Zealand	14 Sep '98	24 Sep '98	24 Sep '98
Nicaragua	12 Jun '02	18 Jul '02	18 Feb '05
Niger	9 Mar '04	11 Jun '04	2 May '07
Nigeria	7 Jun '00	20 Sep '01	4 Apr '07
Norway	24 Mar '99	29 Sep '99	16 May '00
Palau	1 Mar '05	13 May '05	13 May '05
Panama	29 Nov '01	11 Dec '01	11 Dec '01
Paraguay	12 Jun '02	24 Mar '03	14 Sep '04
Peru	10 Dec '99	22 Mar '00	23 Jul '01
Philippines	23 Sep '97	30 Sep '97	
Poland	²	²	1 Mar '07 ²
Portugal	11 Jun '98	22 Sep '98	30 Apr '04
Republic of Moldova	13 Sep '06		
Romania	9 Jun '99	11 Jun '99	7 Jul '00
Russia	21 Mar '00	22 Mar '00	16 Oct '07

Rwanda	16 Jun '09	18 Nov '09	
Senegal	1 Mar '05	15 Dec '06	
Seychelles	18 Mar '03	7 Apr '04	13 Oct '04
Singapore	20 Sep '05	22 Sep '05	31 Mar 08
Slovakia	²	²	1 Dec '05 ²
Slovenia	²	²	1 Sep '06 ²
South Africa	12 Jun '02	13 Sep '02	13 Sep '02
Spain	11 Jun '98	22 Sep '98	30 Apr '04
Swaziland	04 Mar 08		
Sweden	11 Jun '98	22 Sep '98	30 Apr '04
Switzerland	7 Jun '00	16 Jun '00	1 Feb '05
Tajikistan	12 Jun '02	7 Jul '03	14 Dec '04
Thailand	20 Sep '05	22 Sep '05	
Timor-Leste	11 Sep '07		
The FYROM	16 Jun '05	12 Jul '05	11 May '07
Togo	22 Sep '03	26 Sep '03	
Tunisia	1 Mar '05	24 May '05	
Turkey	7 Jun '00	6 Jul '00	17 Jul '01
Turkmenistan	1 Mar '05	17 May '05	3 Jan '06
Uganda	25 Nov '04	14 Jun '05	14 Feb '06
Ukraine	7 Jun '00	15 Aug '00	24 Jan '06
United Arab Emirates	3 Mar '09	8 Apr '09	
United Kingdom of Great Britain and Northern Ireland	11 Jun '98	22 Sep '98	30 Apr '04
United Republic of Tanzania	16 Jun '04	23 Sep '04	7 Feb '05
United States of America	11 Jun '98	12 Jun '98	06 Jan 09
Uruguay	23 Sep '97	29 Sep '97	30 Apr '04
Uzbekistan	14 Sep '98	22 Sep '98	21 Dec '98
Vanuatu	8 Sep '09		
Vietnam	6 Mar '07	10 Aug '07	
Zambia	27 Nov 08		
Totals	131	128	94

Strengthened Safeguards System: Other Parties with Additional Protocols

Other Parties ¹	Board Approval	Date signed	In Force
Euratom	11 June '98	22 Sept '98	30 April '04
Totals	1	1	1

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

J – Resolutions and Decision at the 2009 IAEA General Conference

Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety

[GC(53)/RES/10, December 2009]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference,

(a) Recalling resolution GC(52)/RES/9 and previous General Conference resolutions on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety,

(b) Recognizing that a global nuclear, radiation, transport and waste safety culture is a key element of the peaceful uses of nuclear energy, ionizing radiation and radioactive substances, and that continuous efforts are required to ensure its maintenance at the optimal level,

(c) Emphasizing the important role of the Agency in enhancing nuclear, radiation, transport and waste safety through its safety programmes and initiatives and in promoting international cooperation and sharing experience in this regard,

(d) Recognizing the importance of Member States establishing and maintaining effective and sustainable regulatory infrastructures for nuclear, radiation, transport and waste safety,

(e) Noting with appreciation the Director General's report in document GC(53)/2 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety,

(f) Emphasizing the vital need for sustainable, appropriate and predictable resourcing, as well as efficient management, of the Secretariat's work in the field of nuclear, radiation, transport and waste safety,

(g) Recalling the objectives of the Convention on Nuclear Safety,

(h) Recalling the objective of the non-legally-binding Code of Conduct on the Safety of Research Reactors,

(i) Recognizing the central role of the Agency's safety standards in providing authoritative guidance to Member States on matters related to nuclear, radiation, transport and waste safety,

(j) Underscoring that medical uses of ionizing radiation constitute by far the largest source of man-made exposure, and emphasizing the need for enhanced efforts to optimize radiation protection for patients in view of the increase in average annual doses from medical exposures, including through the sharing of experience at the international level,

(k) Recalling that States have under international law the obligation to protect and preserve the environment, including the marine environment, and emphasizing the importance of the Secretariat's continued collaboration with the contracting parties of international and regional instruments aimed at protecting the environment from radioactive wastes, such as the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, and at the relative progressive reduction or elimination of radioactive discharges to the sea,

(l) Recognizing that, historically, the safety record of civilian transport, including maritime transport, of radioactive materials has been excellent, and stressing the importance of international cooperation to enhance the safety of international transport,

(m) Reaffirming maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments,

(n) Recalling the policy approved by the Board in June 2005 for reviewing the Agency's Transport Regulations, and for revising the Regulations where a proposal is assessed as sufficiently important for safety by the Transport Safety Standards Committee (TRANSSC) and the Commission on Safety Standards (CSS),

(o) Noting the potential impacts of changing global weather patterns on the transport of radioactive materials,

(p) Noting the importance of security for the safe transport of radioactive material and the strong concern of some States in this regard, and stressing the need to take adequate measures to prevent the loss of control of radioactive material during transport, including to deter or defeat terrorist and other hostile or criminal actions directed against carriers of radioactive material, in accordance with international law,

(q) Noting that the timely shipment of radioactive materials, particularly those having important uses in the medical, academic and industrial sectors, is being affected by incidents of denial and delay of shipment in circumstances where the shipment complies with the Agency's Transport Regulations,

(r) Recalling resolution GC(52)/RES/9 and the previous resolutions which invited Member States shipping radioactive material to provide, as appropriate, assurances to potentially affected States, upon their request, that their national regulations take into account the Agency's Transport Regulations and to provide them with relevant information relating to shipments of such material, and noting that the information provided should in no case be contradictory to the measures of physical protection and safety,

(s) Emphasizing that the General Conference has encouraged Member States to make use of the Agency's appraisal service for the safety of the transport of radioactive material,

(t) Recalling the objectives of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (the Joint Convention),

(u) Recognizing the need to strengthen national capacities to ensure safety in uranium mining and processing, particularly in Member States entering or re-entering the uranium mining industry, and to address the remediation of contaminated sites,

(v) Emphasizing the importance of education and training in establishing and maintaining an adequate nuclear, radiation, transport and waste safety infrastructure, and noting the Secretariat's actions in developing strategies for sustainable education and training in this regard, including the safety and security of radioactive sources,

(w) Recalling the objectives and principles of the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources, and the supplementary Guidance on the Import and Export of Radioactive Sources,

(x) Recognizing that potential nuclear and radiological incidents and emergencies, regardless of their origin, may lead to significant radiological and other serious consequences over wide geographical areas, thereby requiring an international response,

(y) Recalling the obligations of States 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), and recalling further the functions of the Agency under these conventions,

(z) Noting the progress made by the Secretariat, Member States and other international organizations in the implementation of the International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies, and recognizing the need for the establishment of mechanisms to ensure effective and sustainable implementation of the Early Notification Convention, the Assistance Convention and the Action Plan,

(aa) Noting the importance of ensuring the highest level of nuclear, radiation, transport and waste safety for the protection of people, property and the environment, and recognizing concerns about the potential for damage to arise in the event of an accident or incident in a nuclear installation or during the transport of radioactive material, including actual economic loss as defined under international law,

(bb) Recognizing the importance of having in place effective and coherent nuclear liability mechanisms at the national and global levels to provide compensation, if necessary, for damage inter alia

to people, property and the environment due to a nuclear accident or incident, taking fully into account legal and technical considerations, and believing that the principle of strict liability should apply in the event of a nuclear accident or incident, including during the transport of radioactive material, and

(cc) Recalling the Paris Convention on Third Party Liability in the Field of Nuclear Energy, the Vienna Convention on Civil Liability for Nuclear Damage, the Brussels Convention supplementary to the Paris Convention, the Joint Protocol Related to the Application of the Vienna Convention and the Paris Convention and the protocols amending these conventions, and the objectives thereof, and noting also the intention of the Convention on Supplementary Compensation for Nuclear Damage to establish a worldwide nuclear liability regime based on the principles of nuclear liability law, without prejudice to other liability regimes,

1. General

1. Urges the Secretariat to continue to strengthen its efforts to maintain and improve nuclear, radiation, transport and waste safety, focusing particularly on mandatory activities and on technical areas and regions where the need is greatest;

2. Requests the Director General to continue the current programme to assist Member States in developing and improving their national infrastructure, including legislative and regulatory frameworks, for nuclear, radiation, transport and waste safety;

3. Requests the Secretariat to continue to establish its safety priorities using an integrated assessment process, taking into account the advice of the relevant standing bodies, and to incorporate the results into the delivery of its review services;

4. 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;

5. Acknowledges that safety measures and security measures have in common the aim of protecting human life and health and the environment, calls upon the Secretariat to enhance its efforts to ensure coordination of its safety activities and security activities, and encourages Member States to work actively to ensure that neither safety nor security is compromised;

6. Endorses the efforts of the International Nuclear Safety Group (INSAG), the CSS and the safety standards committees in promoting nuclear safety worldwide, and notes the establishment of a joint AdSec-CSS taskforce to further address issues related to safety and security synergies and interfaces,

7. Recognizes the importance of an effective regulatory body as an essential element of national nuclear infrastructure, urges Member States to continue to increase regulatory effectiveness in the field of nuclear, radiation, transport and waste safety, recognizes the importance of the *International Conference on Effective Nuclear Regulatory Systems* to be held in South Africa in December 2009, invites Member States to continue to share findings and lessons learned in the regulatory area, and in this regard takes note of the outcomes of the *International Workshop on Lessons Learned from Integrated Regulatory Review Service (IRRS)* missions held in November 2008 in Spain and underscores their value;

8. Recognizes that the Agency is developing guidance on *Establishing a Nuclear Safety Infrastructure for a National Nuclear Power Programme*, and encourages Member States embarking on new nuclear power programmes to take timely and proactive steps, based upon gradual and systematic application of Agency safety standards to establish and sustain a strong safety culture and a competent regulatory body with effective independence and the necessary human and financial resources to fulfil its responsibilities;

9. Welcomes the maturing of thematic and regional safety networks, including the work undertaken by the Asian Nuclear Safety Network (ANSN), the European Technical Safety Organisations Network (ETSON), and the Asia Region ALARA Network (ARAN), encourages the Secretariat to establish similar networks in regions where they do not exist, encourages Member States to join relevant networks of this kind, requests the Secretariat and Member States as appropriate to facilitate such efforts, and requests the Secretariat to report on the development of the DISPONET and the ENVIRONET networks;

10. Acknowledges the established role of the Ibero-American Forum of Radiological and Nuclear Regulatory Agencies in promoting a high level of safety, recognizes the launch in South Africa in March 2009 of the Forum for Nuclear Regulatory Bodies in Africa, and requests the Secretariat to continue to support the activities of these for a;

11. Notes the Agency's efforts in upgrading the Regulatory Authority Information System (RAIS) to assist Member States in improving regulatory control and inventories of radiation sources, and encourages Member States to evaluate the upgraded RAIS for use;

12. Welcomes the valuable work of the International Expert Group on Nuclear Liability (INLEX), encourages relevant Member States to participate in INLEX's workshop in December 2009 for countries having expressed an interest in launching a nuclear power programme, looks forward to the continuation of INLEX's work, and its further outreach efforts to promote adherence to nuclear liability instruments, and requests the Secretariat to report at appropriate times on the continuing work of INLEX;

13. Encourages Member States, as appropriate, to give due consideration to the possibility of joining international nuclear liability instruments;

14. Requests the Secretariat to undertake in-house coordination to fulfil the immediate, medium term and longer-term resource requirements, including financing, of the Agency's safety activities, and to consider prioritization, cost savings, and innovative means of financing;

15. Further requests that the actions of the Secretariat called for in this resolution be undertaken subject to the availability of financial resources;

16. Requests the Director General to report in detail to its 54th (2010) regular session on implementation of this resolution and relevant developments in the intervening period;

2. The Agency's Safety Standards Programme

17. Welcomes the publication of the Safety Requirements approved by the Board, and encourages Member States to use these requirements in their national regulatory programmes;

18. Requests the Secretariat to follow the priorities decided by the Commission on Safety Standards (CSS) in establishing these safety standards;

19. Commends the Commission on Safety Standards (CSS), the safety standards committees and the Secretariat for the establishment and approval of a roadmap for the long-term structure for the safety standards, requests the Director General to report to the Board in this regard, and looks forward to the integration of all thematic areas in a coherent and harmonized set of publications, complemented by a series of facility- and activity-specific safety requirements, which will inter alia promote stability in regulatory approaches;

20. Requests the Secretariat to continue to develop, in a timely manner, the revised International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources (BSS) in involvement with the co-sponsors, and underscores that the revised BSS should reflect current challenges in radiation protection, and that changes to the current BSS be justified and take account of the relevant International Commission on Radiological Protection (ICRP) recommendations to the extent possible;

21. Notes resolution A/RES/63/89 of the United Nations General Assembly dated 5 December 2008 related to the effects of atomic radiation, encourages the Secretariat to continue to take account of the scientific information provided by the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) when developing Agency safety standards, and encourages the Secretariat to make all efforts to ensure the maintenance of a strong relationship with UNSCEAR;

22. Encourages the Secretariat to continue to provide for the application of the Agency safety standards at the request of the Member States;

3. Nuclear Installation Safety

23. Notes with satisfaction that all States currently operating nuclear power plants are Contracting Parties to the Convention on Nuclear Safety, and urges all Member States commissioning, constructing or planning nuclear power plants, or considering a nuclear power programme, to become Parties to the Convention as part of the establishment and maintenance of the requisite nuclear power infrastructure;

24. Welcomes the outcomes of the *International Conference on Topical Issues in Nuclear Installation Safety: Ensuring Safety for Sustainable Development*, hosted by India in November 2008, and looks forward to the publication of its proceedings;

25. Calls upon all Member States with nuclear installations to establish effective operational experience feedback programmes and to share freely their experience, assessments and lessons learned, including through the submission of incident reports to the Agency's web-based incident reporting systems, recognizes the value of the Agency's operational safety review services in further enhancing nuclear safety, and encourages Member States that have not yet done so to avail themselves of these services;

26. Recognizes the importance of strong leadership and effective management for the safe and reliable performance of nuclear installations, appreciates the Secretariat's efforts in assisting Member States with the establishment of an integrated management system including safety culture oversight and assessment, further recognizes the value of the Agency's safety culture review services, encourages Member States to avail themselves of such review services, and encourages the Secretariat to facilitate the exchange of information and experience arising from such review services;

27. Commends the Secretariat's efforts in the area of plant life management for nuclear installations, looks forward in particular to the Agency technical meeting on *Research Reactor Ageing Management and Modernization and Refurbishment* to be held in October 2009, and invites all Member States with nuclear installations to consider the Agency's guidance and services as an integral part of their operational safety strategies;

28. Acknowledges the assistance that the Secretariat is providing to Member States by carrying out, based on the application of Agency safety standards, safety reviews of existing reactor designs and generic safety aspects of new reactor designs, and urges the Secretariat to continue its efforts to develop services and tools that support Member States in promoting the safety of existing and new reactor designs;

29. Welcomes further strengthening of the Secretariat's efforts in fostering cooperation between Member States on the seismic safety of nuclear installations, commends the establishment of the International Seismic Safety Centre (ISSC) within the Agency, encourages the Secretariat's efforts to extend the ISSC's activities towards other external hazards including tsunamis and volcanoes, and further encourages Member States to actively participate in sharing relevant experience;

30. Welcomes the publication of safety standards on the safety of uranium fuel fabrication facilities, encourages the Agency to continue to develop a comprehensive set of fuel cycle safety standards, further encourages the Secretariat to facilitate the exchange of operating experience in such facilities, and invites Member States to utilize Agency safety review services for fuel cycle facilities;

31. Continues to endorse the principles and objectives of the non-legally-binding Code of Conduct on the Safety of Research Reactors, notes with satisfaction the findings and outcomes of the international meeting on the application of the Code held in Austria in October 2008, and encourages Member States constructing, operating or decommissioning research reactors or with research reactors in extended shutdown to participate in international and regional meetings on the application of the Code and to apply the guidance in the Code;

32. Encourages Member States to promote regional activities to enhance the safety of the operation, utilization, shutdown and decommissioning of research reactors, notes with satisfaction the release of the web-based Fuel Incident Notification and Analysis System (FINAS) in time for the sixth *Meeting of National*

Coordinators for the Incident Reporting System for Research Reactors, to be hosted by the Netherlands in November 2009, and encourages Member States to submit relevant incident reports;

33. Further encourages Member States to exchange regulatory information with regard to new nuclear power plant designs and design certification;

4. Radiation Safety

34. Welcomes the Secretariat's progress in implementing the International Action Plan for the Radiological Protection of Patients, encourages the Secretariat to develop further guidance on justification of medical exposures and optimization of protection, taking into account, inter alia, the outcomes of the September 2009 workshop hosted jointly with the European Commission, and encourages the Secretariat to continue development of a system aimed at addressing the long-term recording of the cumulative exposures of individual patients, and requests the Secretariat to take account of the ICRP recommendations on radiological protection for medical, occupational and public exposure situations;

35. Notes the advances and growing complexity in the medical field, and the need to exchange information, looks forward to the outcomes of the *International Conference on Modern Radiotherapy: challenges and advances in radiation protection of patients* co-sponsored by the Agency, WHO and the European Commission to be held in France in December 2009, encourages Member States to participate in that conference, and requests the Secretariat, when planning its conference schedule, to note the importance of holding a follow-up conference to the *Conference on Radiological Protection of Patients* held in Malaga in 2001;

36. Encourages Member States to take advantage of regional technical cooperation projects on medical exposure, welcomes the first training course in 2009 on the avoidance of accidental exposure in radiotherapy, and further encourages networking and information-sharing among medical professionals using ionizing radiation;

37. Welcomes the achievement of objectives for 80% of actions under the joint IAEA-International Labour Organization (ILO) International Action Plan for Occupational Radiation Protection, encourages the Agency and ILO Secretariats to continue their productive cooperation and evaluate the need for further actions;

38. Notes with pleasure the results of the April 2009 surveillance audit, which confirmed the quality of dosimetry services provided by the Agency to its occupationally-exposed workers and contracted experts, requests the Secretariat to report on the future re-accreditation of the dosimetry services, and encourages Member States to make use of the Occupational Radiation Protection Appraisal Service (ORPAS);

39. Notes resolution 63/89 of 18 December 2008 of the UN General Assembly inviting the provision of relevant data about doses, effects and risks from various sources of radiation to the UN Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), notes the work of the Secretariat to establish an Information System on Occupational Exposure in the Medical, Industrial and Research Areas (ISEMIR) and to update a database on discharges of radionuclides to the atmosphere and the aquatic environment (DIRATA), and urges the Secretariat to cooperate closely with UNSCEAR with a view to avoiding duplication and inconsistencies;

40. Notes with satisfaction the Secretariat's successful efforts to ensure the wide participation of developing countries in the *XIIth Congress of the International Radiation Protection Association: Strengthening Radiation Protection Worldwide* (IRPA 12), held in Argentina in October 2008, and urges the Secretariat to publish its proceedings;

5. Transport safety

41. Stresses the importance of having effective liability mechanisms in place to insure against harm to human health and the environment as well as actual economic loss due to a radiological accident or incident during the maritime transport of radioactive material, notes the application of the principles of nuclear liability, including strict liability, in the event of a nuclear accident or incident during the transport of radioactive material, welcomes the continuing valuable work of the International Expert

Group on Nuclear Liability (INLEX), including the examination of the application and scope of the international nuclear liability regime and the consideration and identification of further specific actions to address any gaps in scope and coverage of the regime, looks forward to the continuation of INLEX's work, in particular its further outreach activities, and requests the Secretariat to report at appropriate times on the continuing work of INLEX;

42. 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 material, and notes that the information and responses provided should in no case be contradictory to measures of physical protection and safety;

43. 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 material, and in this context welcomes the informal discussions on communication held since July 2003, including in September 2009, between relevant shipping States and coastal States, with Agency involvement, notes the intention of those States to hold further discussions with Agency involvement, looks forward to further progress towards addressing and understanding concerns of coastal and shipping States, welcomes the discussions at the bilateral level between relevant shipping and coastal States on issues of mutual concern, and expresses the hope that further enhancements to mutual confidence, particularly through voluntary communication practices, with due regard to particular circumstances, will result;

44. Welcomes the implementation so far of the Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies and looks forward to its further implementation and to further measures to improve the international emergency response capabilities, especially with respect to potential maritime incidents, and encourages the Secretariat to discuss with interested Member States how appropriate information can be made available to authorities responding to an emergency that has occurred during the transport of radioactive material, taking fully into account the requirements of physical protection and safety;

45. Commends those Member States that have already made use of the Agency's Transport Safety Appraisal Service (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 Agency appraisal missions and to improve transport practices based on recommendations and suggestions of such missions;

46. Urges Member States that do not have national regulatory documents governing the transport of radioactive material to adopt such documents expeditiously, and further urges all Member States to ensure that such regulatory documents are in conformity with the current edition of the Agency's Transport Regulations;

47. Notes the Agency's work on the security of radioactive material during transport and welcomes the development and provision of relevant training courses, and encourages Member States to make this training available;

48. Calls upon the Agency to continue to take into account scientific evidence of changing global weather patterns, changes to infrastructure and changes to industry operations in the ongoing review of the relevant Agency safety standards, and encourages the Secretariat to facilitate the development of new fissile-excepted material requirements for the transport of radioactive material;

49. Welcomes networks of competent authorities whose goal is to support the harmonized implementation of the Agency's transport safety standards, and calls upon Member States to use these networks to build capacity in the effective regulation of the safe transport of radioactive material;

50. Notes the development by the International Steering Committee on Denials of Shipment of Radioactive Material of an action plan, urges the Secretariat to actively facilitate

implementation of the action plan, calls upon Member States to each nominate a national focal point for denials of shipment of radioactive material to assist the Steering Committee in its work, welcomes the creation of regional action plans and networks to address key issues, encourages further regional workshops, welcomes the efforts to address problems related to denials of air shipments of radioactive material (in particular for medical applications), looks forward to a satisfactory and timely resolution of this issue, and in this context further calls upon Member States to facilitate the transport of such radioactive material when it is carried in compliance with the Agency's Transport Regulations;

51. Acknowledges the progress made in relation to education and training for the safe transport of radioactive material, including the preparation and translation of training materials into official languages, and requests the Director General to continue to strengthen and widen the Agency's efforts in this area, in particular to ensure synergy between regional training courses and the Agency's work related to denials of shipment (by including information on the uses of radioactive material as a module in the training), involving to the extent possible experts from the concerned regions;

6. The Safety of Spent Fuel and Radioactive Waste Management

52. Welcomes the increase in the number of Contracting Parties to the Joint Convention from 32 at the first Review Meeting to 51 by the time of the 53rd General Conference session, and invites Member States to consider becoming parties to the Joint Convention;

53. Notes the importance of regional conferences for promoting the benefits of the Joint Convention, encourages Member States that are Contracting Parties to continue such efforts through extra-budgetary contributions, and recognizes the valuable role of the Agency in assisting Member States to become Contracting Parties;

54. Welcomes the continuing efforts of the Contracting Parties to the Joint Convention to enhance the transparency, efficiency and effectiveness of the review process, and notes the outcomes of the third Review Meeting, held in May 2009;

55. Welcomes the organization of an *International Workshop on Demonstrating the Safety and Licensing of Radioactive Waste Disposal* to further enhance the development of a common international approach to demonstrate the safe disposal of all types of radioactive waste, and encourages Member States to participate in this workshop;

56. Encourages Member States to participate actively in the Agency's database on discharges of radionuclides to the atmosphere and the aquatic environment (DIRATA) and in the Net-Enabled Waste Management Database (NEWMDB) on annual radioactive waste management data from Member States;

57. Notes the outcomes from the *International Conference on Control and Management of Inadvertent Radioactive Material in Scrap Metal* held in Spain in February 2009, and requests the Secretariat to take into account the recommendations of this conference;

58. Encourages Member States, particularly those planning to embark upon new nuclear power programmes, to participate actively in the Agency's International Conference on Management of Spent Nuclear Fuel from Nuclear Power Reactors that will be held May-June 2010;

7. The Safe Decommissioning of Nuclear Facilities and Other Facilities Using Radioactive Material

59. Encourages Member States to ensure that plans for the decommissioning of facilities are developed and mechanisms are put in place for establishment and maintenance of the resources necessary to implement these plans;

60. Takes note of the expanded activities of the International Decommissioning Network (IDN), and encourages the Secretariat to continue its support to the IDN activities, including through technical cooperation;

61. Notes the completion of the Agency's first decommissioning peer review covering both planning and implementation, conducted in the United Kingdom, and invites relevant Member

States to avail themselves of this service;

62. Notes the progress made on the decommissioning and remediation of former nuclear sites in Iraq, welcomes and encourages Member States' continuing support for this work, and encourages the Secretariat to continue its technical support for the project;

8. Safety in Uranium Mining and Processing and Remediation of Contaminated Sites

63. Encourages Member States, where necessary, to strengthen the development and implementation of appropriate safety standards in the uranium production cycle, and requests the Secretariat to assist Member States in using such safety standards;

64. Emphasizes the need to address shortfalls in the availability of experienced and trained personnel in order to ensure safety in uranium production worldwide, and encourages the Secretariat to respond to requests for assistance from Member States, particularly those entering or re-entering the uranium mining industry;

65. Encourages relevant Member States to participate in a multilateral initiative to remediate the uranium mining legacy sites in Central Asia, supports the Agency's involvement in this international initiative as technical coordinator and requests the Secretariat to report on further developments; notes the conclusions of the *International Conference on Remediation of Land Contaminated by Radioactive Material Residues* in Kazakhstan in May 2009, and supports, as recommended by the conference, the development of an international working forum for the regulatory supervision of legacy sites;

66. Commends the Secretariat's efforts to bring together regulators and operators from the major uranium mining countries to produce a code of practice in radiation, environmental and occupational safety designed to assist new partners in the uranium resource development industry, and encourages interested Member States to use the Uranium Production Site Assessment Team (UPSAT) review service;

9. Education and Training in Nuclear, Radiation, Transport and Waste Safety

67. Underlines the fundamental importance of sustainable programmes for education and training in nuclear, radiation, transport and waste safety, remaining convinced that such education and training is a key component of safety infrastructure, and encourages Member States to develop national strategies for training and education;

68. Emphasizes the need to address, in a timely manner, shortfalls in the availability of trained and experienced personnel in order to ensure safety in the projected expansion of nuclear power generation worldwide, and encourages the Secretariat to assist Member States in this context, where possible and appropriate, upon their request;

69. Encourages Member States to promote knowledge management, including higher education programmes, to enhance nuclear, radiation, transport and waste safety, and to provide for the transfer of knowledge from experts leaving the field to younger generations of professionals;

70. Welcomes the ongoing commitment of the Secretariat and Member States to the implementation of the Strategy for Education and Training in Nuclear, Radiation, Transport and Waste Safety, and calls upon the Secretariat to strengthen and expand its programme of training and education activities, while focusing on building institutional capacity and technical and managerial capabilities in Member States;

71. Supports the Secretariat's continued focus on developing sustainable educational training programmes in nuclear, radiation, transport and waste safety, including by identifying training needs through Education and Training Appraisal (EduTA) missions, drawing up programmes to meet training requirements, continuing the development of up-to-date training materials including e-learning and multimedia materials, establishing national and regional training centres and networks, and further developing a network of trainers, regional training centres and 'train-the-trainer' workshops, and encourages the Secretariat to implement the

relevant technical support;

72. Welcomes the Secretariat's progress toward long-term agreements on education and training in radiation protection and nuclear safety, notes with satisfaction the conclusion in September 2008 of the first such agreement with Argentina, and looks forward to the early conclusion of further long-term agreements with other regional centres hosting Agency postgraduate educational and specialized training courses;

73. Welcomes the establishment of an inter-departmental Education and Training Support Group within the Secretariat, with the objective of optimizing the use of resources and continuously improving the effectiveness and coordination of the Agency's education and training activities;

10. Safety and Security of Radioactive Sources

74. Commends the many national and multinational efforts to recover and maintain control of vulnerable and orphan sources, and encourages the Secretariat and Member States to strengthen and continue this effort and invites Member States to consider establishing radiation detection systems as appropriate;

75. 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 30 June 2009, 95 States had made a political commitment to it in line with resolution GC(52)/RES/9.A.9 and previous resolutions, and urges other States to make such a commitment;

76. 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 30 June 2009, 53 States had notified the Director General of their intention to act in accordance with the Guidance, pursuant to resolution GC(48)/RES/10.D, encourages other States to make such a commitment, reiterates the need for States to implement the Guidance in a harmonized and consistent fashion, and requests the Secretariat to continue to provide support to facilitate States' implementation of the Guidance;

77. Welcomes the progress made by many Member States in working towards sustainable control of radioactive sources through implementing the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources;

78. Takes note of the report of the Chairman of the *Technical Meeting on Implementation of the Code of Conduct on Safety and Security of Radioactive Sources with Regard to Long Term Strategies for the Management of Sealed Sources* held in Austria in June/July 2009, contained in document 2009/Note38, calls for the report to be made available in all official languages of the Agency, notes the conclusions of the meeting, particularly those encouraging States to facilitate the return of disused sources to suppliers, to develop central storage or disposal facilities for disused or orphan sources which cannot be returned to suppliers, and those relating to information sharing between those Member States implementing the Code and contracting parties to the Joint Convention, and requests the Secretariat to take the conclusions of the meeting into account in developing its future programmes;

79. Looks forward to the *Open-ended Meeting of Technical and Legal Experts for Sharing of Information as to States' Implementation of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary Guidance on the Import and Export of Radioactive Sources* to be held in Austria in May 2010, and encourages Member States to support the review meetings on the code of conduct to assure its maintenance;

80. Welcomes the progress made by Member States in strengthening, where necessary, their regulatory infrastructures to ensure control of radioactive sources, and requests the Secretariat to continue providing support to Member States;

11. Nuclear and Radiological Incident and Emergency Preparedness and Response

81. 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 stronger international emergency response capability, to the benefit of all Member States;

82. Recognizes that implementation of the Assistance and Early Notification Conventions may be further enhanced, and therefore requests the Secretariat to consider consolidating the cooperative arrangements for international nuclear and radiological emergency preparedness and response;

83. Continues to encourage all Member States to enhance, where necessary, their own preparedness and response capabilities for nuclear and radiological incidents and emergencies, by improving capabilities to prevent accidents, to respond to emergencies and to mitigate any harmful consequences and, where necessary, to request support from the Secretariat or from other Member States in developing national capabilities consistent with international standards;

84. Emphasizes the importance of well developed national emergency response capabilities as the foundation of a well functioning international assistance regime, welcomes the efforts made by the Secretariat and Member States in this respect, requests the Secretariat to continue, in collaboration with Member States, the work towards streamlining a system of international assistance, including by considering common and compatible guidelines, and further requests the Secretariat to identify mechanisms for the timely allocation of resources for international assistance in the event of nuclear or radiological incidents and emergencies;

85. Welcomes the support by Member States for the Secretariat's implementation of the Response Assistance Network (RANET), and in particular the registration by 16 Member States of assistance capabilities in the event of radiological incidents and emergencies, and strongly urges States Parties to the Assistance Convention to support the fulfilment by the Agency of its obligations under the Convention by registering their internationally available response capabilities under RANET;

86. Welcomes the progress in implementation of the International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies, and requests the Secretariat, in collaboration with Member States, relevant international organizations and the National Competent Authorities Coordinating Group, to continue the implementation of the Action Plan, but notes with concern that the Secretariat has been largely dependent on extrabudgetary contributions in their implementation of the Action Plan;

87. Requests the Secretariat to continue its efforts to finalize and implement a global and unified system for reporting and sharing information on nuclear and radiological accidents and incidents, and to act upon the feedback provided by Member States on the system's functionality and usability;

88. Recognizes the efforts of the Secretariat and Member States in implementing the International Nuclear and Radiological Events Scale (INES);

89. Requests the Secretariat to continue improving the capabilities of the Agency's Incident and Emergency Centre, to better enable it to fulfil the Agency's functions under the Conventions, including as coordinator and facilitator of cooperation among Member States in the area of emergency preparedness and response;

90. Welcomes the endorsement of the mandate and methods of work of the *Meeting of Representatives of Competent Authorities identified under the Early Notification and Assistance Conventions*, and encourages representatives of competent authorities from Member States to participate and engage actively in future meetings; and

91. Requests the Secretariat to continue improving methods of exchange of knowledge and experience in the area of emergency preparedness and response and strongly encourages Member States to participate actively in this exchange.

Nuclear security, including measures to protect against nuclear and radiological terrorism

[GC(53)/RES/11, September 2009]

Note: the title of the resolution has been corrected.

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference.

(a) Recalling its previous resolutions on measures to improve the security of nuclear and other radioactive materials and on measures against the illicit trafficking of these materials,

(b) 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, other radioactive materials in production, use, storage and transport, including associated facilities, and emphasizing the importance of physical protection and other measures against illicit trafficking, as well as national control systems for ensuring protection against nuclear terrorism and other malicious acts, including the use of radioactive material in a radiological dispersion device or a radiation exposure device,

(c) Noting the four-year Nuclear Security Plan 2010-2013 approved by the Board of Governors in September 2009,

(d) Recognizing that the threat-based risk assessment methodology is relevant to nuclear security,

(e) Reaffirming that the overall goal of the Agency's nuclear security activities is to assist Member States, upon their request, in improving their nuclear security, as appropriate,

(f) Mindful of the responsibilities of every Member State, in accordance with its international obligations, to maintain effective nuclear security, and asserting that the responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of the Agency in facilitating international cooperation in supporting the efforts of States to fulfil their responsibilities,

(g) Noting the United Nations Security Council resolutions 1373, 1540, 1673 and 1810, the United Nations General Assembly resolution 63/60, the International Convention for the Suppression of Acts of Nuclear Terrorism, and other international efforts to prevent access by non-State actors to weapons of mass destruction and related materials,

(h) Reaffirming the importance of the Convention on the Physical Protection of Nuclear Material, as the only multilateral legally binding instrument dealing specifically with the physical protection of nuclear material, and the value of its Amendment extending its scope and thereby strengthening global nuclear security,

(i) Noting the various international efforts to enhance nuclear security,

(j) Noting the role of the Agency in the development of the nuclear security series of documents that establish fundamentals, recommendations and guidance to assist States in implementing the legally binding and non-binding international instruments related to nuclear security, and reaffirming that the application of these documents on nuclear security is voluntary in nature,

(k) Recalling the important role that the recommendations contained in "The Physical Protection of Nuclear Material and Nuclear Facilities" (INFCIRC/225) have played in providing guidance to Member States for effective physical protection, and noting that INFCIRC/225, which was last revised in 1999, is currently under revision,

(l) Noting that other international agreements multilaterally negotiated under the auspices of the Agency in the safety area, as well as the activities of the Agency in the safety area, should contribute to an integrated approach to nuclear security,

(m) Reaffirming the importance and the value of the Code of Conduct on the Safety and Security of Radioactive Sources, while recognizing that the Code is not a legally binding instrument,

(n) Noting the central contribution of the Agency's safeguards system, and also of States' Systems of Accounting for and Control

of Nuclear Materials, to preventing loss of control and illicit trafficking and to deterring and detecting the unauthorized removal of nuclear materials, to the extent to which such control procedures are applicable,

(o) Recalling UN General Assembly Resolution 60/78, which states that progress is urgently needed in the area of disarmament and non-proliferation in order to help to maintain international peace and security and to contribute to global efforts against terrorism, and acknowledging the need to make further progress towards achieving nuclear disarmament,

(p) Noting the importance of the Agency's training programmes to assist Member States in ensuring adequate and effective protection of their nuclear and other radioactive materials and associated facilities,

(q) Recognizing the work of the Agency's Nuclear Security Equipment Laboratory in cooperation with Member States to ensure the effectiveness and reliability of equipment used to detect loss of control and illicit movement of nuclear and other radioactive materials,

(r) Recognizing the work done by the Agency in providing support, technical assistance and expert advice to countries in their efforts to secure vulnerable nuclear and other radioactive materials,

(s) Recognizing the work done by the Agency in providing technical assistance and expert advice to countries hosting major public events, and

(t) Stressing the essential importance of ensuring the confidentiality of information relevant to nuclear security,

1. Welcomes the Nuclear Security Report 2009 submitted by the Director General in document GC(53)/16 on measures to improve nuclear security and protect against nuclear terrorism, produced in response to resolution GC(52)/RES/10, commends the Director General and the Secretariat for the implementation of Nuclear Security Plan for 2006-2009, and looks forward to their continued efforts, particularly in implementing the new Nuclear Security Plan for 2010-2013;

2. Calls upon all Member States to consider providing the necessary support to international efforts to enhance nuclear security through various arrangements at the bilateral, regional and international levels, and recalls the decision by the Board of Governors on support for the Nuclear Security Fund;

3. Calls upon States Parties to the Convention on the Physical Protection of Nuclear Material (CPPNM) to work towards its universal adherence and where applicable to accelerate the ratification of the amendment to the Convention and to act for the early entry into force of that amendment, and encourages them to act in accordance with the object and purpose of the amendment until such time as it enters into force, and encourages all States that have not done so to adhere to the Convention and the amendment as soon as possible;

4. Requests the Secretariat to give high priority to facilitating the revision of the recommendations contained in "The Physical Protection of Nuclear Material and Nuclear Facilities" (INFCIRC/225) by Member States as part of its work on the nuclear security series documents;

5. Recalls the functions assigned to the Agency by the International Convention for the Suppression of Acts of Nuclear Terrorism, in force since 7 July 2007, and calls upon all States that have not yet done so to adhere to the Convention as soon as possible;

6. Recalls the General Assembly resolution on the United Nations Global Counter-Terrorism Strategy encouraging the Agency 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;

7. Encourages the Secretariat to continue, in coordination with Member States, within its nuclear security programme, to play a constructive and coordinated role in nuclear security related initiatives, inter alia, the Global Initiative to Combat Nuclear Terrorism and to work jointly, as appropriate, with relevant international organizations and institutions;

8. Encourages the Secretariat to continue its training programme

for Member States on nuclear security as requested, and expand the courses offered, and to adapt them as appropriate to meet the needs of Member States;

9. Invites the Secretariat to provide assistance to Member States upon their request in fulfilling their obligations under United Nations Security Council resolution 1540 and to the 1540 Committee, provided that such requests are within the scope of the Agency's statutory responsibilities;

10. Calls upon all States to ensure that measures to strengthen nuclear security should not hamper international cooperation in the field of peaceful nuclear activities, production, transfer and use of nuclear and other radioactive materials, the exchange of nuclear material for peaceful purposes and the promotion of peaceful use of nuclear energy, and without undermining the established priorities of the technical cooperation programme;

11. Calls upon all States to identify secure storage and disposition pathways for disused radioactive sealed sources so that such sources in their territories remain under regulatory control, unless exempted from regulatory control, and further calls upon States to address obstacles to the return of disused sources to the supplier State;

12. Calls upon all States to recognize the potential danger of illicit trafficking in nuclear and other radioactive materials across their borders and within their countries;

13. Notes that the Illicit Trafficking Database Programme (ITDB) may help in identifying vulnerabilities in security systems, takes notes of the participation of 108 Member States in the ITDB and invites States to participate in such databases on a voluntary basis;

14. Notes the Agency's work in the field of nuclear forensics, aimed at assisting Member States in connection with the detection of and response to, and determination of the origin of, illicitly trafficked nuclear and other radioactive materials, and encourages Member States to provide continued support to the Agency's activities in this field;

15. Encourages Member States which have not yet done so to establish national nuclear material databases;

16. Welcomes the efforts of the Agency to assist countries which, on a voluntary basis, have chosen to convert research reactors from HEU to LEU fuel;

17. 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 in reviewing associated documents and services;

18. Supports the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear security and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures in conformity with the Agency's confidentiality regime and to report as appropriate to the Board of Governors on the status of the implementation of the confidentiality measures;

19. Takes note of the outcomes of the nuclear security symposium held by the Agency in Vienna in March 2009;

20. Invites the Director General to continue, in consultation and coordination with Member States, pursuant to the Nuclear Security Plan for 2010-2013, to implement the Agency's activities relevant to nuclear security;

21. Welcomes the Agency's initiative to assist States, upon their request, as appropriate, in planning their future nuclear security activities, in particular through Integrated Nuclear Security Support Plans (INSSPs);

22. Welcomes the activities of the Agency in support of States' efforts to enhance nuclear security worldwide and encourages States to use the Agency's nuclear security advisory services for exchanges of views and advice on nuclear security measures and its human resource development programme;

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

24. Requests the Director General to submit an annual Nuclear Security Report to the General Conference at its fifty-fourth (2010) regular session on activities undertaken by the Agency in the area of nuclear security, highlighting significant accomplishments of the prior year and indicating programmatic goals and priorities for the year to come.

Strengthening of the Agency's technical cooperation activities

[GC(53)/RES/12, September 2009]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference.

(a) Recalling resolution GC(52)/RES/11 on "Strengthening of the Agency's technical cooperation activities",

(b) Recalling the Brussels Declaration on the Least Developed Countries (LDCs) and the 2001-2010 Programme of Action for the LDCs,

(c) Bearing in mind that the objectives of the Agency as stated in Article II of the Statute are "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world" and to ensure that the assistance provided by it is not used "to further any military purpose",

(d) Recalling that one of the statutory functions of the Agency is to "encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world", and acknowledging that for developing countries, including LDCs, the technical cooperation programme of the Agency is a major vehicle for executing this function,

(e) Considering that the strengthening of technical cooperation activities in the fields of – inter alia – food and agriculture, human health, water resource management, environment, industry, knowledge management, and nuclear energy planning and production will substantially contribute to the well-being and help enrich the quality of life of the peoples of the world, and particularly those of developing Member States of the Agency, including the least developed ones,

(f) Conscious of the potential of nuclear power for meeting increasing energy requirements in a number of countries, and of the need for sustainable development, including climate protection,

(g) Also conscious of the need for the internationally recognized standards of safety to be applied in all uses of nuclear technology in order to protect mankind and the environment;

(h) Recalling previous resolutions favouring innovative educational partnerships – like the World Nuclear University – involving academia, government and industry, confident that such initiatives can, with Agency and Member States' support, play a valuable role in promoting strong educational standards and building leadership for an expanding global nuclear profession,

(i) Stressing the importance of nuclear knowledge sharing and the transfer of nuclear technology to developing countries for sustaining and further enhancing their scientific and technological capabilities and thereby contributing to their socio-economic development,

(j) Stressing that the Agency's resources for technical cooperation (TC) activities should be sufficient, assured and predictable (SAP) to meet the objectives mandated in Article II of the Statute and noting that the Director General has issued in 2007 a report entitled "TC Programme Resources – Sufficient, Assured and Predictable",

(k) Aware of the significant number of approved projects without financing (including footnote-a/ projects) in the technical cooperation programme,

(l) Recognizing that the number of countries and territories requiring technical support has reached 122 in 2008, and hence that the Technical Cooperation Fund (TCF) target should be set at an adequate and realistic level taking into account the growing needs of Member States,

(m) Noting the decision of the Board of Governors to set the target for voluntary contributions to the TCF at the level of US \$85 million

in each of the years 2009 and 2010 and \$86 million for the year 2011, and that the Indicative Planning Figures for the years 2012-2013 shall be approximately, but not less than, US \$87 million,

(n) Stressing the importance of maintaining an appropriate balance between the promotional and other statutory activities of the Agency, and taking note of the decision of the Board, which – inter alia – notes that the synchronization of the TC programme cycle with the budget cycle provides a framework beginning in 2012, to consider appropriate increases to the resources for the TC programme, including the TCF target where such adjustments would take into account the changes in the level of the regular operational budget from 2009 onwards, the price adjustment factor and other relevant factors as contained in document GOV/2009/52/Rev.1, and taking note of the decision of the Board on the "split contribution system" as one of the measures to protect the purchasing power of the fund as contained in document GOV/2009/52/Rev.1,

(o) Recalling the obligation of some Member States in regard to National Participation Costs (NPCs), noting with appreciation the good record of an increasing number of Member States in their payments of NPCs, which demonstrates the strong commitment of recipient Member States to the TC programme, and recognizing the need to take into account the fact that Member States' national financial regulations and budgetary and fiscal schedules differ,

(p) Taking note of the subsequent results of the Rate of Attainment mechanism as established by resolution GC(44)/RES/8, noting with appreciation the 94.7% Rate of Attainment level at the end of 2008, and looking forward to reaching the rate of 100%, which is central to reconfirming the commitment of Member States to the Agency's TC programme,

(q) Recalling that the financing of TC should be in line with the concept of shared responsibility and that all members share a common responsibility towards financing and enhancing the TC activities of the Agency and recognizing the increase in the number of recipient Member States contributing through government cost-sharing,

(r) Expressing appreciation to those Member States which have contributed to the TCF their full TCF target shares in a timely manner,

(s) Recognizing that the effectiveness of the due account mechanism depends on its consistent application to all Member States, and taking note of the Director General's report on the application of the mechanism as contained in document GOV/INF/2008/6,

(t) Expressing concern that some Member States do not contribute their full TCF target shares or do not contribute to the TCF at all,

(u) Emphasizing the importance of the TC activities of the Agency, the financing of which should be guaranteed by, inter alia, results-based budgeting and the appropriate use of the Regular Budget in supporting the implementation of those activities,

(v) Recognizing that human capital planning and development of human resources, expert services, fellowships, training courses and appropriate equipment supply continue to be important components of TC activities to ensure impact and sustainability,

(w) Taking note with appreciation of the different activities carried out by the Secretariat in implementing the Technical Cooperation Strategy, including holding regional meetings for planning purposes, carrying out Country Programme Frameworks (CPFs) and the thematic planning, efforts to ensure that projects meet the national priorities of Member States, and encouraging technical cooperation activities, particularly through technical cooperation among developing countries (TCDC) and regional resource centres, partnerships in development, greater outreach, and in-house coordination, in line with the Technical Cooperation Management Principles (SEC/NOT/1790: Annex 1),

(x) Stressing that CPFs are non-legally-binding documents and are subject to revision as Member States' priorities evolve, and recalling that they are developed by Member States in cooperation with the Secretariat with the objective of facilitating an understanding of the real needs of developing Member States and of encouraging technical cooperation among developing countries (TCDC), where applicable,

(y) Reiterating the need to strengthen technical cooperation activities and to continuously enhance the effectiveness and efficiency of the TC programme in accordance with the requests and needs of Member States with a view to strengthening their national programmes, and emphasizing that all measures taken in this regard should also preserve and enhance the ownership of TC projects by recipient Member States,

(z) Appreciating that the TC programme contributes to the achievement of national goals for sustainable development in TC-recipient Member States, particularly developing countries,

(aa) Noting the report of the UN Secretary General's High Level Panel on System Wide Coherence of November 2006, which proposed the establishment of a "Delivering as One" approach for the development, financing and delivery of country programmes by all UN system organizations which may have a possible impact on the TC programme in many areas, including resource mobilization, while noting the relationship between the Agency and the UN system and the nature, character and specificity of the TC programme, and noting that there are pilot countries implementing this exercise on a voluntary basis,

(bb) Recognizing that national nuclear and other entities are important partners in the implementation of TC programmes in Member States and in promoting the use of nuclear and related technologies for achieving national development objectives, and recognizing also in this regard the role of the National Liaison Officers and the Programme Management Officer (PMO),

(cc) Taking note with appreciation of the activities being developed by the Agency in the field of nuclear knowledge management, and particularly of the initiatives being emphasized by the TC programme in assisting national nuclear and other entities to enhance the basic infrastructure in this field, including safety aspects, and to further improve their technical capacity for ensuring sustainability,

(dd) Taking note also of the efforts, through – inter alia – the TC programme, towards the voluntary reduction and return of highly enriched uranium (HEU) fuels of nuclear research facilities, and

(ee) Noting the use of the Programme Cycle Management Framework and emphasizing the need for assessing its impact on, inter alia, enhancing coordination, programme planning and the quality of programme delivery as well as increasing the implementation rate, and also noting the Secretariat's statement that the International Public Sector Accounting Standards (IPSAS) would have no negative impact on the delivery and implementation of the TC programme,

1. Requests the Secretariat to continue to facilitate and to enhance the transfer of nuclear technology and know-how among Member States for peaceful uses as embodied in the Agency's TC programme, taking into account specific needs of developing countries including those of LDCs;

2. Urges Member States to make every effort towards facilitating the process for setting the TCF targets in accordance with the decision of the Board as contained in document GOV/2009/52/Rev.1;

3. Stresses the need for the Secretariat to continue to work, in consultation with Member States, towards establishing means, including mechanisms, that would achieve the goal of making TC resources sufficient, assured and predictable (SAP);

4. Requests the Director General to resume and to further develop and facilitate cost-sharing, outsourcing and other forms of partnership in development by reviewing and amending or simplifying, as appropriate, relevant financial and legal procedures and by developing a model arrangement and agreement for these partnerships, to ensure that their objectives are Specific, Measurable, Achievable, Realistic & Timely (SMART);

5. Requests the Secretariat to continue working with Member States, within relevant regions and regional cooperative agreements, in identifying regional resource centres or other qualified institutes, and formulating guidelines for the use of such centres and in developing and refining SMART partnership mechanisms in the context of enhancing regional and interregional cooperation;

6. Further requests the Director General to continue to take

account of the views of the General Conference when requesting Member States to pledge and pay their respective shares of the TCF targets and to make timely payments to the TCF;

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

8. Stresses the need to strengthen TC activities and to continuously enhance the effectiveness and efficiency of the TC programme in accordance with the requests and needs of Member States in all areas of concern;

9. Requests the Secretariat to ensure that the commencement of projects within a national programme will take place upon the receipt of at least the minimum payment of the NPCs and, in this regard, that preparatory activities will not be affected before this occurs and that, in the event of a failure to pay any second instalment falling due during a biennium, funding for a core project in the next biennium will be suspended until full payment is received;

10. Further requests that the Secretariat continue exploring, in consultation with Member States, the possibility and practicability of paying NPCs in kind and, in this context, that it find efficient ways of accurately valuing in-kind contributions pending the implementation of the International Public Sector Accounting Standards (IPSAS);

11. Requests the Secretariat to make every effort to apply the due account mechanism to all Member States equally and efficiently and to inform the Board about the application of the mechanism to Member States as appropriate;

12. Stresses the need to strengthen TC activities, including the provision of sufficient resources, and to continually enhance the effectiveness, efficiency and sustainability of the programmes and their management, and requests the Secretariat to continue to further refine the Technical Cooperation Strategy 2002 Review (GOV/1NF/2002/8) in consultation with all Member States, taking into consideration the increasing number of Member States requesting TC projects;

13. Requests the Secretariat to continue its efforts to improve the effectiveness and efficiency of TC management by, inter alia, ensuring that the components of TC projects, e.g. training, expertise and equipment, are readily available to Member States requesting them, and requests also that the supply of equipment to Member States meet international quality standards;

14. Requests the Secretariat to explore ways of giving an update on the progress of TC programme implementation in between annual TC reports;

15. Requests the Secretariat to play a more proactive role in seeking resources to implement footnote-a/ projects and encourages Member States to show more flexibility in the use of their extrabudgetary contributions in order to enable the implementation of more footnote-a/ projects;

16. Also requests the Director General to pursue, in consultation with Member States, efforts to strengthen the TC activities of the Agency through the development of effective programmes with well-defined outcomes aimed at promoting and improving the scientific, technological, research and regulatory capabilities of TC-recipient Member States, account being taken of the infrastructure and the level of technology of the countries concerned, by continuing to assist them in their peaceful, safe, secure and regulated applications of atomic energy and nuclear techniques in the fields of – inter alia –

(a) food and agriculture, human health, industry, water resource management, environment, knowledge management and biotechnology, and

(b) nuclear energy planning and production for those States pursuing nuclear power as a component of their sustainable energy mix, through relevant areas of importance as identified by Member States;

17. Requests the Director-General to continue consultations and interactions with interested States, the competent organizations of the United Nations system, multilateral financial institutions, regional development bodies and other relevant inter-

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

18. Requests the Director General to help interested Member States to obtain relevant information on

- (a) the role of nuclear power in mitigating GHG emissions, guided by the objective of sustainable development, and
- (b) the role of radiation and nuclear technology in mitigating polluting gases (FGs and GHGs), in managing agricultural and industrial wastes and effluents, and in improving water security, with particular emphasis on the use of electron beams and isotopes, and, where appropriate and requested by Member States, to assist in the preparation of potential TC projects;

19. Requests the Director General to make every effort to ensure, where relevant, that the Agency's TC programme, taking into account specific needs of each Member States, particularly developing countries and LDCs, contributes to the promotion of key areas identified in the Johannesburg Plan of Implementation and to the attainment of the Millennium Development Goals, and further requests the Director General to keep Member States informed of the Agency's activities in this regard;

20. Requests the Secretariat to examine in depth the specific characteristics and problems of the developing countries and LDCs with respect to the peaceful applications of nuclear energy in consultation with the Member States;

21. Requests the Director General to promote, within the framework of the TC programme, activities supporting the self-reliance, sustainability and further relevance of national nuclear and other entities in Member States, particularly in developing countries, including encouraging regional and interregional cooperation on this issue;

22. Underlines the importance of consultations between the Secretariat and Member States on the support for and implementation of activities under regional cooperation agreements or other regional cooperation arrangements, and emphasizes also the need for complementarity between the regional cooperative agreements and regular regional projects, and notes the recommendations of SAGTAC in this regard;

23. Encourages the Secretariat to continue implementing the Programme Cycle Management Framework (PCMF) in phases, and to make it simpler and user-friendly so that Member States may use the tools effectively, and to take into account, in designing and implementing subsequent phases, difficulties experienced and concerns of Member States, including lack of adequate training, equipment and IT infrastructure in developing countries, particularly in LDCs; and

24. Requests the Director General and the Board of Governors to remain seized of this matter and further requests the Director General to report to the Board of Governors periodically and to the General Conference at its fifty-fourth (2010) regular session on the implementation of this resolution highlighting significant accomplishments of the prior year and indicating goals and priorities for the year to come under an agenda item entitled "Strengthening of the Agency's technical cooperation activities".

Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol

[GC(53)/RES/14, September 2009]

[Editorial note: Footnotes not included]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference.

(a) Recalling resolution GC(52)/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) Convinced also that the ability of Agency safeguards to continue to provide greater confidence among States depends, inter alia, upon the extent to which their implementation is consistent with the Statute,

(d) Considering the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as well as treaties establishing nuclear weapon free zones, 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,

(e) Welcoming the recent entry into force of the African Nuclear Weapon Free Zone Treaty,

(f) Considering also that existing initiatives for the establishment of new nuclear weapon free zones and the positive role that the establishment of such zones, freely arrived at by the States concerned, could play in furthering the application of Agency safeguards in those regions,

(g) Noting that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented and that the Agency's capability to detect undeclared nuclear material and activities should be increased within the context of its statutory responsibilities and safeguards agreements,

(h) 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,

(i) Welcoming the fact that, as of 8 September 2009, 40 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors,

(j) 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,

(k) Welcoming the fact that, as of 8 September 2009, 125 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 93 of those States and other parties,

(l) Welcoming the fact that all nuclear-weapon States have now brought into force protocols additional to their voluntary offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under article I of the NPT,

(m) Noting that safeguards agreements are necessary for the Agency to provide assurances about a State's nuclear activities, and that additional protocols are very important instruments to enhance the Agency's ability to derive safeguards conclusions regarding the absence of undeclared nuclear materials and activities,

(n) 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,

(o) Taking note of the Agency's Safeguards Statement for 2008,

(p) Stressing the continuing need for the Agency's safeguards system to be equipped to respond to new challenges within its mandate,

(q) Welcoming the work the Agency had undertaken in verifying nuclear material from dismantled nuclear weapons in some States, and noting in particular the Agency's experience in the African region and the contribution this work has made to the entry into force of the African Nuclear Weapon Free Zone Treaty,

(r) 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,

(s) Emphasising that there is a distinction between the legal obligations of States and voluntary measures aimed at facilitating and strengthening the implementation of safeguards and aimed at confidence building, bearing in mind the obligation of States to cooperate with the Agency to facilitate the implementation of safeguards agreements,

(t) Noting that in using information received from open sources the Secretariat carefully considers the reliability of the source and whether or not the information is authenticated prior to reflection with the State concerned,

(u) 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 Agency 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 Agency and the Agency'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,

(v) Stressing the importance of assisting States upon their request to establish and maintain effective systems of accounting for and control of nuclear material,

(w) Noting that the Preparatory Committee for the 2010 Review Conference of the States party to the Treaty on the Non-Proliferation of Nuclear Weapons held three successful meetings in April/May 2007, in April/May 2008, and in May 2009, and encouraging all States parties to continue to work towards a substantive outcome for the 2010 Review Conference,

(x) 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,

(y) Stressing the importance of maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the Agency's Statute and safeguards agreements,

(z) Stressing the importance of the State, other concerned parties and the Agency, party to a safeguards agreement, cooperating in a transparent manner in the context of facilitating the implementation of that safeguards agreement,

(aa) Welcoming the holding of a briefing on Agency safeguards for the delegations that attended the Third Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the NPT in New York in May 2009, as well as related consultations held in the margins of several other meetings in Vienna and elsewhere, and sharing the hope for the continuation of efforts to broaden adherence to the Agency's safeguards system, and

(bb) Noting that the Secretariat ensures that all measures for strengthening the effectiveness and improving the efficiency of the safeguards system remain consistent with the Agency's statutory responsibilities and functions,

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 agreements, and underlines the vital importance of

effective safeguards for facilitating co-operation in the field of peaceful uses of nuclear energy;

3. Bearing in mind the importance of achieving the universal application of the Agency's safeguards system, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;

4. Stresses the importance of States to comply fully with their safeguards obligations;

5. 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 by all concerned States and other parties, in compliance with their respective international commitments;

6. Stresses the importance of the Agency's safeguards system, including comprehensive safeguards agreements and additional protocols, which are among the essential elements of the system, and with respect to the safeguards strengthening measures contained in document GOV/2807 and taken note of by the Board of Governors in 1995, 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;

7. Takes note of the revised standardized text for SQPs, and encourages States with SQPs to conclude with the Agency, as soon as possible, exchanges of letters consistent with the Board decision of 20 September 2005 with regard to SQPs, and requests the Secretariat to continue to assist States with SQPs, including non-members of the Agency, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material;

8. 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;

9. Stresses the importance of pursuing efforts to improve both the effectiveness and the efficiency of the safeguards system;

10. Requests the Director General to continue to review and update the established procedure for the protection of safeguards confidential information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of safeguards confidential information;

11. Reiterates its support for the Board's decision to request the Director General to use the Model Additional Protocol as the standard for additional protocols which are to be concluded by States and other Parties to comprehensive safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;

12. Reiterates its support for the Board's decision to request the Director General to negotiate additional protocols with other States that are prepared to accept measures provided for in the Model Additional Protocol in pursuance of safeguards effectiveness and efficiency objectives;

13. Requests all concerned States and other Parties to safeguards agreements 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;

14. 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 absence of undeclared nuclear material and activities for a State as a whole;

15. Notes that, in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State;

16. Notes that, as of 8 September 2009, 87 States have comprehensive safeguards agreements supplemented by additional protocols in force, which represents a majority of those

non-nuclear-weapon States parties to the NPT that have concluded comprehensive safeguards agreements, and that, of these, 48 States have significant nuclear activities and 32 States have operative SQPs;

17. Notes with regret that 25 non-nuclear-weapon States parties to the NPT have yet to bring into force a comprehensive safeguards agreement;

18. Further invites the nuclear-weapon States to keep the scope of their additional protocols under review;

19. Notes the important contribution that State-level integrated safeguards approaches can make to the efficiency and effectiveness of safeguards implementation, and welcomes the fact that, as of 8 September 2009, the Agency is implementing State-level integrated safeguards approaches for 42 States and has developed a further five such approaches;

20. 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;

21. Urges the Secretariat to continue to ensure that the transition to integrated safeguards is given high priority and that elements of the conceptual framework are continually reviewed in the light of experience and technological developments with a view to maintaining effectiveness and maximizing cost savings for the Agency and for States under integrated safeguards, including the reduction of verification effort;

22. 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;

23. Welcomes Agency and Member State efforts in strengthening the analytical capabilities of the Safeguards Analytical Laboratory (SAL) of the IAEA, encourages the expansion of such analytical capabilities in other laboratories with a view to their qualifications in the Network of Analytical Laboratories, and encourages support for efforts towards the establishment of such capabilities, especially in developing countries. Encourages the Director General to keep the Member States informed on developments and measures taken by the Secretariat in this respect;

24. Welcomes continued cooperation between the Secretariat and State and regional systems of accounting for and control of nuclear material, and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;

25. Notes the commendable efforts of some Member States, notably Japan, and the Agency Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and the Agency's updated plan of action (September 2009), and encourages them to continue these efforts, as appropriate and subject to the availability of resources, and review the progress in this regard, and recommends that the other Member States consider implementing elements of that plan of action, as appropriate, with the aim of facilitating the entry into force of comprehensive safeguards agreements and additional protocols, and the amendment of operative SQPs;

26. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analysing information provided by Member States on nuclear supply and procurement in accordance with the Statute and relevant State safeguards agreements, taking into account the need for efficiency, and invites all States to cooperate with the Agency in this regard;

27. Requests the Director General and the Secretariat to continue to provide objective technically and factually based reports to the Board of Governors and the General Conference on the implementation of safeguards, with appropriate reference to relevant provisions of safeguards agreements;

28. Acknowledges the continued importance of the opportunity for Member States to express their views on the contents of the Safeguards Implementation Report (SIR);

29. Requests Member States to co-operate among themselves as appropriate to provide assistance to facilitate exchange of equipment, material and scientific and technological information for the implementation of additional protocols;

30. Requests that any new or expanded actions in this resolution be subject to the availability of resources, without detriment to the Agency's other statutory activities; and

31. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-fourth regular session.

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

[GC(53)/RES/15, September 2009]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

See Section P

Application of IAEA safeguards in the Middle East

[GC(53)/RES/16, September 2009]

[*Editorial note:* Footnotes not included]

Resolution adopted on 17 September 2009 during the eleventh plenary meeting

The General Conference.

(a) Recognizing the importance of the non-proliferation of nuclear weapons – both globally and regionally – in enhancing international peace and security,

(b) Mindful of the usefulness of the Agency's safeguards system as a reliable means of verification of the peaceful uses of nuclear energy,

(c) Concerned by the grave consequences, endangering peace and security, of the presence in the Middle East region of nuclear activities not wholly devoted to peaceful purposes,

(d) Welcoming the initiatives regarding the establishment of a zone free of all weapons of mass destruction, including nuclear weapons, in the Middle East and earlier initiatives regarding arms control in the region,

(e) Recognizing that full realization of these objectives would be promoted by the participation of all States of the region,

(f) Commending the efforts of the Agency concerning the application of safeguards in the Middle East and the positive response of most States in concluding a full-scope safeguards agreement, and

(g) Recalling its resolution GC(52)/RES/15,

1. Takes note of the Director General's report in document GC(53)/12;

2. Calls upon all States in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

3. Calls upon all States in the region, to accede to and implement, all relevant nuclear disarmament and non-proliferation conventions; to fulfill in good faith international obligations and commitments relating to safeguards and to cooperate fully with the IAEA within the framework of their respective obligations;

4. Affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of an NWFZ;

5. Calls upon all parties directly concerned to consider seriously

taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region, and invites the countries concerned which have not yet done so to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region;

6. Further calls upon all States of the region, pending the establishment of the zone, not to pursue actions that would undermine the goal of establishing the zone, including developing, producing, testing or otherwise acquiring nuclear weapons;

7. Further calls upon all States in the region to take measures, including confidence-building and verification measures, aimed at establishing an NWFZ in the Middle East;

8. Urges all States to render assistance in the establishment of the zone and at the same time to refrain from any action that would hinder efforts aiming at its establishment;

9. Mindful of the importance of establishing the Middle East as a nuclear weapons free zone, and in this context, emphasizing the importance of establishing peace therein;

10. Requests the Director General to pursue further consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627;

11. Calls upon all States in the region to extend their fullest cooperation to the Director General in the fulfilment of the tasks entrusted to him in the preceding paragraph;

12. Calls upon all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution; and

13. Requests the Director General to submit to the Board of Governors and the General Conference at its fifty-fourth (2010) 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".

Israeli nuclear capabilities

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

[*Editorial note:* Footnote not included]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference.

(a) Recalling the relevant resolutions of the General Conference and the Presidential Statements endorsed by the General Conference on this issue,

(b) Recalling also UN Security Council Resolution 487 (1981), which, inter alia, requested Israel to submit all its nuclear facilities to

the Agency's safeguards system,

(c) Bearing in mind the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in which the Conference noted with concern the continued existence of unsafeguarded nuclear facilities in the Middle East,

(d) Recalling the 2000 NPT Review Conference, which welcomed the fact that all States in the Middle East, with the exception of Israel, are States parties to the NPT and reaffirmed the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards for realizing the universality of the NPT in the Middle East,

(e) Recognizing that joining the NPT and submitting all nuclear facilities in the region to comprehensive IAEA safeguards is a prerequisite for establishing a nuclear-weapon-free zone (NWFZ) in the Middle East, and

(f) Welcoming the recent international initiatives calling for a "nuclear weapons-free world",

1. Expresses concern about the threat posed by the proliferation of nuclear weapons to the security and stability of the Middle East;

2. Expresses concern about the Israeli nuclear capabilities, and calls upon Israel to accede to the NPT and place all its nuclear facilities under comprehensive IAEA safeguards;

3. Urges the Director General to work with the concerned States towards achieving that end; and

4. Decides to remain seized of this matter and requests the Director General to report on the implementation of this resolution to the Board of Governors and the General Conference at its fifty-fourth regular session under an agenda item entitled "Israeli nuclear capabilities".

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

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

[*Editorial note:* Footnote not included]

Decision adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference considered the agenda item 24 entitled "Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction". The General Conference noted GC(XXIX)/RES/444 and GC(XXXIV)/RES/533, which noted that "any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the United Nations Charter, international law and the Statute of the Agency", and a thorough discussion was made on all aspects of the issue. Member States recognized the importance attached to safety, security and physical protection of nuclear material and nuclear facilities and, in that regard, expressed their views on the importance they attached to the protection of nuclear installations. They also noted the need to have the Agency involved in early notification and assistance in cases of radioactive release from nuclear installations.

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]

The Government of the Republic of Argentina and the Government of the Federative Republic of Brazil, hereinafter referred to as 'the Parties'.

Noting the progress achieved in Bilateral nuclear co-operation as a result of the joint work under the co-operative agreement on the peaceful uses of nuclear energy, signed in Buenos Aires on 20 May 1980;

Recalling the commitments assumed under the Joint Declarations on Nuclear Policy of Foz do Iguacu (1985), Brasilia (1986), Viedma (1987) and Ipero (1988), reaffirmed by the Joint Statement of Buenos Aires of 6 July 1990;

Reaffirming their decision to deepen the process of integration between the two countries;

Recognizing the importance of the peaceful use of nuclear energy for the scientific, technological, economic and social development of their peoples;

Believing that the benefits of all applications of nuclear technology should be accessible for peaceful purposes to all States;

Reaffirming the principles of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

Have agreed as follows:

Basic Undertaking

Article I

1. The Parties undertake to use the nuclear material and facilities under their jurisdiction or control exclusively for peaceful purposes.
2. The Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in:
 - (a) The testing, use, manufacture, production or acquisition by any means of any nuclear weapon; and
 - (b) The receipt, storage, installation, deployment or any other form of possession of any nuclear weapon.
3. Bearing in mind that at present no technical distinction can be made between nuclear explosive devices for peaceful purposes and those for military purposes, the Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in, the testing, use, manufacture, production or acquisition by means of any nuclear explosive device while the above-mentioned technical limitation exists.

Article II

None of the provisions of the present Agreement shall affect the inalienable right of the Parties to carry out research on, produce and use nuclear energy for peaceful purposes, each Party maintaining its industrial, technological and commercial secrets, without discrimination and in conformity with Articles I, III and IV.

Article III

None of the provisions of the present Agreement shall limit the right of the Parties to use nuclear energy for the propulsion of any type of vehicle, including submarines, since propulsion is a peaceful application of nuclear energy.

Article IV

The Parties undertake to submit all the nuclear materials in all nuclear activities carried out in their territories or anywhere under their jurisdiction or control to the Common System of Accounting and Control of Nuclear Materials ('SCCC') established by Article V of the present Agreement.

Common System of Accounting & Control of Nuclear Materials

Article V

The Parties shall establish the Common System of Accounting and Control of Nuclear Materials (hereinafter referred to as 'SCCC'), the objective of which shall be to verify, in accordance with the basic guidelines established in the Annex to the present Agreement, that the nuclear materials in all nuclear activities of the Parties are not diverted to the purposes prohibited by the present Agreement.

Brazilian-Argentine Agency for Accounting & Control of Nuclear Materials

Article VI

The Parties shall establish the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (hereinafter referred to as the 'ABACC'), which shall have legal personality enabling it to carry out the objective assigned to it under the present Agreement.

Objective of the ABACC

Article VII

The objective of the ABACC will be to administer and implement the SCCC in accordance with the provisions of the present Agreement.

Powers of the ABACC

Article VIII

The powers of the ABACC shall be:

- (a) To agree with the Parties new General Procedures and Implementation Manuals and any modifications to the existing procedures and manuals that may be necessary;
- (b) To carry out the inspections and other procedures required for implementation of the SCCC;
- (c) To designate inspectors to carry out the inspections indicated in (b);
- (d) To evaluate the inspections carried out in implementation of the SCCC;
- (e) To engage the necessary services to ensure fulfilment of its objective;
- (f) To represent the Parties before third parties in connection with the implementation of the SCCC;
- (g) To take legal action

Organs of the ABACC

Article IX

The organs of the ABACC shall be the Commission and the Secretariat.

Composition of the Commission

Article X

The Commission shall consist of four members, two being designated by each Party. The Commission shall be established within 60 days of the entry into force of the present Agreement.

Functions of the Commission

Article XI

The functions of the Commission shall be:

- (a) To monitor the functioning of the SCCC;
- (b) To approve the General Procedures and Implementation Manuals referred to in Article VIII(a) after their negotiation by the Secretariat;
- (c) To procure the necessary resources for the establishment of the Secretariat;
- (d) To supervise the functioning of the Secretariat, preparing instructions and directives as appropriate in each case;
- (e) To appoint the professional staff of the Secretariat and to approve the appointment of auxiliary staff;
- (f) To prepare a list of duly qualified inspectors from among those proposed by the Parties to carry out the inspection tasks entrusted to them by the Secretariat;

- (g) To inform the Party concerned of any anomalies which may arise in the implementation of the SCCC; that Party shall then be obliged to take the necessary measures to rectify the situation;
- (h) To call upon the Parties to establish any ad hoc advisory groups which may be deemed necessary to improve the functioning of the SCCC;
- (i) To report to the Parties every year on the implementation of the SCCC;
- (j) To inform the Parties of the non-compliance by one of the Parties of the commitments made under the present Agreement;
- (k) To prepare rules of procedure for itself and regulations for the Secretariat.

Composition of the Secretariat

Article XII

1. The Secretariat shall consist of the professional staff appointed by the Commission and of auxiliary staff. In the performance of their duties, the staff of the Secretariat shall be subject to the regulations approved and the directives formulated by the Commission.
2. The senior staff of the nationality of each Party shall take it in turns each year to act as Secretary of the ABACC, beginning with the nationality of the country in which the headquarters is not located.
3. The inspectors designated under Article VII(c) shall be responsible exclusively to the Secretariat while carrying out the duties assigned to them by the Secretariat in connection with the SCCC.

Functions of the Secretariat

Article XIII

The Secretariat shall have the following functions:

- (a) To implement the directives and instructions issued by the Commission;
- (b) In this context, to perform the necessary activities for implementation and administration of the SCCC;
- (c) To act, under the mandate of the Commission, as the representative of the ABACC in its relations with the Parties and with third parties;
- (d) To designate from among those included in the list referred to in Article XI(f) the inspectors who will carry out the inspection tasks necessary for the implementation of the SCCC, taking into account that the inspectors who are nationals of one of the Parties should carry out inspections at the facilities of the other Party and to instruct them in the performance of their duties;
- (e) To receive the reports which the inspectors will prepare on the results of their inspections;
- (f) To evaluate the inspections in accordance with the appropriate procedures;
- (g) To inform the Commission immediately of any discrepancy in the records of either of the Parties which emerges from the evaluation of the inspection results;
- (h) To prepare the ABACC's budget for approval by the Commission;
- (i) To report regularly to the Commission on its activities and, in particular, on the implementation of the SCC.

Confidentiality of the Information

Article XIV

1. The ABACC shall not be authorized to divulge industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programme of the Parties without the express consent of the Parties.
2. The members of the Commission, the staff of the Secretariat, the inspectors and all persons involved in the implementation of the SCCC shall not reveal industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programmes of the Parties acquired in or as a result of the performance of their duties. This obligation shall continue even after they have ceased working for the ABACC or doing work related to the implementation of the SCCC.
3. The penalties for infringements of paragraph 2 of this Article shall be determined by the respective national legislations,

each Party establishing the penalty for infringements committed by its nationals regardless of where they were committed.

Headquarters of the ABACC

Article XV

1. The headquarters of the ABACC shall be in the city of Rio de Janeiro.
2. The ABACC shall negotiate with the Federative Republic of Brazil the relevant headquarters agreement.

Financial and Technical Support

Article XVI

1. The Parties shall provide in equal amounts the necessary funds for the functioning of the SCCC and the ABACC.
2. The Parties shall make their technical capabilities available to the ABACC in support of its activities. Persons allocated temporarily to these support tasks shall be bound by the commitment laid down in Article XIV.

Privileges and Immunities

Article XVII

1. The ABACC shall enjoy legal personality and full legal capacity. Its privileges and immunities and those of its staff in Brazil shall be laid down in the headquarters agreement referred to in Article XV.
2. The privileges and immunities of the inspectors and other staff working on a temporary basis for the ABACC shall be determined in an Additional Protocol.

Interpretation and Application

Article XVIII

Any dispute relating to the interpretation and application of the present Agreement shall be settled by the Parties through diplomatic channels.

Breach of the Agreement

Article XIX

Any serious breach of the present Agreement by one of the parties shall entitle the other Party to terminate the agreement or to suspend its application in whole or in part, notification thereof being made by that Party to the Secretariat of the United Nations and the Secretariat of the Organization of American States.

Ratification and Entry into Force

Article XX

The present Agreement shall enter into force 30 days after the date of exchange of the respective instruments of ratification. Its text shall be transmitted by the Parties to the Secretariat of the United Nations and the Secretariat of the Organisation of American States for registration.

Amendments

Article XXI

The present Agreement may be amended by the Parties at any time by mutual consent. The entry into force of the amendments shall be in accordance with the procedure laid down in Article XX.

Duration

Article XXII

The present Agreement shall be valid for an indefinite period. It may be terminated by either of the Parties by written notification to the other Party, notification thereof being made by the Party terminating the Agreement to the Secretariat of the United Nations and the Secretariat of the Organisation of American States. The termination shall become effective six months after the date of receipt of this notification.

Done in the city of Guadalajara, on the 18th day of the month of July 1991, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.

ANNEX**Basic Guidelines for the Common System of Accounting and Control of Nuclear Materials****Article I**

1. The Common System of Accounting and Control of Nuclear Materials (the SCCC) is a set of procedures established by the Parties to detect, with a reasonable degree of certainty, whether the nuclear materials in all their nuclear activities have been diverted to uses not authorised under the terms of the present Agreement.

2. The SCCC consists of General Procedures and Implementation Manuals for each category of installation.

Article II

The SCCC shall be based on a structure of nuclear material accounting areas and shall be applied as of one of the following initiating events:

- (a) The production of any nuclear material of suitable composition and purity for direct use in the manufacture of nuclear fuel or in isotopic enrichment, including the subsequent generations of nuclear material produced from such material;
- (b) The import of any nuclear material having the characteristics set forth in paragraph (a) above or any other nuclear materials produced in a subsequent stage of the nuclear fuel cycle.

Article III

The nuclear material shall cease to be subject to the SCCC when:

- (a) It has been moved outside the jurisdiction or control of the Parties; or
- (b) It has been transferred to a non-nuclear use or a nuclear use not relevant in terms of the SCCC; or
- (c) It has been used, diluted or transformed so that it cannot be used for any nuclear use relevant in terms of the SCCC or it is practically irrevocable.

Article IV

The application of the SCCC to nuclear materials used for the nuclear propulsion of any type of vehicle, including submarines, or in other activities which, by their nature, require a special procedure shall have the following special characteristics:

- (a) The suspension of inspections, of access to operational

accounting records and of notifications and reports required under the SCCC in relation to these nuclear materials for the duration of their use for the above-mentioned activities;

- (b) The reapplication to these nuclear materials of the procedures referred to in paragraph (a) when they cease to be used for those activities;
- (c) The recording by the ABACC of the total quantity and composition of such nuclear materials under the jurisdiction or control of one of the Parties and all transfers of these materials outside such jurisdiction or control.

Article V

The suitable level of accounting and control of nuclear materials for each installation shall be determined according to the strategic value obtained from analysis of the following variables:

- (a) Category of the nuclear material, taking into account the relevance of its isotopic composition;
- (b) Conversion time;
- (c) Inventory/flow of the nuclear material;
- (d) Category of the installation;
- (e) Degree of importance of the installation in comparison with other existing installations;
- (f) Existence of containment and surveillance methods.

Article VI

The SCCC, where appropriate, shall include such measures as:

- (a) A system of records or reports reflecting, for each nuclear material accounting area, the inventory of nuclear materials and changes in that inventory;
- (b) Provisions for the correct application of the accounting and control procedures and measures;
- (c) Measuring systems to determine the nuclear material inventories and their variations;
- (d) Evaluation of the accuracy and degree of approximation of the measurements and calculations of their uncertainty;
- (e) Procedures to identify, revise and evaluate shipper-receiver differences in the measurements;
- (f) Procedures for carrying out a physical inventory;
- (g) Procedures for determining and evaluating non-accounted material;
- (h) Implementation of containment and surveillance systems.

L – Security Assurances

Unilateral Security Assurances by Nuclear-Weapon States

[1978, 1982 and 1995]

China

Given on 7 June 1978 [extract]

For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons. {A/S-10/AC.1/17, annex, para.7.}

Given on 28 April 1982 [extract]

Pending the realization of completed prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.

As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones. {A/S-12/11}

Given on 5 April 1995

For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.
2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices.
3. China has always held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons.
4. China, as a permanent member of the Security Council of the United Nations, undertakes to take action within the Council to ensure that the Council takes appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and imposes strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear weapon State that has entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices, in the event of an aggression with nuclear weapons or the threat of such aggression against such State.
5. The positive security assurance provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

France

Given on 30 June 1978 [extract]

Furthermore, as regards paragraph 59 [of the Final Document of the Tenth Special Session] concerning assurances of the non-use of nuclear weapons against non-nuclear States, the delegation of France would recall that France is prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones. {Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 27th meeting, para. 190}

Given on 11 June 1982 [extract]

For its part, it [France] states that it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment. {Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 9th meeting}

Given on 6 April 1995

The issue of security assurances given by the nuclear Powers to the non-nuclear-weapon States is, for my delegation, an important one:

Firstly, because it corresponds to a real expectation on the part of the non-nuclear-weapon States, particularly those which, have renounced atomic weapons by signing the Treaty on the Non-Proliferation of Nuclear Weapons;

Secondly, because it involves our particular responsibilities as a nuclear Power;

Finally, because it has acquired new meaning since the end of the cold war, with the growing awareness of the threat which the proliferation of nuclear weapons represents for everyone.

It is in order to meet that expectation, to assume its responsibilities and to make its contribution to efforts to combat the proliferation of nuclear weapons that France has decided to take the following steps:

Firstly, it reaffirms, and clarifies, the negative security assurances which it gave in 1982, specifically:

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.

It seems to us natural that it is the signatory countries to the Treaty on the Non-Proliferation of Nuclear Weapons — that is to say, the overwhelming majority of countries in the world — who should benefit from these assurances, since they have made a formal non-proliferation commitment. Furthermore, in order to respond to the request of a great many countries, France has sought as much as possible to harmonize the content of its negative assurances with those of the other nuclear Powers. We are pleased that this effort has been successful. The content of the declarations concerning the negative security assurances of France, the United States of America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland are henceforth practically identical.

Secondly, and for the first time, France has decided to give positive security assurances to all non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Its accession to the Treaty made this decision both possible and desirable. Accordingly:

'France considers that any aggression which is accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are entitled to an assurance that, should they be attacked with nuclear weapons or threatened with such an attack, the international community and, first and foremost, the United Nations Security Council, would react immediately in accordance with obligations set forth in the Charter.

'Having regard to these considerations, France makes the

following declaration:

'France, as a Permanent Member of the Security Council, pledges that, in the event of attack with nuclear weapons or the threat of such attack against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, France will immediately inform the Security Council and act within the Council to ensure that the latter takes immediate steps to provide, in accordance with the Charter, necessary assistance to any State which is the victim of such an act or threat of aggression.

'France reaffirms in particular the inherent right, recognized in Article 51 of the Charter, of individual or collective self-defence if an armed attack, including an attack with use of nuclear weapons, occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.'

In this area also, we are pleased that the content of these positive assurances has been the subject of close consultations with the other nuclear Powers.

Thirdly, France, with the four other nuclear Powers, has decided to submit to the United Nations Security Council a draft resolution which constitutes a first in many respects, and which reflects our intention to meet the expectations of the international community globally, collectively and specifically;

Globally: for the first time, a draft resolution deals with both negative and positive assurances;

Collectively: for the first time, a resolution of the Security Council specifies the measures which the Security Council could take in the event of aggression, in the areas of the settlement of disputes, humanitarian assistance and compensation to the victims.

The draft resolution solemnly reaffirms the need for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully respect their obligations. That is not a *petitio principii*, but a reminder of a fundamental rule. The draft resolution also emphasizes the desirable nature of universal accession to the Treaty.

The decisions which I have just announced correspond to our intention to consolidate the non-proliferation regime and particularly the Treaty on the Non-Proliferation of Nuclear Weapons, which is the cornerstone of that regime. It is our hope and firm conviction that the initiatives we have just taken will contribute thereto.

Soviet Union/Russia

Given on 26 May 1978 [extract]

From the rostrum of the special session our country declares that the Soviet Union will never use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories.

We are aware of the responsibility which would thus fall on us as a result of such a commitment. But we are convinced that such a step to meet the wishes of non-nuclear States to have stronger security guarantees is in the interests of peace in the broadest sense of the word. We expect that the goodwill evinced by our country in this manner will lead to more active participation by a large number of States in strengthening the non-proliferation regime. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 5th meeting, paras. 84 and 85.}*

Given on 12 June 1982 [extract]

[The Soviet Union assumes] an obligation not to be the first to use nuclear weapons. This obligation shall become effective immediately, at the moment it is made public from the rostrum of the United Nations General Assembly. ... [The question of the granting of security guarantees] could be solved by concluding an international convention. The USSR is also prepared to conclude bilateral agreements on guarantees with States which do not possess nuclear weapons and do not have them on their territory. *{Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 12th meeting}*

Given on 5 April 1995

Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-

weapon State.

United Kingdom

Given on 28 June 1978 [extract]

I accordingly give the following assurance, on behalf of my government, to non-nuclear-weapon States which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a nuclear-weapon State. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 26th meeting, para. 12}*

Given on 6 April 1995

The Government of the United Kingdom believes that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognises that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognising the continued concern of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government does not regard its assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968 the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking 'effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace'. Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, Party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an

object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

United States

Given on 17 November 1978 [extract]

The United States will not use nuclear weapons against any non-nuclear-weapon State Party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack. {A/C.1/33/7, annex}

Given on 5 April 1995

The United States of America believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry into force, an event commemorated by President Clinton in a speech in Washington D.C., on 1 March 1995. A conference to decide on the extension of the Treaty will begin in New York on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognised principles of international law, parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to the Treaty.

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter of the United Nations, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon-State permanent members, would act immediately in accordance with the Charter, in the event such non-

nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

United Nations Security Council Resolution 984 (1995)

[Adopted by the Security Council on 11 April 1995]

The Security Council,

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

Recognizing the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

Welcoming the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

Reaffirming the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

Taking into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, further appropriate measures be undertaken to safeguard their security,

Considering that the present resolution constitutes a step in this direction,

Considering further that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note* with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes further* that, in case of aggression with nuclear

weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and *recognizes also* that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses* its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal,

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* that the issues raised in this resolution remain of continuing concern to the Council.

Working Paper: "Security Assurances"

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

1. INTRODUCTION

The Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons states that: "The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue."

Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament states that: "Noting United Nations Security Council resolution 984(95), which was adopted unanimously on 11 April 1995, concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument."

The 1990 Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which, while the document as a whole did not achieve agreement, was consensus language, that:

"The Conference recognises the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon States, including those which are not parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness."

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that: "There is in neither customary nor conventional international law any specific authorisation of the threat or use of nuclear weapons" and that "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful."

2. PERSPECTIVE

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT.

Security assurances rightfully belong to those who have given up the nuclear-weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions that would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally binding instrument on security assurances; and
- In what format such security assurances would be provided.

4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, in that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX (3) of the nuclear Non-Proliferation Treaty identifies and defines a nuclear-weapon State as a one "... which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967."

5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES

United Nations Security Council Resolution 984(1995), acknowledges the legitimate interest of all non-nuclear-weapon States under the NPT to receive security assurances.

This legitimate interest of all of the NPT's non-nuclear-weapon States is further acknowledged in the statements (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265) made by each of the nuclear-weapons States on the issue of security assurances.

6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the

object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances that rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the abovementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances, these assurances were qualified by to exclude cases of an invasion or any other attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES

An internationally legally binding instrument would, inter alia, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.
- The identification of the States providing the security assurances.
- The identification of the States beneficiary of the security assurances.
- Any qualifications to the security assurances provided for in the instrument.
- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear weapons.

8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these assurances should only be granted in the context of nuclear-weapon-free zones are not valid. The primary undertaking not to aspire to nuclear weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.

9. A DRAFT [PROTOCOL] [AGREEMENT]

A draft [Protocol] [Agreement] that demonstrates how security assurances could be encapsulated taking into account the contents of this paper is attached. This draft is attached on the understanding that any such [Protocol] [Agreement] would be the subject of intensive and detailed negotiations that would need to be agreed upon by consensus amongst all the States parties to the NPT. As such, it is further understood that all States parties would reserve, and exercise, the right to make proposals for changes, additions and/or deletions to the text, should it be considered as a possible basis for further work.

ANNEX — DRAFT [PROTOCOL] [AGREEMENT] ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Preamble

The States party to this [Protocol] [Agreement],

Being also parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature in London, Moscow and Washington on 1 July 1968 (hereinafter called 'the Treaty'),

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty to these efforts, **(Taken from UNSCR 984(1995))**

Taking into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures are undertaken to safeguard their security, **(Taken from UNSCR 984(1995))**

Agreeing that legally binding security assurances by the five nuclear weapon states to the non-nuclear-weapon states parties to the Treaty strengthen the nuclear and non-proliferation regime, **(Taken from 2000 NPT Final Document)**

Recognising the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances, **(Taken from UNSCR 984(1995))**

Reaffirming the need for all States party to the Treaty to comply fully with all their obligations, **(Taken from UNSCR 984(1995))**

Reaffirming also the importance of the Treaty and the need for the full implementation and achievement of all of its provisions,

Reaffirming furthermore that the Board of Governors of the International Atomic Energy Agency (IAEA) is responsible for the consideration of cases of non-compliance with IAEA safeguards agreements, **(IAEA Statute)**

Reaffirming that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, **(Taken from 2000 NPT Final Document)**

Recalling the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States Parties to the Treaty are committed under Article VI of the Treaty, **(Taken from 2000 NPT Final Document)**

Have decided and hereby agree as follows:

Article I

1. The nuclear-weapon States party to this [Protocol] [Agreement] as defined in terms of Article IX (3) of the Treaty undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty.

2. The States party to this [Protocol] [Agreement] undertake, individually or collectively, to take appropriate measures in response to a request for political, military, technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State party to the Treaty which is a victim of the use of nuclear weapons. **(Taken from UNSCR 984(1995))**

Article II

1. The security assurance provided for in terms of Article I (1) of this [Protocol] [Agreement] shall be provided by the nuclear-weapon State parties as defined in terms of Article IX (3) of the Treaty.

2. The States receiving the security assurance provided for in terms of Article I (1) shall be non-nuclear-weapon State parties to the Treaty which are in compliance with their obligations under article I I of the Treaty. **(Taken from security assurances statements by NWS of April 1995)**

3. The security assurance provided for in terms of Article I (1) shall cease to apply in the event of an invasion or any other armed attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State party to the Treaty in association or alliance with a nuclear-weapon State. **(Taken from security assurances statements by NWS of April 1995)**

Article III

1. The States party to this [Protocol] [Agreement] undertake to cooperate with the Security Council of the United Nations in the event of the use or threat of use of nuclear weapons. The Security Council shall consider measures in conformity with the Charter of the United Nations to address such an act or action. **(Taken from UNSCR 984(1995))**

Article IV

1. This [Protocol] [Agreement] shall be signed and shall be open for signature by any State party to the Treaty. It shall be subject to ratification.
2. This [Protocol] [Agreement] shall enter into force for each State party on the date of deposit of its instrument of ratification.
3. This [Protocol] [Agreement] shall be of unlimited duration and shall remain in force as long as the Treaty is in force.
4. This [Protocol] [Agreement] shall not be subject to reservations.
5. Any amendments to the [Protocol] [Agreement] proposed by a State party shall be carried out in accordance with the procedures of Article VI I I (1) and (2) of the Treaty.
6. Each State party to the [Protocol] [Agreement] shall in exercising its national sovereignty have the right to withdraw from the [Protocol] [Agreement] in accordance with the provisions of Article X (1) of the Treaty.
7. The operation and effectiveness of this [Protocol] [Agreement] shall be reviewed at the Review Conferences of the Treaty.

Article V

1. Nothing in this [Protocol] [Agreement] shall be interpreted as in any way limiting or detracting from the obligations of any State under other agreements or treaties on the establishment of nuclear-weapon-free zones.

Article VI

1. This [Protocol] [Agreement], the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the Depository Governments of the Treaty. Duly certified copies of this [Protocol] [Agreement] shall be transmitted by the Depository Governments to the Governments of the signatory States.
2. IN WITNESS WHEREOF the undersigned, duly authorised, have signed this [Protocol] [Agreement].
3. DONE in triplicate, at the cities of London, Moscow and Washington, the ... day of ...

**Security assurances –Working paper presented
by the members of the Group of Non-Aligned
States**

[NPT/CONF.2010/PC.IWP.10, 27 April 2007]

1. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the Conference should also substantially focus on the issue of security assurances. At the 2000 Review Conference, the States parties to the Treaty had agreed 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 strengthen the nuclear non-proliferation regime and called on the Preparatory Committee to make recommendations to the 2005 Review Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons on this issue.
2. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that the fourteenth Conference of Heads of State or Government of the Non-Aligned Countries reiterated that the improvement in the existing nuclear weapons and the development of new types of nuclear weapons as envisaged in the United States Nuclear Posture Review contravene the security assurances provided by the nuclear-weapon States. They further reaffirmed that these improvements as well as the development of new types of such weapons violate the commitments undertaken by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

3. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

4. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the total elimination of nuclear weapons is the only absolute guarantee that there will be no use or threat of use of nuclear weapons and further reaffirms that non-nuclear-weapon States should be effectively assured by nuclear-weapon States that there will be no use or threat of use of nuclear weapons. Pending the total elimination of nuclear weapons, the Group reiterates that efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

5. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons stresses that it is the legitimate right of States that have given up the nuclear-weapon option to receive security assurances. In that regard, the Group calls for the negotiation of a universal, unconditional and legally binding instrument on security assurances, believing that such assurances to the non-nuclear-weapon States parties to the Treaty fulfil the undertaking to the States that have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The Group believes that legally binding security assurances within the context of the Treaty would provide an essential benefit to the States parties.

6. In keeping with the above-mentioned position and in accordance with the decision at the 2000 Review Conference, the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons calls for the establishment of a subsidiary body on security assurances for further work to be undertaken to consider legally binding security assurances by nuclear-weapon States.

**Security assurances – Working paper submitted
by China**

[NPT/CONF.2010/PC.IWP.43, 7 May 2007]

1. In order to free the world from the threat of nuclear weapons and the danger of nuclear war, all nuclear weapons should be completely prohibited and thoroughly destructed. Before this objective is achieved, all nuclear-weapon States should undertake not to be the first 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 assurances by nuclear-weapon States to the non-nuclear-weapon States are conducive to strengthening the international nuclear non-proliferation regime. International legally binding instruments on this issue should be concluded as soon as possible.

3. Nuclear-weapon States should diminish 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 the efforts of non-nuclear-weapon States in establishing nuclear-weapon-free zones and undertake corresponding obligations.

5. The Conference on Disarmament should start substantive work to achieve an international legal instrument on the issues of security assurances to non-nuclear-weapon States.

**Security assurances – Working paper submitted
by Italy**

[NPT/CONF.2010/PC.IWP.27, 3 May 2007]

1. Non-nuclear-weapon States party to the NPT can legitimately claim to receive security assurances from the five nuclear-weapon States as defined by article IX of the NPT. Such assurances can

play an important role: they can serve both as an incentive to forgo the acquisition of weapons of mass destruction and as a deterrent.

Such assurances have also propitiated the adhesion of many States to the NPT.

2. Security assurances are already contemplated by the engagements by the five nuclear-weapon States as defined by article IX of the NPT undertaken in 1995 and noted by the United Nations Security Council in its resolution 984 (1995). **The five NPT nuclear-weapon States should reiterate their commitment and affirm or reaffirm its legally binding nature.**

3. Legally binding negative security assurances are also contemplated within the framework of the six declared nuclear-weapon-free zones: Treaty of Tlatelolco, Treaty of Pelindaba, Treaty of Bangkok, Treaty of Rarotonga, Antarctic Treaty and Treaty of Semipalatinsk. **Entry into force of these treaties and finalization of negative security assurance provisions contained therein should be achieved as a matter of priority after appropriate consultations.**

4. Not all NPT non-nuclear-weapon States have the same status with regard to security assurances. **A numerical survey could be made on countries that: (a) already enjoy security assurances; and (b) are susceptible to receiving security assurances.**

5. Several countries have requested the conclusion of a legally binding instrument on security assurances. **Further efforts should be made to explore the possibility that existing security assurances may be complemented by a multilateral legally binding instrument.**

6. Some countries have expressed the wish to receive security assurances on a bilateral basis. **It would be useful to explore the possibility of establishing legally binding security assurances on a unilateral, bilateral, plurilateral or regional basis.**

The issue of negative security assurances: Working paper submitted by the Islamic Republic of Iran

[NPT/CONF.2010/PC.III/WP.2 13 April 2009]

1. Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, with a destructive power 10,000 times larger than previous explosive devices, bombs a thousand times more destructive than fission bombs, i.e. thermonuclear bombs, have been designed and built. The continued existence of thousands of such bombs in the stockpiles of the nuclear powers has kept the fate of civilization and of humanity itself under horror and panic. Even with the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons, humankind has continued to live under the shadow of the possible use of the world's most destructive mass-terror weapons. Therefore, the question of the security of non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons has been and still is an important and vital issue.

2. In the early 1980s, all five nuclear-weapon States, in response to international demands for a legally binding treaty on negative security assurances against the use or threat of use of nuclear weapons, as a first, limited step accepted some qualified undertakings not to use such weapons against States parties to the Treaty and those that had renounced the production and acquisition of such weapons. 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 Review and Extension Conference, United Nations Security Council resolution 984 (1995) was adopted, taking note of these unilateral statements and recognizing "the legitimate interest of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances". The Security Council was also very explicit in "considering that the ... resolution constitutes a step in this direction".

3. 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 Review and Extension Conference of the

Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Principle 8 of the decision on principles and objectives for nuclear non-proliferation and disarmament stipulated that "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".

4. Moreover, the new doctrines such as the United States Nuclear Posture Review, the development of easy-to-use mini-nukes and a recent increase in the number of cases in which some high officials of certain nuclear-weapon States have threatened non-nuclear-weapon States (such as those threats made by the President of France), all have put the non-nuclear-weapon States more than ever under the real threat of possible use of nuclear weapons.

5. The United States, through its development of new types of easy-to-use nuclear weapons and its naming of non-nuclear-weapon States as targets of such inhumane weaponry, is clearly violating its obligations under Article VI of the Treaty and putting its commitment to its 1995 unilateral statement under serious question. Hundreds of millions of dollars have already been allocated to nuclear weapon development projects such as the United Kingdom Trident or the United States mini-nukes and, recently, the addition of a nuclear-armed ballistic missile submarine to the French nuclear arsenal. The international community should not await the deployment, or even the threat of use, of such weapons to react. Such policies and practices seem to indicate that no lesson was learned from the nightmare of Hiroshima and Nagasaki. It is abhorrent that the threats and dangerous doctrine of the use of nuclear weapons against non-nuclear States were officially proclaimed by the United States and the North Atlantic Treaty Organization (NATO).

6. The 1995 unilateral statements and the subsequent Security Council resolution are inseparable parts of the deal in the 1995 Review Conference, and the efforts to undermine multilateral achievement in the field of disarmament and other areas are now seriously undermining the very credibility of the Treaty.

7. Iran considers the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons. Nuclear weapons should not imply political clout and capability to shape and influence world events or change the decisions of sovereign States. Holding on and expanding nuclear arsenals should be condemned rather than condoned or tolerated. Any increase in nuclear capability should equal a reduction in political credibility. As long as such weapons are in the stockpiles of nuclear-weapon States, no one on Earth has any security. It is therefore imperative to move on with a concerted and firm resolve to stop and reverse this fast-paced drive. Certain nuclear-weapon States have tried to create smokescreens in international forums, including the Treaty review process, to deflect attention from their abysmal record and policies.

8. 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.

9. Therefore, we propose that the upcoming Conference establish an ad hoc committee to work on a draft of a legally binding instrument on the illegality of nuclear weapons and the provision of security assurances by the five nuclear-weapon States to non-nuclear-weapon States parties to the Treaty, and to submit the draft of the legal instrument to the next Review Conference for consideration and adoption. As a first step to address the twin issues of illegality of use and negative security assurances, we believe that, as suggested by the community of non-governmental organizations, the 2010 Review Conference should adopt a decision through which the Conference "decides that the threat or use of nuclear weapons against non-nuclear-weapon States shall be prohibited".

10. We strongly urge this Conference to move a step forward and to make a concrete decision on negative security assurances to assure non-nuclear-weapon States.

M – Export Controls

The Zangger Committee

The Zangger Committee: A History 1971-1990

[Reproduced from Annex attached to INFCIRC/209/Rev.1, November 1990]

The Origins.

1. The origins of the Zangger Committee, also known as the Nuclear Exporters' Committee, sprang from Article III.2 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which entered into force on 5 March 1970. Under the terms of Article III.2: Each State Party to the Treaty undertakes not to provide:

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

2. Between 1971 and 1974 a group of fifteen states, some already Party, the others prospective Parties to the NPT, held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment their objective was to reach a common understanding on:

- the definition of what constituted 'equipment or material especially designed or prepared for the processing, use or production of special fissionable material';
- the conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of Article I II2 on a basis of fair commercial competition.

3. The group, which came to be known as the 'Zangger Committee', decided that its status was informal, and that its decisions would not be legally binding upon its members.

The Rules of the Game - INFCIRC/209 Series.

4. By 1974 the Committee had arrived at a consensus on the basic 'rules of the game' which were set out in two separate memoranda dated 14 August 1974. The first defined and dealt with exports of *source and special fissionable material* (Article I II2(a) of the NPT). The second defined and dealt with exports of *equipment and non-nuclear material* (Article III2(b) of the NPT). The Committee agreed to exchange information about actual exports, or issue of licenses for exports, to any non-nuclear weapon States not Party to the NPT through a system of Annual Returns which are circulated on a confidential basis amongst the membership each year in April.

5. The consensus, which formed the basis of the Committee's 'Understandings' as they are known, was formally accepted by individual Member States of the Committee by an exchange of Notes amongst themselves. These amounted to unilateral declarations that the Understandings would be given effect through respective domestic export control legislation.

6. More or less in parallel with this procedure each Member State (except three) wrote identical letters to the Director General of the IAEA, enclosing edited versions of the two memoranda, informing him of its decision to act in conformity with the conditions set out in them and asking him to communicate this decision to all Member States of the Agency. The letters and memoranda were accordingly published as IAEA document INFCIRC/209 dated 3 September 1974.

7. The three exceptions (Belgium, Italy and Switzerland) subsequently wrote to the Director General informing him of their decision to comply with the undertakings of the Nuclear Suppliers' Group set out in INFCIRC/254 dated February 1978.

The 'Trigger List'.

8. The memorandum dealing with equipment and non-nuclear material (INFCIRC/209, Memorandum B) became known as the 'Trigger List': the export of items listed on it 'trigger' IAEA safeguards, ie they will be exported only if the source or special fissionable material produced, processed or used in the equipment or material in question is subject to safeguards under an Agreement with the IAEA.

Trigger List 'Clarification'.

9. Attached to the original Trigger List was an Annex 'clarifying' or defining the items described on it in some detail. The passage of time and successive developments in technology have meant that the Committee is constantly engaged in monitoring the need for revision or further 'clarification' of Trigger List items and the original Annex has thus grown considerably. To date, four clarification exercises (conducted on the basis of consensus, through the same procedure of internal notification and, where appropriate, by identical letters to the Director General of the IAEA) have taken place.

Details of the four clarification exercises are set out below:

- In November 1977 the clarifications contained in the Trigger List Annex were updated to bring them into conformity with those of INFCIRC/254. However, three member States (Belgium, Italy and Switzerland) expressed the reserve that, in their opinion, the new item 'Plants for the production of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor' (2.6.1) did not fall within the legal scope of Article I II.2.(b) of the NPT and would entail an implicit modification of it. Accordingly, they made it clear that they would act on this item on the basis of their commitments under the Nuclear Suppliers' Guidelines.
- The amendments were published in the IAEA document INFCIRC/209/Mod.1. issued on 1 December 1978.
- In order to take account of the technological development which had taken place during the preceding decade in the field of isotope separation by the gas centrifuge process, the clarifications in the Trigger List Annex concerning Isotope Separation Plant Equipment were updated to include additional detail.

The text of the next clarification was published in the IAEA document INFCIRC/209/Mod.2 of February 1984.

- For similar reasons the clarifications contained in the Trigger List Annex concerning Fuel Reprocessing Plants were updated to include further items of equipment.
- The text of the new clarification was published in the IAEA document INFCIRC/209/Mod.3 of August 1985.
- The clarifications contained in the Trigger List Annex concerning Isotope Separation Plant Equipment were further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method.

The text of the new clarification was published in the IAEA document INFCIRC/209/Mod.4 of February 1990.

Status of the Committee.

10. The Committee's Understandings and the INFCIRC/209 series documents that arise from them have no status in international law but are arrangements unilaterally entered into by Member States. They make an important contribution to the non-proliferation regime, and are continuously adapted in response to evolving circumstances.

[Eds...]

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

[Reproduced from INFCIRC/209/Rev.2, 9 March 2000]

1. The Director General of the International Atomic Energy Agency has received letters of 15 November 1999 from the Resident Representatives of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Slovak Republic, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States of America, concerning the export of nuclear material and of

certain categories of equipment and other material.

2. In light of the wish expressed at the end of each letter, the text of the letter is attached hereto.

[Editorial note: China and the Russian Federation subsequently sent similar letters]

Attachment Letter

Sir,

I have the honour to refer to relevant previous communications from the Resident Representative of [Member State] to the International Atomic Energy Agency. In the years since the procedures described in INFCIRC/209 were formulated for the export of certain categories of equipment and material especially designed or prepared for the processing, use or production of special fissionable material, developments in nuclear technology have brought about the need to clarify parts of the Trigger List originally incorporated in Memorandum B of INFCIRC/209. Such clarifications have been covered in INFCIRC/209/Mods. 1, 2, 3, and 4 (consolidated in INFCIRC/209/Rev. 1) and in INFCIRC/209/Rev. 1/Mods. 1, 2, 3 and 4/Corr.1.

My Government now thinks it desirable to amend the Trigger List to include a new entry entitled "plants for the conversion of uranium and plutonium and equipment especially designed or prepared therefor". I therefore wish to inform you that a new section 2.7 should be added to Memorandum B and a new section 7 to its Annex, as set out in the attachment to the letter to you from the Secretary of the Committee, dated 5 November 1999. In connection with these changes, section 3 of the Annex should be amended to delete sections 3.5 and 3.6 which have been incorporated into the new section 7.

As hitherto, my Government reserves to itself the right to exercise discretion with regard to the interpretation and implementation of the procedures set out in the above mentioned documents and the right to control, if it wishes, the export of relevant items other than those specified in the aforementioned attachment.

[The Government of (Member State) so far as trade within the European Union is concerned, will implement these procedures in the light of its commitments as a Member State of that Union.]¹

My Government considers it opportune for the Agency to re-issue the whole Memoranda A and B, as amended, as INFCIRC/209/Rev. 2 in order to have available a comprehensive document for States Parties to the Nuclear Non-Proliferation Treaty (NPT) at the NPT Review Conference in 2000. I should be grateful if you would circulate the text of this letter and the amended Memoranda A and B referred to above to all Member States for their information.

¹ This paragraph is included only in the letters from EU Members.

Consolidated Trigger List Memorandum A

1 Introduction

The Government has had under consideration procedures in relation to exports of nuclear materials in the light of its commitment not to provide source or special fissionable material to any non-nuclear-weapon State for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. Definition of Source and Special Fissionable Material

The definition of source and special fissionable material adopted by the Government shall be that contained in Article XX of the Agency's Statute:

(a) "Source Material"

The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

(b) "Special Fissionable Material"

i) The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233;

any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

ii) The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The Application of Safeguards

The Government is solely concerned with ensuring, where relevant, the application of safeguards non-nuclear-weapon States not party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)* with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply source or special fissionable material for peaceful purposes to such a State, it will:

(a) Specify to the recipient State, as a condition of supply that the source or special fissionable material or special fissionable material produced in or by the use thereof shall not be diverted to nuclear weapons or other nuclear explosive devices; and

(b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance with its safeguards system, will be applied to the source or special fissionable material in question.

4. Direct Exports

In the case of direct exports of source or special fissionable material to non-nuclear-weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the material in question, that such material will be subject to a safeguards agreement with the Agency as soon as the recipient State takes over responsibility for the material, but no later than the time the material reaches its destination.

5 Retransfers

The Government, when exporting source or special fissionable material to a nuclear-weapon State not party to the NPT, will require satisfactory assurances that the material will not be re-exported to a non-nuclear-weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

6. Miscellaneous

Exports of the items specified in sub-paragraph (i) below, and exports of source or special fissionable to a given country, within a period of 12 months, below the limits specified in sub-paragraph (b) below, shall be disregarded for the purpose of the procedures described above:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%; Special fissionable material when used in gram quantities or less as a sensing component in instruments; and Source material which the Government is satisfied is to be used only in non-nuclear activities, such as the production alloys or ceramics;

(b) Special fissionable material 50 effective grams; Natural uranium 500 kilograms; Depleted uranium 1000 kilograms; and Thorium 1000 kilograms.

Memorandum B

1. Introduction

The Government has had under consideration procedures in relation to exports of certain categories of equipment and material, in the light of its commitment not to provide equipment or material especially designed or prepared for the processing use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material produced, processed or used in the equipment or material in question is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. The Designation of Equipment or Material Especially Designed or Prepared for the Processing, Use or Production of Special Fissionable Material

The designation of items of equipment or material especially designed or prepared for the processing, use or production of special fissionable material (hereinafter referred to as the "Trigger List") adopted by Government is as follows (quantities below the levels indicated in the Annex being regarded as insignificant for practical purposes):

- 2.1. Reactors and equipment therefor (see Annex, section 1.);
- 2.2. Non-nuclear materials for reactors (see Annex, section 2.);
- 2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex, section 3.);
- 2.4. Plants for the fabrication of fuel elements (see Annex, section 4.);
- 2.5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, designed or prepared therefor (See Annex, section 5);
- 2.6. Plants for the production of heavy water, deuterium and deuterium compounds and equipment designed or prepared therefor (see Annex, section 6.);
- 2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in Annex sections 4 and 5 respectively, and equipment especially designed or prepared therefor (see Annex, section 7.)

3. The Application Of Safeguards

The Government is solely concerned with ensuring, where relevant, the application of safeguards in non-nuclear-weapon States not party to the Treaty on the Non Proliferation of Nuclear Weapons (NPT) with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply Trigger List items for peaceful purposes such a State, it will:

(a) Specify to the recipient State, as a condition of supply, that the source or special fissionable material produced, processed or used in the facility for which the items is supplied shall not be diverted to weapons or other nuclear explosive devices; and

(b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance its safeguards system, will be applied to the source or special fissionable material in question.

4. Direct Exports

In the case of direct exports to non-nuclear weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the equipment or material in question, that such equipment or material will fall under a safeguards agreement with the Agency.

5. Retransfers

The Government, when exporting Trigger List items, will require satisfactory assurances that the items will not be re-exported to a non-nuclear weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

6. Miscellaneous

The Government reserves to itself discretion as to interpretation and implementation of its commitment to in paragraph 1 above and the right to require, if it wishes, safeguards as above in relation to items it exports in addition to those items specified in paragraph 2 above.

Annex

Clarification of Items on the Trigger List

(as designated in Section 2 of Memorandum B)

[Editorial Note: The items contained in this annex are now identical to those in Sections 1–6 of the NSG Guidelines, published in INFCIRC/254 — see below.]

Working Paper on Multilateral Nuclear Supply Principles of the Zangger Committee

[Reproduced from NPT/CONF.2005/WP.15, 27 April 2005]

Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee

Introduction

1. Previous review conferences of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the "NPT Exporters Committee", essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in final documents or in Committee reports of review conferences from 1975, 1985, 1990, 1995 and 2000.

2. The purpose of this paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee's objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference of the Parties to the Treaty, which in paragraph 17 of its decision on "Principles and objectives for nuclear non-proliferation and disarmament" stated that "transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty".

3. Attached to this paper are the statements of previous NPT review conferences referring to the Zangger Committee.

Article III, paragraph 2

4. Article III, paragraph 2 of the NPT performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it provides:

"Each State Party to the Treaty undertakes not to provide:

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

5. The main significance of this paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to non-nuclear-weapon States not parties to the NPT unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

Zangger Committee understandings

7. Between 1971 and 1974 a group of 15 States — some already parties to the Treaty, others prospective parties — held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a

common understanding on:

(a) The definition of what constituted “equipment or material especially designed or prepared for the processing, use or production of special fissionable material” (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2 on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on basic “understandings” contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2. The first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second, equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, paragraph 2 (b)).

10. The consensus which formed the basis of the Committee’s understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective domestic export control legislation. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did through an information circular dated 3 September 1974 (IAEA document INFCIRC/209).

11. Memorandum A defines the following categories of nuclear material:

(a) Source material: natural or depleted uranium and thorium;

(b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see paras. 16 and 17 below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy water production, and conversion.

13. To fulfil the requirements of article III, paragraph 2, the Zangger Committee understandings contain three basic conditions of supply for these items:

(a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed, or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;

(b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with the IAEA;

(c) Source or special fissionable material, and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

Development of the conditions of supply

14. The Committee is holding discussions on possible amendments to its understandings during which it is considering a number of potential elements as conditions of supply, among which are: (a) full-scope safeguards; (b) the Additional Protocol; (c) physical protection as a condition of supply; and (d) “Supporting Activities”, containing commitments to, inter alia, (i) assist other States parties in establishing and implementing national rules and regulations on nuclear transfers, and (ii) support IAEA in its safeguards task in accordance with repeated calls by review conferences. The Committee would welcome the Conference’s continued support for its efforts.

“Trigger list” and its clarification

15. The two memorandums (see paras. 9-12 above) became

known as the “trigger list”, since the export of listed items “triggers” IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or special fissionable material or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA based on the IAEA safeguards system for NPT purposes.

16. Attached to the trigger list is an annex “clarifying”, or defining, the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has thus become increasingly detailed. To date, eight clarification exercises have taken place. Clarifications are conducted on the basis of consensus, using the same procedure followed in the adoption of the original understandings.

17. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee (dates are for publication of modifications and revisions of INFCIRC/209):

(a) In **December 1978**, the annex was updated to add heavy water production plants and equipment, and a few specific items of isotope separation equipment for uranium enrichment;

(b) In **February 1984**, further detail was added to the annex to take account of technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In **August 1985**, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In **February 1990**, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In **May 1992**, specific items of equipment were added to the section on heavy water production;

(f) In **April 1994**, the enrichment section of the annex was subject to its most significant expansion yet. Existing portions of the section were updated, and detailed lists of equipment were added for the enrichment processes of aerodynamic, chemical and ion exchange, laser-based plasma, and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In **May 1996**, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements as well as on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In **March 2000**, a new section on uranium conversion was added. This section also contains elements transferred from section 3 (reprocessing).

All these changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

Membership

18. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 35 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States). The Commission of the European Union attends the meetings as permanent observer. Any party that is an actual or potential nuclear supplier and is prepared to implement the Committee’s understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interest of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. NPT parties interested in doing so should visit the Committee’s website (www.zanggercommittee.org) and may contact the Secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

Outreach

19. Late in 2001, the Zangger Committee decided to launch an outreach programme between the Zangger Committee and third countries. The outreach programme has three objectives:

(a) To build a strong and sustainable relationship between the Zangger Committee and third countries;

(b) To increase the transparency of the activities of the Committee by explaining its role, purpose and functions, in particular its role as technical interpreter of article III, paragraph 2 of the Treaty;

(c) To provide opportunities for open dialogue on issues of common interest and concern on non-proliferation and nuclear export controls. In conducting this exercise, the Zangger Committee wishes to underline that (a) the outreach programme reflects the fact that the Committee is a technical body with a remit to interpret article III, paragraph 2 of the Treaty and as such outreach will not be a political dialogue; (b) the programme is restricted to States parties to the Treaty; and (c) the programme is informal.

Subjects for discussion include:

- The role and purpose of the Zangger Committee
- The trigger list and its clarification
- Conditions of supply
- Membership of the Committee
- The Committee and NPT conferences.

Zangger Committee and NPT conferences

20. At the first NPT Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-NPT non-nuclear-weapon States. The Conference went on to attach particular importance to the fact that those suppliers had established as a supply condition an undertaking of non-diversion to nuclear weapons.

21. In 1980, the Review Conference produced no consensus final document. However, in 1985, the Final Document contained a short reference to the Committee's activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take account of advances in technology.

22. In 1990 the Zangger Committee was mentioned by name and the Conference provided a brief description of its aims and practices. While the Conference did not adopt a final declaration, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning the implementation of the Treaty in the areas of the non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2 and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee's requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

23. At the 1995 NPT Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, a consensus text on the Zangger Committee was attained. (The unofficial text emerging from this exercise was subsequently published in IAEA document INFCIRC/482 for information purposes.) The working group noted that a number of States suppliers had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying those understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time it

called for international consultations among all interested States.

24. The Conference approved, *inter alia*, decision 2, which contains a set of principles and objectives, and decision 3, which provides the basis for the adopted "Enhanced Review Mechanism" of the implementation of the Treaty.

25. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee, in the fields of safeguards and export controls (see annex II to this paper, principles 9 to 13). In particular, principle 17 calls upon all States to promote transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

26. At the 2000 Review Conference, export control issues were discussed by an informal, open-ended working group established by Main Committee II. The working group did not reach final agreement on a text mentioning the Zangger Committee. In the end, only two paragraphs of the Final Document referenced indirectly the work of the Zangger Committee without naming it: the Conference recommended that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time, and it requested that any supplier arrangement should be transparent.

27. The statements of review conferences on the Zangger Committee are attached as annex I to this working paper.

Annex I

References to Zangger Committee activities in NPT Review

Conference documents

First NPT Review Conference (1975)

A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

"With regard to the implementation of article III (2) of the Treaty, the Conference notes that a number of states suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connection with their exports of certain such items to non-nuclear-weapon states not party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those states, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements" (NPT/CONF.35/I, annex I, p. 3).

Third NPT Review Conference (1985)

The 1980 NPT Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

"The Conference believes that further improvement of the list of materials and equipment which, in accordance with article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology" (NPT/CONF.III/64/I, annex I, p. 5, para. 13).

Fourth NPT Review Conference (1990)

While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2. To this end, these states have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not party to the treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear cooperation with non-nuclear-weapon states not party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States parties to consider further

ways to improve the measures to prevent diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation regime, the Conference also notes that items included in the 'trigger list' are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by states parties for the development of nuclear energy for peaceful uses" (NPT/CONF.IV/DC/1/Add.3 (a), p. 5, para. 27).

NPT Review and Extension Conference (1995)

While the Conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/482:

"The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."

"The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under article III, paragraph 2" (INFCIRC/482, attachment, paras. 5 and 7).

The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II below.

Sixth NPT Review Conference (2000)

Main Committee II and its working group discussed a number of ideas and proposals, including the following language on the Zangger Committee, without reaching final agreement:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to coordinate their implementation of article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty."

In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

"52. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.

"53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful

uses by States parties, in conformity with articles I, II, III, and IV of the Treaty."

Annex II

Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 NPT Review and Extension Conference

Safeguards

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

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

Procedures in Relation to Exports of Nuclear Materials and Certain Categories of Equipment and Material in Relation to Article III (2) of the NPT

[NPT/CONF.2010/PC.II/WP.37, 8 May 2008]

Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee and Costa Rica, Cyprus, Estonia, Kyrgyzstan, Latvia, Lithuania, Malta and New Zealand as additional co-sponsors

1. Co-sponsors propose to include the following language in the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

(a) The Preparatory Committee notes that a number of States Party meet regularly in an informal group known as the Zangger Committee, in order to co-ordinate their implementation of Article III, Paragraph 2 of the Treaty related to the supply of nuclear material and equipment. To this end, these States Party have adopted two Memoranda A and B,

including a list of items triggering IAEA safeguards, for their exports to non-nuclear-weapon States not party to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Zangger Committee's Memoranda also relate to exports to non-nuclear-weapon States Party to the Treaty insofar as the recipient State should recognize the items on the Trigger List as well as the procedures and criteria from Article III, Paragraph 2 of the Treaty as a basis for its own export control decisions, including re-exports.

(b) The Preparatory Committee endorses the importance of the Zangger Committee as guidance for States Party in meeting their obligation under Article III, Paragraph 2 of the Treaty and invites all States to adopt the Memoranda of the Zangger Committee as minimal standards in connection with any nuclear co-operation.

(c) The Preparatory Committee recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with Article III, Paragraph 2 of the Treaty, be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.

(d) The Preparatory Committee urges the Zangger Committee to share its experience on export controls, so that states draw on the arrangements of its Memoranda.

The Nuclear Suppliers Group

Communication of 1 October 2009 received from the Resident Representative of Hungary to the Agency on behalf of the Participating Governments of the Nuclear Suppliers Group

[INFCIRC/539/Rev.4: 5 November 2009]

[Editorial note: Footnotes not included]

1. The Director General has received a letter dated 1 October 2009 from the Resident Representative of Hungary to the Agency on behalf of the Participating Governments of the Nuclear Suppliers Group. Attached to this letter is an updated version of a paper entitled "The Nuclear Suppliers Group: Its Origins, Role and Activities." The original version of this paper was issued as INFCIRC/539 on 15 September 1997; revisions were issued on 17 April 2000, 16 September 2003 and 30 May 2005.

2. As requested in the letter, the revised version of the paper, attached hereto, is being circulated to Member States of the IAEA.

[Eds...]

The Nuclear Suppliers Group: Its Origins, Role and Activities

Overview

1. The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports. NSG Participating Governments (hereinafter referred to as "NSG participants or PGs") are listed in the Annex. NSG participants pursue the aims of the NSG through adherence to the NSG Guidelines, which are adopted by consensus, and through an exchange of information, notably on developments of nuclear proliferation concern.

2. The first set of NSG Guidelines governs the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plants and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology associated with each of the above items.

3. The second set of NSG Guidelines governs the export of nuclear-related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but that have non-nuclear uses as well, for example in industry.

4. The NSG Guidelines are consistent with, and complement, the various international, legally binding instruments in the field of

nuclear non-proliferation. These include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga), the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok), and the Central Asian Nuclear-Weapon-Free Zone Treaty (Treaty of Semipalatinsk).

5. The aim of the NSG Guidelines is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, and that international trade and cooperation in the nuclear field is not hindered unjustly in the process. The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms. The NSG urges all States to adhere to the Guidelines.

6. The commitment of NSG participants to rigorous conditions of supply, in the context of the further development of the applications of nuclear energy for peaceful purposes, makes the NSG one of the elements of the international nuclear non-proliferation regime.

Background to Present Paper

7. The purpose of this paper is to contribute to a broader understanding of the NSG and its activities as part of an overall effort to promote dialogue and cooperation between NSG participants and non-NSG participants. This document provides information on actions taken by NSG participants to give effect to their commitment to improve transparency in nuclear-related export controls and to cooperate more closely with non-NSG participants to achieve this objective. In so doing, it aims to encourage wider adherence to the NSG Guidelines.

8. The paper's purpose is therefore consistent with Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," agreed at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPTREC) where Paragraph 17 of that document states that "transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty." In this connection, NSG participants also take into account Paragraph 16 of that document, which calls for preferential treatment to be accorded to non-nuclear weapon States party to the Treaty in the promotion of peaceful uses of nuclear energy, taking the needs of developing countries particularly into account. This paper is likewise consistent with Paragraph 9 of United Nations Security Council Resolution 1540 on the Non-proliferation of Weapons of Mass Destruction, which "calls upon all States to promote dialogue and cooperation on nonproliferation" so as to address the threats posed by proliferation of nuclear weapons.

Section I traces the origins and development of the NSG.

Section II describes the structure and current activities of the NSG.

Section III describes the developments of the NSG to date.

Section IV reports on the NSG action to promote openness and transparency.

I. Origins and Development of the NSG Export Controls

9. From the beginning of international cooperation in the peaceful uses of nuclear energy, supplier countries have recognised the responsibility to ensure that such cooperation does not contribute to the proliferation of nuclear weapons. Shortly after entry into force of the NPT in 1970, multilateral consultations on nuclear export controls led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee in 1971 and what has become known as the Nuclear Suppliers Group in 1975. Between 1978 and 1991, the NSG was not active, even though its Guidelines were in place. The Zangger Committee continued to meet on a regular basis during this period to review and amend the list of items subject to export controls, the so-called "Trigger List."

The Zangger Committee

10. The Zangger Committee had its origins in 1971 when major nuclear suppliers regularly involved in nuclear trade came together to reach common understandings on how to implement Article III.2

of the NPT with a view to facilitating consistent interpretation of the obligations arising from that Article. In 1974 the Zangger Committee published a "Trigger List," that is, items which would "trigger" a requirement for safeguards and the Zangger guidelines ("common understandings") governing the export, direct or indirect, of those items to non-nuclear-weapon States (NNWS) that are not party to the NPT. The Zangger Understandings establish three conditions for the supply: a non-explosive-use assurance, an IAEA safeguards requirement, and a re-transfer provision that requires the receiving State to apply the same conditions when reexporting these items. The Zangger Trigger List and the Understandings are published as IAEA document INFCIRC/209, as amended.

The NSG

11. The NSG was created following the explosion in 1974 of a nuclear device by a nonnuclear-weapon State, an event which demonstrated that nuclear technology transferred for peaceful purposes could be misused. It was thus felt that conditions of nuclear supply might need to be adapted so as to better ensure that nuclear cooperation could be pursued without contributing to the risk of nuclear proliferation. This event brought together the major suppliers of nuclear material, non-nuclear material for reactors, equipment and technology who were members of the Zangger Committee, as well as States who were not parties to the NPT.

12. The NSG, taking into account the work already done by the Zangger Committee, agreed on a set of guidelines incorporating a Trigger List. The NSG Guidelines were published in 1978 as IAEA Document INFCIRC/254 (subsequently amended), to apply to nuclear transfers for peaceful purposes to help ensure that such transfers would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. There is a requirement for formal government assurances from recipients to this effect. The NSG Guidelines also strengthened re-transfer provisions and adopted a requirement for physical protection measures and an agreement to exercise particular caution in the transfer of sensitive facilities, technology and material usable for nuclear weapons or other nuclear explosive devices. In doing so, the NSG Guidelines recognised the fact that there is a class of technologies and materials that are particularly sensitive—namely, enrichment and reprocessing technologies—because they can lead directly to the creation of material usable for nuclear weapons or other nuclear explosive devices. The implementation of effective physical protection measures is also critical. This can help prevent the theft and illicit transfer of nuclear material.

13. At the 1990 NPT Review Conference (NPTRC), a number of recommendations made by the committee reviewing the implementation of Article III had a significant impact on the NSG's activities in the 1990s. These included the following:

- That NPT parties consider further improvements in measures to prevent the diversion of nuclear technology for nuclear weapons;
- That States engage in consultations to ensure appropriate coordination of their controls on the exports of items, such as tritium, not identified in Article III.2 but still relevant to nuclear weapons proliferation and therefore to the NPT as a whole;
- That nuclear supplier States require, as a necessary condition for the transfer of relevant nuclear supplies to non-nuclear weapon States, the acceptance of IAEA safeguards on all their current and future nuclear activities (i.e. full-scope safeguards or comprehensive safeguards).

14. Shortly thereafter, it became apparent that export control provisions then in force had not prevented Iraq, a party to the NPT, from pursuing a clandestine nuclear weapons programme, which later prompted UN Security Council action. A large part of Iraq's effort had been to acquire dual-use items not covered by the NSG Guidelines and then to build its own Trigger List items. This gave major impetus to the NSG's development of its Dual-Use Guidelines. In doing so, the NSG demonstrated its commitment to nuclear non-proliferation by ensuring that items like those used by Iraq would from now on be controlled to ensure their non-explosive use. These items would, however, continue to be available for peaceful nuclear activities subject to IAEA safeguards, as well as for other industrial activities where they would not contribute to nuclear proliferation.

15. Following these developments, the NSG decided in 1992:

- To establish guidelines for transfers of nuclear-related dual-use equipment, material and technology (items which have both nuclear and non-nuclear applications) that could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity. These Dual-Use Guidelines were published as Part 2 of INFCIRC/254, and the original Guidelines published in 1978 became Part 1 of INFCIRC/254;
- To establish a framework for consultation on the Dual-Use Guidelines, for the exchange of information on their implementation and on procurement activities of potential proliferation concern;
- To establish procedures for exchanging notifications that have been issued as a result of national decisions not to authorise transfers of dual-use equipment or technology and to ensure that NSG participants do not approve transfers of such items without first consulting with the State that issued the notification;
- To make a full-scope safeguards agreement with the IAEA a condition for the future supply of Trigger List items to any non-nuclear-weapon State. This decision ensured that only NPT parties and other States with full-scope safeguards agreements could benefit from nuclear transfers.

16. The endorsement at the 1995 NPTREC of the full-scope safeguards policy already adopted by the NSG in 1992 clearly reflects the conviction of the international community that this nuclear supply policy is a vital element to promote shared nuclear non-proliferation commitments and obligations. Specifically, Paragraph 12 of Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" states that full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices should be a condition for granting licences for Trigger List items under new supply arrangements with non-nuclear-weapon States.

17. The 2000 NPTRC reconfirmed also that any transfer of nuclear-related dual-use items should be in full conformity with the NPT.

The NSG, the Zangger Committee and the NPT

18. The NSG and the Zangger Committee differ slightly in the scope of their Trigger Lists of *especially designed or prepared* (EDP) items and in the export conditions for items on those lists. Concerning the scope of those lists, the Zangger list is restricted to items falling under Article III.2 of the NPT. The NSG Guidelines, in addition to covering equipment and material, also cover the technology for the development, production and use of the items on the list. On export conditions for the items on the Trigger Lists, the NSG has a formal full-scope safeguards requirement as a condition of supply. The NSG Guidelines apply to transfers for peaceful purposes to any NNWS and, in the case of controls on retransfer, to transfers to any State.

19. The NSG Guidelines also contain the so-called "Non-Proliferation Principle," adopted in 1994, whereby a supplier, notwithstanding other provisions in the NSG Guidelines, authorises a transfer only when satisfied that the transfer would not contribute to the proliferation of nuclear weapons. The Non-Proliferation Principle seeks to cover the rare but important cases where adherence to the NPT or to a Nuclear Weapon Free Zone Treaty may not by itself be a guarantee that a State will consistently share the objectives of the Treaty or that it will remain in compliance with its Treaty obligations.

20. The NSG arrangement covering exports of dual-use items is a major difference between the NSG and the Zangger Committee. As dual-use items cannot be defined as EDP equipment, they fall outside the Zangger Committee's mandate. As noted above, the control of dual-use items has been recognised as making an important contribution to nuclear non-proliferation.

21. Despite these differences between the two regimes, it is important to keep in mind that they serve the same objective and are equally valid instruments of nuclear non-proliferation efforts. There is close cooperation between the NSG and the Zangger Committee on the review and amendment of the Trigger Lists.

II. Structure and Current Activities of the NSG Participation

22. From the initial publication of INFCIRC/254 in 1978 to now, participation has increased steadily. (See full list of NSG

participants in the Annex.)

23. Factors taken into account for participation include the following:

- The ability to supply items (including items in transit) covered by the Annexes to Parts 1 and 2 of the NSG Guidelines;
- Adherence to the Guidelines and action in accordance with them;
- Enforcement of a legally based domestic export control system that gives effect to the commitment to act in accordance with the Guidelines;
- Adherence to one or more treaties, such as the NPT, the Treaties of Tlatelolco, Rarotonga, Pelindaba, Bangkok or an equivalent international nuclear non-proliferation agreement, and full compliance with the obligations of such agreement(s);
- Support of international efforts towards non-proliferation of weapons of mass destruction and of their delivery vehicles.

Organisation of Work

24. The NSG works on the basis of consensus. Overall responsibility for activities lies with the NSG participants who meet once a year in a Plenary meeting.

25. A rotating Chair has overall responsibility for coordination of work and outreach activities. (See full list of NSG Chairs in the Annex.)

26. The NSG Plenary can decide to set up technical working groups on matters such as the review of the NSG Guidelines, the Annexes, the procedural arrangements, information sharing and transparency activities. The NSG Plenary can also mandate the Chair to conduct outreach activities with specific countries. The aim of the outreach activities is to promote adherence to the NSG Guidelines.

27. Typically, the agenda of the Plenary meeting focuses on reports from working groups that may be operating or may have concluded their work since previous Plenaries as well as on reports from the previous NSG Chair on outreach activities. Time is also allotted to review items of interests such as trends in nuclear proliferation and developments since the previous Plenary meeting.

28. In addition to the Plenary meeting, the NSG has two other standing bodies that report to the Plenary. These are the Consultative Group (CG) and the Information Exchange Meeting (IEM) with Chairs that also rotate annually. The CG meets at least twice a year and is tasked to hold consultations on issues associated with the Guidelines on nuclear supply and the technical annexes. The IEM precedes the NSG Plenary and provides another opportunity for NSG participants to share information and developments of relevance to the objectives and content of the NSG Guidelines. Under the mandate of information exchange, the Licensing and Enforcement Experts Meeting, or LEEM, discusses issues relating to effective licensing and enforcement practices.

29. NSG participants review the Guidelines in INFCIRC/254 from time to time to ensure that they are up to date to meet evolving nuclear proliferation challenges. The IAEA is notified of agreed amendments to Parts 1 and 2 of the NSG Guidelines and their associated lists and reissues INFCIRC/254 accordingly. Such amendments can be additions, deletions or corrections.

30. The Permanent Mission of Japan in Vienna, acting as a Point of Contact, carries out a practical support function. It receives and distributes NSG documents, notifies meeting schedules and provides practical assistance to the NSG Plenary, the CG and IEM Chairs and Chairs of the various working groups established by the Plenary.

How the Guidelines Work

31. The NSG Guidelines introduce a degree of order and predictability among the suppliers and harmonise standards and interpretations of suppliers' undertakings with the aim of ensuring that the normal process of commercial competition does not lead to outcomes that further the proliferation of nuclear weapons. Consultations among NSG participants are also designed to ensure that any possible impediments to international nuclear trade and cooperation are kept to a minimum.

32. The NSG Guidelines are implemented by each NSG

participant in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements. This is the prerogative and right of all States for all export decisions in any field of commercial activity and is also in line with the text of Article III.2 of the NPT, which refers to "each State Party," and thus emphasises the sovereign obligation of any party to the Treaty to exercise proper export controls. NSG participants meet regularly to exchange information on issues of nuclear proliferation concern and how these impact on national export control policy and practice. However, it is important to remember that the NSG does not have a mechanism for limiting supply or the coordination of marketing arrangements and does not take decisions on licence applications as a group.

33. The requirement that no transfer of Trigger List items to NNWS takes place unless the recipient State has full-scope safeguards on all its nuclear activities is particularly pertinent because it establishes a uniform standard of supply that is based on the IAEA's international verification system. The strengthened safeguards system of the IAEA, as adopted in 1997, should improve considerably the Agency's ability to exercise its verification role.

34. Contacts and briefings take place with non-participating countries: in addition to the outreach activities conducted with potential NSG participants, the NSG conducts briefings of non-NSG participants with a view to increasing the understanding of and adherence to the NSG Guidelines. States can choose to adhere to the Guidelines without being obliged to participate in the NSG.

III. Developments of the NSG to Date

35. The NSG Guidelines have significantly strengthened international solidarity in the field of transfers of nuclear material. NSG undertakings reflect the non-proliferation and peaceful nuclear cooperation objectives that NSG participants share with all NPT parties and parties to other international legally binding non-proliferation commitments. Controls on the transfer of listed items and technologies provide essential support for the implementation of these treaties and for the continuation and development of peaceful nuclear cooperation, thus also facilitating the utilisation of nuclear energy in developing countries.

36. Contrary to fears that the NSG Guidelines act as an impediment to the transfer of nuclear materials and equipment, they have in fact facilitated the development of such trade. For some time now, supply arrangements have incorporated NSG commitments. Such arrangements are designed to expedite transfers and trade. The NSG commitments, when woven into the supply arrangements with a basis in respective national laws, provide governments with legitimate and defensible arguments that such arrangements diminish proliferation risk. In this manner, nonproliferation and trade purposes are mutually reinforcing.

37. The NSG Guidelines are applied both to NSG participants and non-NSG participants. Most NSG participants do not possess a self-sufficient fuel cycle and are major importers of nuclear items. Accordingly, they are required to provide the same assurances for nuclear transfers as non-NSG participants in accordance with the Guidelines.

38. As practised by NSG participants, export controls operate on the basis that cooperation is the principle and restrictions are the exception. Few NPT parties have been refused controlled items: this has occurred when a supplier had good reason to believe that the item in question could contribute to nuclear proliferation. Almost all rejections by NSG participants of applications for export licences have concerned States with unsafeguarded nuclear programmes.

39. There is close interdependence between the controls in Part 1 of the Guidelines and the effective implementation of comprehensive IAEA safeguards. The NSG supports fully international efforts to strengthen safeguards to detect undeclared activities as well as to monitor declared nuclear activities to ensure that they continue to meet vital nuclear non-proliferation requirements and to provide the assurances needed for the continuation of international nuclear trade.

40. The NSG held an Intersessional Meeting in Vienna in October 1998, following the concern expressed by NSG participants at the

nuclear tests conducted by India and Pakistan in May 1998. NSG participants discussed their impact and they reaffirmed their commitment to the NSG Guidelines.

41. The NSG held an Extraordinary Plenary Meeting in Vienna in December 2002 and agreed to several comprehensive amendments to strengthen its Guidelines, intended to prevent and counter the threat of diversion of nuclear exports to nuclear terrorism. The Plenary emphasised that effective export controls are an important tool to combat the threat of nuclear terrorism. While discussing the DPRK nuclear programme, the Participating Governments of the NSG called on all States to exercise extreme vigilance that their exports and any goods or nuclear technologies that transit their territorial jurisdiction do not contribute to any aspect of a North Korean nuclear weapons effort.

42. At the 2004 NSG Plenary in Göteborg, Sweden, the NSG welcomed Libya's voluntary decision to eliminate materials, equipment and programmes leading to the production of nuclear weapons, while noting with deep concern the discovery of elements of a covert international proliferation trafficking network through which sensitive nuclear-related equipment had found its way to Libya. The Göteborg Plenary also noted the importance of Iran's full compliance with its obligations under the Nuclear Non-Proliferation Treaty (NPT) and called on Iran to implement proactively all of the provisions of the resolutions of the International Atomic Energy Agency (IAEA) Board of Governors and to restore broad international confidence.

43. NSG Participants continue discussions on illicit procurement and trafficking, while calling on all States to exercise extreme vigilance to make best efforts that none of their exports of goods and technologies contribute to nuclear weapons programmes. In this regard, NSG participants welcome UNSCR 1540's affirmation that the prevention of nuclear weapons should not hamper international cooperation in materials, equipment and technology used for peaceful purposes while goals of peaceful utilisation should not be used as a cover for proliferation.

44. NSG participants also welcome UNSCR 1540's recognition of the importance of export controls to non-proliferation efforts, as well as its decision that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear weapons, including establishing end-user controls.

45. To further strengthen Participating Government's national export controls, the 2004 Göteborg Plenary decided to adopt a "catch-all" mechanism in the NSG Guidelines, to provide a national legal basis to control the export of nuclear related items that are not on the control lists, when such items are or may be intended for use in connection with a nuclear weapons programme. Participating Governments also agreed on the importance of effective and consistent Guideline implementation, including requiring the existence of national export licensing regulations, enforcement measures, and penalties for violations.

46. In recognition of the threats posed by the proliferation of nuclear weapons and the unrestricted spread of sensitive nuclear technologies, NSG participants continue to discuss ways to further strengthen the NSG Guidelines in order to address these challenges.

47. At the 2005 NSG Plenary in Oslo, PGs adopted additional strengthening measures: to establish a procedure towards suspending, through national decisions, nuclear transfers to countries that are non-compliant with their safeguards agreements; that supplier and recipient states should elaborate appropriate measures to invoke fall-back safeguards if the IAEA can no longer undertake its Safeguards mandate in a recipient state, and to introduce the existence of effective export controls in the recipient state as a criteria of supply for nuclear material, equipment and technology and a factor for consideration for dual use items and technologies.

48. At the 2006 NSG Plenary in Brasilia, the NSG adopted revised guidelines for information sharing, adopted an approach to continue to examine ways of strengthening conditions of supply, amended the Guidelines to include especially designed or prepared valves for use in enrichment plants, and a means to incorporate the outcomes of an NSG Workshop on sensitive technologies into outreach activities.

49. Beginning in 2005, the NSG examined issues raised by the US-India Joint Statement of July 2005, and possible NSG-India civilian nuclear cooperation. In September 2008, taking note of steps India voluntarily undertook to separate its civilian nuclear facilities, the conclusion and approval by the IAEA Board of Governors of a safeguards agreement for India's civilian nuclear facilities and India's commitment to sign and adhere to an Additional Protocol to that agreement, and to support international efforts to limit the spread of enrichment and reprocessing technologies, and India's other steps to strengthen its domestic export control system, adhere to the NSG Guidelines and continue a moratorium on nuclear testing and work toward an FMCT, NSG PGs adopted a policy statement on civil nuclear cooperation with the IAEA-safeguarded Indian civil nuclear program. Based on these commitments and actions of India, the policy permits transfers of trigger list and dual use items and/or related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of the NSG guidelines, as revised. The policy is elaborated in IAEA document INFCIRC/734. The statement notes that PGs will report approved transfers to India of INFCIRC/254 Part 1, Annex A and B items, requests the Chair to confer and consult with India and report to the Plenary, and states that PGs will consult regularly on matters connected to the implementation of all aspects of the policy statement. The statement also includes a provision for PGs to meet, if deemed necessary, in accordance with paragraph 16 of the Guidelines.

50. The NSG continues to exchange information and analyze current proliferation challenges as they arise, and also to call on all states to exercise extreme vigilance and make best efforts to ensure none of their exports of goods and technologies contribute to nuclear weapons programs.

IV. NSG Action to Promote Openness and Transparency

51. The NSG is aware that non-NSG participants have in the past expressed concern about the lack of transparency in the NSG's proceedings. Non-NSG participants have not been part of the decision-making process in the establishment of the Guidelines. Concerns have therefore been expressed that the NSG has sought to deprive States of the benefits of nuclear technology or impose requirements on non-NSG participants, which have been made without their participation.

52. NSG participants understand the reasons for these concerns but state emphatically that the objectives of the NSG have consistently been to fulfil their obligations as suppliers to support nuclear non-proliferation and, in doing so, to facilitate peaceful nuclear cooperation. The growing and diverse participation of the NSG demonstrates that it is not a closed shop.

53. The NSG has consistently promoted openness and greater understanding of its aims, as well as adherence to its Guidelines and is prepared to support efforts by States to adhere to and implement the Guidelines. In response to the interest shown by individual States and groups of States, a series of contacts have taken place to inform them about the NSG's activities and to encourage them to adhere to the Guidelines. These contacts have been organised through special missions to these countries by successive NSG Plenary Chairs and representatives of NSG participants as well as during NSG seminars specially convened for this purpose (in 1994 and 1995).

54. The NSG welcomes the call in Paragraph 17 of the "Principles and Objectives for Nuclear Non-proliferation and Disarmament" adopted at the 1995 NPTREC for more openness and transparency, and responded substantively to the call at its Buenos Aires Plenary meeting on 25-26 April 1996 by establishing a working group to consider how to promote openness and transparency through further dialogue and cooperation with non-NSG participants

55. As a first step, NSG participants have strengthened their dialogue with non-NSG participants through contacts that took place in the margins of the 1996 IAEA General Conference. This dialogue continues in capitals and on other occasions such as regular nuclear and security policy dialogues, as well as during multilateral meetings that deal with these issues. This paper is a further practical contribution to this process.

56. On 7-8 October 1997, immediately following the forty-first

session of the IAEA General Conference, the NSG held the "International Seminar on the Role of Export Controls in Nuclear Non-Proliferation" in Vienna. Given the importance of including all actual and potential supplier countries and the wish for a genuine, open and all-inclusive dialogue, it was decided to invite all States to the Seminar, both parties and non-parties to the NPT.

57. On the basis of the dialogue started in Vienna, a second international seminar on the same subject was held in New York on 8-9 April 1999, ahead of the 1999 NPT Preparatory Committee Meeting. As in 1997, speakers were drawn from both NSG participants and non-NSG participants and from a variety of backgrounds so that the debate could cover a broad spectrum of views. Both seminars were attended by representatives from Governments, international organisations, and leading experts from the media, the academic world and industry.

58. The two international seminars were designed to be a further but not final step in promoting the goals of transparency within a framework of dialogue and cooperation on the role of export controls in nuclear non-proliferation and in the promotion of nuclear trade for peaceful purposes. These events proved to be very beneficial in terms of furthering transparency about nuclear export controls.

59. At the 2001 Aspen Plenary the NSG agreed upon the creation of a web site in order to better inform the public of the role and activities of the NSG. The web site, with the following URLs, was opened to the public at the 2002 Prague Plenary.
<http://www.nuclearsuppliersgroup.org> <http://www.nsg-online.org>

60. Recognising the increased need for transparency, openness and dialogue in order to address export control challenges posed by illicit procurement of nuclear and nuclear-related materials and the globalisation of the nuclear industry, NSG participants agreed at the 2004 Göteborg Plenary to strengthen contacts with non-partners through seminars and other joint activities with States outside of the NSG.

61. NSG participants are also exploring other means of cooperating more closely with non-NSG participants, to promote understanding of the Guidelines as well as adherence and implementation. The Troika composed of the past, present and incoming NSG Chairs continues contacts with non-participating governments and international organizations in the framework of existing NSG outreach programme and regular contacts with specific countries to inform them about NSG practices and to promote adherence to the Guidelines.

62. In order to give a practical dimension to, and a reliable framework for ongoing transparency efforts, at the Budapest Plenary NSG participants adopted best-practice guides to be used internally and for outreach activities to address the challenges posed by intangible transfer of technology (ITT) and end-use control.

Conclusions

63. In its future activities, the NSG will continue to be guided by the objectives of supporting nuclear non-proliferation and facilitating the peaceful applications of nuclear energy.

64. With regard to the future development of the Guidelines, NSG participants will continue to harmonise their national export control policies in a transparent manner. In this way they will continue to contribute to nuclear non-proliferation and at the same time support the development of nuclear trade and cooperation and help sustain genuine commercial competition between suppliers.

65. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulars.

66. The NSG remains open to admitting further supplier countries in order to strengthen international non-proliferation efforts, as already illustrated by its broadening participation in all regions of the world.

67. The NSG is committed to the further promotion of openness and transparency in its practices and policy.

ANNEX

NSG Participating Governments and those who have held the Chair

ARGENTINA (1996 / 97 – BUENOS AIRES)
AUSTRALIA
AUSTRIA
BELARUS
BELGIUM
BRAZIL (2006 / 07 – BRASILIA)
BULGARIA
CANADA (1997 / 98 – OTTAWA)
CHINA
CROATIA
CYPRUS
CZECH REPUBLIC (2002 / 03 – PRAGUE)
DENMARK
ESTONIA
FINLAND (1995 / 96 – HELSINKI)
FRANCE (2000 / 01 – PARIS)
GERMANY (2008 / 09 – BERLIN)
GREECE
HUNGARY (2009 / 10 – BUDAPEST)
ICELAND
IRELAND
ITALY (1999 / 00 – FLORENCE)
JAPAN
KAZAKHSTAN
REPUBLIC OF KOREA (2003 / 04 – BUSAN)
LATVIA
LITHUANIA
LUXEMBOURG
MALTA
NETHERLANDS (1991 / 92 – THE HAGUE)
NEW ZEALAND
NORWAY (2005 / 06 – OSLO)
POLAND (1992 / 93 – WARSAW)
PORTUGAL
ROMANIA
RUSSIAN FEDERATION
SLOVAKIA
SLOVENIA
SOUTH AFRICA (2007 / 08 – CAPE TOWN)
SPAIN (1994 / 95 – MADRID)
SWEDEN (2004 / 05 – GÖTEBORG)
SWITZERLAND (1993 / 94 – LUCERNE)
TURKEY
UKRAINE
UNITED KINGDOM (1998 / 99 – EDINBURGH)
UNITED STATES (2001 / 02 – ASPEN)
Permanent Observer: EUROPEAN COMMISSION

Guidelines for 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]

[INFCIRC/254/Part.1, as amended, contains Guidelines for the export of nuclear material, equipment and technology.]

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, Belarus, 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 Verbale, 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 separate storage installation, where there is no obligation to accept International Atomic Energy Agency (IAEA) safeguards at the relevant facility or installation, existing or future, when it contains any source or special fissionable material; or of any heavy water production plant where there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced there-from; or where any such obligation is not met.

ESTABLISHMENT OF EXPORT LICENSING PROCEDURES

4. Suppliers should have in place legal measures to ensure the effective implementation of the Guidelines, including export licensing regulations, enforcement measures, and penalties for violations. In considering whether to authorize transfers, suppliers should exercise prudence in order to carry out the Basic Principle and should take relevant factors into account, including:

(a) Whether the recipient state is a party to the Nuclear Non-Proliferation Treaty (NPT) or to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), or to a similar international legally-binding nuclear non-proliferation agreement, and has an IAEA safeguards agreement in force applicable to all its peaceful nuclear activities;

(b) Whether any recipient state that is not party to the NPT, Treaty of Tlatelolco, or a similar international legally-binding nuclear non-proliferation agreement has any facilities or installations listed in paragraph 3(b) above that are operational or being designed or constructed that are not, or will not be, subject to IAEA safeguards;

(c) Whether the equipment, materials, software, or related technology to be transferred is appropriate for the stated end-use and whether that stated end-use is appropriate for the 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 non-proliferation;

(f) Whether the recipients have been engaged in clandestine or illegal procurement activities; and

(g) Whether a transfer has not been authorized to the end-user or whether the end-user has diverted for purposes inconsistent with the Guidelines any transfer previously authorized.

(h) Whether there is reason to believe that there is a risk of diversion to acts of nuclear terrorism.

(i) Whether there is a risk of retransfers of equipment, material, software, or related technology identified in the Annex or

of transfers of any replica thereof contrary to the Basic Principle, as a result of a failure by the recipient State to develop and maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.

5. Suppliers should ensure that their national legislation requires an authorisation for the transfer of items not listed in the Annex if the items in question are or may be intended, in their entirety or in part, for use in connection with a "nuclear explosive activity."

Suppliers will implement such an authorisation requirement in accordance with their domestic licensing practices.

Suppliers are encouraged to share information on "catch all" denials.

CONDITIONS FOR TRANSFERS

6. In the process of determining that the transfer will not pose any unacceptable risk of diversion, in accordance with the Basic Principle and to meet the objectives of the Guidelines, the supplier should obtain, before authorizing the transfer and in a manner consistent with its national law and practices, the following:

(a) a statement from the end-user specifying the uses and end-use locations of the proposed transfers; and

(b) an assurance explicitly stating that the proposed transfer or any replica thereof will not be used in any nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity.

CONSENT RIGHTS OVER RETRANSFERS

7. Before authorizing the transfer of equipment, materials, software, or related technology identified in the Annex to a country not adhering to the Guidelines, suppliers should obtain assurances that their consent will be secured, in a manner consistent with their national law and practices, prior to any retransfer to a third country of the equipment, materials, software, or related technology, or any replica thereof.

CONCLUDING PROVISIONS

8. The supplier reserves to itself discretion as to the application of the Guidelines to other items of significance in addition to those identified in the Annex, and as to the application of other conditions for transfer that it may consider necessary in addition to those provided for in paragraph 5 of the Guidelines.

9. In furtherance of the effective implementation of the Guidelines, suppliers should, as necessary and appropriate, exchange relevant information and consult with other states adhering to the Guidelines.

10. In the interest of international peace and security, the adherence of all states to the Guidelines would be welcome.

ANNEX

LIST OF NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE, AND RELATED TECHNOLOGY

[Eds – see 2009 Edition of the Briefing Book

Guidelines for Nuclear Transfers

[Nuclear Suppliers Group, Reproduced from INFCIRC/254/Rev.9/Part1, November 2007]

[...](eds.)

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:

–if the above-mentioned agreement should be terminated the recipient will bring into force an agreement with the IAEA based on existing IAEA model safeguards agreements requiring the application of safeguards on all trigger list items or related technology transferred by the supplier or processed, or produced or used in connection with such transfers; and

–if the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should elaborate appropriate verification measures. If the recipient does not accept these measures, it should allow at the request of the supplier the restitution of transferred and derived trigger list items.

(b) Transfers covered by paragraph 4 (a) to a non-nuclear-weapon State without such a safeguards agreement should be authorized only in exceptional cases when they are deemed essential for the safe operation of existing facilities and if safeguards are applied to those facilities. Suppliers should inform and, if appropriate, consult in the event that they intend to authorize or to deny such transfers.

(c) The policy referred to in paragraph 4 (a) and 4 (b) does not apply to agreements or contracts drawn up on or prior to April 3, 1992. In case of countries that have adhered or will adhere to INFCIRC/254/Rev. 1/Part 1 later than April 3, 1992, the policy only applies to agreements (to be) drawn up after their date of adherence.

(d) Under agreements to which the policy referred to in paragraph 4 (a) does not apply (see paragraphs 4 (b) and (c)) suppliers should transfer trigger list items or related technology only when covered by IAEA safeguards with duration and coverage provisions in conformity with IAEA doc. GOV/1621. However, suppliers undertake to strive for the earliest possible implementation of the policy referred to in paragraph 4 (a) under such agreements.

(e) Suppliers reserve the right to apply additional conditions of supply as a matter of national policy.

5. Suppliers will jointly reconsider their common safeguards requirements, whenever appropriate.

Special controls on sensitive exports

6. Suppliers should exercise 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 therefor, 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 of supply;

(2) any retransfer of enrichment, reprocessing or heavy water production facilities, equipment or related technology, and for any transfer of facilities or equipment of the same type derived from items originally transferred by the supplier;

(3) any retransfer of heavy water or material usable for nuclear weapons or other nuclear explosive devices.

(c) To ensure the consent right as defined under paragraph 9(b), government to government assurances will be required for any relevant original transfer.

(d) Suppliers should consider restraint in the transfer of items and related technology identified in the trigger list if there is a risk of retransfers contrary to the assurances given under paragraph 9(a) and (c) as a result of a failure by the recipient to develop and maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.

Non-proliferation Principle

10. Notwithstanding other provisions of these Guidelines, suppliers should authorize transfer of items or related technology identified in the trigger list only when they are satisfied that the transfers would not contribute to the proliferation of nuclear weapons or other nuclear explosive devices or be diverted to acts of nuclear terrorism.

Implementation

11. Suppliers should have in place legal measures to ensure the effective implementation of the Guidelines, including export licensing regulations, enforcement measures, and penalties for violations.

SUPPORTING ACTIVITIES

Physical security

12. Suppliers should promote international co-operation in the areas of physical security through the exchange of physical security information, protection of nuclear materials in transit, and recovery of stolen nuclear materials and equipment. Suppliers should promote broadest adherence to the respective international instruments, inter alia, to the Convention on the Physical Protection of Nuclear Material, as well as implementation of INFCIRC/225, as amended from time to time. Suppliers recognize the importance of these activities and other relevant IAEA activities in preventing the proliferation of nuclear weapons and countering the threat of nuclear terrorism.

Support for effective IAEA safeguards

13. Suppliers should make special efforts in support of effective implementation of IAEA safeguards. Suppliers should also support the Agency's efforts to assist Member States in the improvement of their national systems of accounting and control of nuclear material and to increase the technical effectiveness of safeguards. Similarly, they should make every effort to support the IAEA in increasing further the adequacy of safeguards in the light of technical developments and the rapidly growing number of nuclear facilities, and to support appropriate initiatives aimed at improving the effectiveness of IAEA safeguards.

Trigger list plant design features

14. Suppliers should encourage the designers and makers of trigger list facilities to construct them in such a way as to facilitate the application of safeguards and to enhance physical protection, taking also into consideration the risk of terrorist attacks. Suppliers should promote protection of information on the design of trigger list installations, and stress to recipients the necessity of doing so. Suppliers also recognize the importance of including safety and non-proliferation features in designing and construction of trigger list facilities.

Export Controls

15. Suppliers should, where appropriate, stress to recipients the need to subject transferred trigger list items and related technology and trigger list items derived from facilities originally transferred by the supplier or with the help of equipment or technology originally transferred by the supplier to export controls as outlined in UNSC Resolution 1540. Suppliers are encouraged to offer assistance to recipients to fulfil their respective obligations under UNSC Resolution 1540 where appropriate and feasible.

Consultations

16. (a) Suppliers should maintain contact and consult through regular channels on matters connected with the implementation of these Guidelines.

(b) Suppliers should consult, as each deems appropriate, with other governments concerned on specific sensitive cases, to ensure that any transfer does not contribute to risks of conflict or instability.

(c) Without prejudice to sub-paragraphs (d) to (f) below:

–In the event that one or more suppliers believe that there has been a violation of supplier/recipient understanding resulting from these Guidelines, particularly in the case of an explosion of a nuclear device, or illegal termination or violation of IAEA safeguards by a recipient, suppliers should consult promptly through diplomatic channels in order to determine and assess the reality and extent of the alleged violation. Suppliers are also encouraged to consult where nuclear material or nuclear fuel cycles activity undeclared to the IAEA or a nuclear explosive activity is revealed.

–Pending the early outcome of such consultations, suppliers will not act in a manner that could prejudice any measure that may be adopted by other suppliers concerning their current contacts with that recipient. Each supplier should also consider suspending transfers of Trigger List items while consultations under 16(c) are ongoing, pending supplier agreement on an appropriate response.

–Upon the findings of such consultations, the suppliers, bearing in mind Article XII of the IAEA Statute, should agree on an

appropriate response and possible action, which could include the termination of nuclear transfers to that recipient.

(d) If a recipient is reported by the IAEA to be in breach of its obligation to comply with its safeguards agreement, suppliers should consider the suspension of the transfer of Trigger List items to that State whilst it is under investigation by the IAEA. For the purposes of this paragraph, "breach" refers only to serious breaches of proliferation concern;

(e) Suppliers support the suspension of transfers of Trigger List items to States that violate their nuclear non-proliferation and safeguards obligations, recognising that the responsibility and authority for such decisions rests with national governments or the United Nations Security Council. In particular, this is applicable in situations where the IAEA Board of Governors takes any of the following actions:

– finds, under Article XII.C of the Statute, that there has been non-compliance in the recipient, or requires a recipient to take specific actions to bring itself into compliance with its safeguards obligations;

– Decides that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded, including situations where actions taken by a recipient have made the IAEA unable to carry out its safeguards mission in that State.

An extraordinary Plenary meeting will take place within one month of the Board of Governors' action, at which suppliers will review the situation, compare national policies and decide on an appropriate response.

(f) The provisions of subparagraph (e) above do not apply to transfers under paragraph 4 (b) of the Guidelines.

17. Unanimous consent is required for any changes in these Guidelines, including any which might result from the reconsideration mentioned in paragraph 5.

ANNEX A

TRIGGER LIST REFERRED TO IN GUIDELINES

GENERAL NOTES

1. The object of these controls should not be defeated by the transfer of component parts. Each government will take such actions as it can to achieve this aim and will continue to seek a workable definition for component parts, which could be used by all suppliers.

2. With reference to Paragraph 9(b)(2) of the Guidelines, *same type* should be understood as when the design, construction or operating processes are based on the same or similar physical or chemical processes as those identified in the Trigger List.

3. Suppliers recognize the close relationship for certain isotope separation processes between plants, equipment and technology for uranium enrichment and that for the separation of stable isotopes for research, medical and other non-nuclear industrial purposes. In that regard, suppliers should carefully review their legal measures, including export licensing regulations and information/technology classification and security practices, for stable isotope separation activities to ensure the implementation of appropriate protection measures as warranted. Suppliers recognize that, in particular cases, appropriate protection measures for stable isotope separation activities will be essentially the same as those for uranium enrichment. (See Introductory Note in Section 5 of the Trigger List.) In accordance with Paragraph 16(a) of the Guidelines, suppliers shall consult with other suppliers as appropriate, in order to promote uniform policies and procedures in the transfer and protection of stable isotope separation plants, equipment and technology.

TECHNOLOGY CONTROLS

The transfer of "technology" directly associated with any item in the List will be subject to as great a degree of scrutiny and control as will the item itself, to the extent permitted by national legislation.

Controls on "technology" transfer do not apply to information "in the public domain" or to "basic scientific research".

In addition to controls on "technology" transfer for nuclear non-proliferation reasons, suppliers should promote protection of this

technology for the design, construction, and operation of trigger list facilities in consideration of the risk of terrorist attacks, and should stress to recipients the necessity of doing so.

DEFINITIONS

"Technology" means specific information required for the "development", production, or "use" of any item contained in the List. This information may take the form of "technical data", or "technical assistance".

"Basic scientific research" - Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed towards a specific practical aim or objective.

"development" - is related to all phases before "production" such as:

- design
- design research
- design analysis
- design concepts
- assembly and testing of prototypes
- pilot production schemes
- design data
- process of transforming design data into a product
- configuration design
- integration design
- layouts

"in the public domain" - "In the public domain," as it applies herein, means technology that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove technology from being in the public domain.)

"production" - means all production phases such as:

- construction
- production engineering
- manufacture
- integration
- assembly (mounting)
- inspection
- testing
- quality assurance

"technical assistance" - "Technical assistance" may take forms such as: instruction, skills, training, working knowledge, consulting services.

Note: "Technical assistance" may involve transfer of "technical data".

"technical data" - "Technical data" may take forms such as blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

"use" - Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

MATERIAL AND EQUIPMENT

1. Source and special fissionable material

As defined in Article XX of the Statute of the International Atomic Energy Agency:

1.1. "Source material"

The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

1.2. "Special fissionable material"

i) The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

ii) The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

However, for the purposes of the Guidelines, items specified in subparagraph (a) below, and exports of source or special fissionable material to a given recipient country, within a period of 12 months, below the limits specified in subparagraph (b) below, shall not be included:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%. Special fissionable material when used in gram quantities or less as a sensing component in instruments; and Source material which the Government is satisfied is to be used only in nonnuclear activities, such as the production of alloys or ceramics;

(b) Special fissionable material 50 effective grams; Natural uranium 500 kilograms;

Depleted uranium 1000 kilograms; and Thorium 1000 kilograms.

2. Equipment and Non-nuclear Materials

The designation of items of equipment and non-nuclear materials adopted by the Government is as follows (quantities below the levels indicated in the Annex B being regarded as insignificant for practical purposes):

2.1. Nuclear reactors and especially designed or prepared equipment and components therefor (see Annex B, section 1.);

2.2. Non-nuclear materials for reactors (see Annex B, section 2.);

2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex B, section 3.);

2.4. Plants for the fabrication of nuclear reactor fuel elements, and equipment especially designed or prepared therefor (see Annex B, section 4.);

2.5. Plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor (see Annex B, section 5.);

2.6. Plants for the production or concentration of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor (see Annex B, section 6.);

2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in sections 4 and 5 respectively, and equipment especially designed or prepared therefor (See Annex B, section 7.).

ANNEX B

**CLARIFICATION OF ITEMS ON THE TRIGGER LIST
(as designated in Section 2 of MATERIAL AND EQUIPMENT
of Annex A)**

[Eds – see 2009 Edition of the Briefing Book]

N – Physical Protection of Nuclear Material and Nuclear Terrorism

Convention on the Physical Protection of Nuclear Material

[Signed at Vienna and New York on 3 March 1980,
entered into force on 8 February 1987]

The states parties to this convention,

Recognizing the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

Convinced of the need for facilitating international co-operation in the peaceful application of nuclear energy,

Desiring to avert the potential dangers posed by the unlawful taking and use of nuclear material,

Convinced that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

Aware of the need for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

Convinced that this Convention should facilitate the safe transfer of nuclear material,

Stressing also the importance of the physical protection of nuclear material in domestic use, storage and transport,

Recognizing the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

Have agreed as follows:

Article 1

For the purposes of this Convention:

(a) 'nuclear material' means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) 'uranium enriched in the isotope 235 or 233' means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) 'international nuclear transport' means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.
2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.
3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from the State, is protected at the levels described in Annex I.

Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.
2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.
3. A State Party shall not allow the transit through its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.
4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.
5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or international waterways, or whose airports or seaports it is expected to enter.
6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.
7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.
2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:
 - (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;
 - (b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:
 - (i) co-ordinate their efforts through diplomatic and other agreed channels;
 - (ii) render assistance, if requested;
 - (iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.
3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information

which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

Article 7

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) a threat:
 - (i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or
 - (ii) to commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (f) an attempt to commit any offence described in paragraphs (a), (b) or (c); and
- (g) an act which constitutes participation in any offence described in paragraphs (a) to (f) shall be made a punishable offence by each State Party under its national law.

2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

Article 8

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:

- (a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;
 - (b) when the alleged offender is a national of that State.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing state.

Article 9

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8, and where appropriate, all other States concerned.

Article 10

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 11

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be

concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

Article 15

The Annexes constitute an integral part of this Convention.

Article 16

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the

United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

Article 18

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 20

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 21

1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

Article 22

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17.
- (d) any communication made by an organization in accordance with paragraph 4 (c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

Article 23

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

ANNEX 1

1. Levels of physical protection to be applied to international transport of nuclear material as categorized in Annex II.

(a) For category III materials, storage within an area to which access is controlled;

(b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;

(c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category I I and I II materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

(c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

Status of the Convention on the Physical Protection of Nuclear Material

[Reproduced from IAEA table dated
7 September 2009, 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: 7 September 2009
Parties: 142 (subject to entry into force date)
Signatories: 45

Country/Organisation	Signature	Instrument	Date of deposit	Declaration etc. /Withdrawal		Entry into force
Afghanistan		accession	12 Sep 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Oct 2003
Albania		accession	05 Mar 2002	<input type="checkbox"/>	<input type="checkbox"/>	04 Apr 2002
Algeria		accession	30 Apr 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30 May 2003
Andorra		accession	27 Jun 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27 Jul 2006
Antigua and Barbuda		accession	04 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 1993
Argentina	28 Feb 1986	ratification	06 Apr 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 May 1989
Armenia		accession	24 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	23 Sep 1993
Australia	22 Feb 1984	ratification	22 Sep 1987	<input type="checkbox"/>	<input type="checkbox"/>	22 Oct 1987
^a Austria	03 Mar 1980	ratification	22 Dec 1988	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Jan 1989
Azerbaijan		accession	19 Jan 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18 Feb 2004
Bahamas		accession	21 May 2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20 Jun 2008
Bangladesh		accession	11 May 2005	<input type="checkbox"/>	<input type="checkbox"/>	10 Jun 2005
Belarus		succession	09 Sep 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jun 1993
[*] , ^a Belgium	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Bolivia		accession	24 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2002
Bosnia and Herzegovina		succession	30 Jun 1998	<input type="checkbox"/>	<input type="checkbox"/>	01 Mar 1992
Botswana		accession	19 Sep 2000	<input type="checkbox"/>	<input type="checkbox"/>	19 Oct 2000
Brazil	15 May 1981	ratification	17 Oct 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Bulgaria	23 Jun 1981	ratification	10 Apr 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Burkina Faso		accession	13 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	12 Feb 2004
Cambodia		accession	04 Aug 2006	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 2006
Cameroon		accession	29 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	29 Jul 2004
Canada	23 Sep 1980	ratification	21 Mar 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Cape Verde		accession	23 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	25 Mar 2007
Central African Republic		Accession	20 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	21 Mar 2008
Chile		accession	27 Apr 1994	<input type="checkbox"/>	<input type="checkbox"/>	27 May 1994
China		accession	10 Jan 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	09 Feb 1989
Colombia		accession	28 Mar 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 2003
Comoros		Accession	18 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2007
Costa Rica		accession	02 May 2003	<input type="checkbox"/>	<input type="checkbox"/>	01 Jun 2003
Croatia		succession	29 Sep 1992	<input type="checkbox"/>	<input type="checkbox"/>	08 Oct 1991
Cuba		accession	26 Sep 1997	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26 Oct 1997
Cyprus		accession	23 Jul 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Aug 1998
Czech Republic		succession	24 Mar 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Democratic Rep. of the Congo		accession	21 Sep 2004	<input type="checkbox"/>	<input type="checkbox"/>	21 Oct 2004
[*] Denmark	13 Jun 1980	ratification	06 Sep 1991	<input type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Djibouti		accession	22 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	22 Jul 2004
Dominica		accession	08 Nov 2004	<input type="checkbox"/>	<input type="checkbox"/>	08 Dec 2004
Dominican Republic	03 Mar 1980	ratification	30 Apr 2009	<input type="checkbox"/>	<input type="checkbox"/>	30 May 2009
Ecuador	26 Jun 1986	ratification	17 Jan 1996	<input type="checkbox"/>	<input type="checkbox"/>	16 Feb 1996
El Salvador		accession	15 Dec 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jan 2007
Equatorial Guinea		accession	24 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	24 Dec 2003
Estonia		accession	09 May 1994	<input type="checkbox"/>	<input type="checkbox"/>	08 Jun 1994
Fiji		accession	23 May 2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Jun 2008
^a Finland	25 Jun 1981	acceptance	22 Sep 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Oct 1989
[*] , ^a France	13 Jun 1980	approval	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Gabon		Accession	19 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	20 Mar 2008
Georgia		accession	07 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Oct 2006
[*] , ^a Germany	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Ghana		accession	16 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2002
[*] , ^a Greece	03 Mar 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Grenada		accession	09 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 2002
Guatemala	12 Mar 1980	ratification	23 Apr 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Guinea		accession	29 Nov 2005	<input type="checkbox"/>	<input type="checkbox"/>	29 Dec 2005
Guinea-Bissau		accession	08 Oct 2008	<input type="checkbox"/>	<input type="checkbox"/>	07 nov 2008
Guyana		accession	13 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	13 Oct 2007
Haiti	09 Apr 1980			<input type="checkbox"/>	<input type="checkbox"/>	
Honduras		accession	28 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	27 Feb 2004
Hungary	17 Jun 1980	ratification	04 May 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Iceland		accession	18 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	18 Jul 2002
India		accession	12 Mar 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Apr 2002
Indonesia	03 Jul 1986	ratification	05 Nov 1986	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
[*] , ^a Ireland	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Israel	17 Jun 1983	ratification	22 Jan 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Feb 2002
[*] , ^a Italy	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Jamaica		accession	16 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	15 Sep 2005
Japan		accession	28 Oct 1988	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 1988
Jordan		accession	07 Sep 2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	07 Oct 2009
Kazakhstan		accession	02 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	02 Oct 2005
Kenya		accession	11 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	13 Mar 2002
Korea, Republic of	29 Dec 1981	ratification	07 Apr 1982	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Kuwait		accession	23 Apr 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 May 2004
Latvia		accession	06 Nov 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Dec 2002

Lebanon		accession	16 Dec 1997	<input type="checkbox"/>	<input type="checkbox"/>	15 Jan 1998
Libyan Arab Jamahiriya		accession	18 Oct 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 2000
Liechtenstein	13 Jan 1986	ratification	25 Nov 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Lithuania		accession	07 Dec 1993	<input type="checkbox"/>	<input type="checkbox"/>	06 Jan 1994
^a , ^a Luxembourg	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Madagascar		accession	28 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 2003
Mali		accession	07 May 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 2002
Malta		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
Marshall Islands		accession	07 Feb 2003	<input type="checkbox"/>	<input type="checkbox"/>	09 Mar 2003
Mauritania		Accession	29 Jan 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Feb 2008
Mexico		accession	04 Apr 1988	<input type="checkbox"/>	<input type="checkbox"/>	04 May 1988
Monaco		accession	09 Aug 1996	<input type="checkbox"/>	<input type="checkbox"/>	08 Sep 1996
Mongolia	23 Jan 1986	ratification	28 May 1986	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Montenegro		succession	21 Mar 2007	<input type="checkbox"/>	<input type="checkbox"/>	03 Jun 2006
Morocco	25 Jul 1980	ratification	23 Aug 2002	<input type="checkbox"/>	<input type="checkbox"/>	22 Sep 2002
Mozambique		accession	03 Mar 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	02 Apr 2003
Namibia		accession	02 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	01 Nov 2002
Nauru		accession	12 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	11 Sep 2005
^a , ^a Netherlands	13 Jun 1980	acceptance	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
New Zealand		accession	19 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	18 Jan 2004
Nicaragua		accession	10 Dec 2004	<input type="checkbox"/>	<input type="checkbox"/>	09 Jan 2005
Niger	07 Jan 1985	ratification	19 Aug 2004	<input type="checkbox"/>	<input type="checkbox"/>	18 Sep 2004
Nigeria		accession	04 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	04 May 2007
Niue		accession	19 Jun 2009	<input type="checkbox"/>	<input type="checkbox"/>	19 Jul 2009
^a Norway	26 Jan 1983	ratification	15 Aug 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Oman		accession	11 Jun 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Jul 2003
Pakistan		accession	12 Sep 2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12 Oct 2000
Palau		Accession	24 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	24 May 2007
Panama	18 Mar 1980	ratification	01 Apr 1999	<input type="checkbox"/>	<input type="checkbox"/>	01 May 1999
Paraguay	21 May 1980	ratification	06 Feb 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Peru		accession	11 Jan 1995	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10 Feb 1995
Philippines	19 May 1980	ratification	22 Sep 1981	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Poland	06 Aug 1980	ratification	05 Oct 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
^a , ^a Portugal	19 Sep 1984	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Qatar		accession	09 Mar 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Apr 2004
Republic of Moldova		accession	07 May 1998	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 1998
Romania	15 Jan 1981	ratification	23 Nov 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 Dec 1993
Russian Federation	22 May 1980	ratification	25 May 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Rwanda		accession	28 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	28 Jul 2002
Saint Kitts and Nevis		accession	29 Aug 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Sep 2008
Saudi Arabia		accession	07 Jan 2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Feb 2009
Senegal		accession	03 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	03 Dec 2003
Serbia	15 Jul 1980	succession	05 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 1992
Seychelles		accession	13 Aug 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Sep 2003
Slovakia		succession	10 Feb 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Slovenia		succession	07 Jul 1992	<input type="checkbox"/>	<input type="checkbox"/>	25 Jun 1991
South Africa	18 May 1981	ratification	17 Sep 2007	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17 Oct 2007
^a , ^a Spain	07 Apr 1986	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Sudan		accession	18 May 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2000
Swaziland		accession	17 Apr 2003	<input type="checkbox"/>	<input type="checkbox"/>	17 May 2003
^a Sweden	02 Jul 1980	ratification	01 Aug 1980	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
^a Switzerland	09 Jan 1987	ratification	09 Jan 1987	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Tajikistan		accession	11 Jul 1996	<input type="checkbox"/>	<input type="checkbox"/>	10 Aug 1996
The Fmr.Yug.Rep. of Macedonia		succession	20 Sep 1996	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 1991
Togo		accession	07 Jun 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Jul 2006
Tonga		accession	24 Jan 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2003
Trinidad and Tobago		accession	25 Apr 2001	<input type="checkbox"/>	<input type="checkbox"/>	25 May 2001
Tunisia		accession	08 Apr 1993	<input type="checkbox"/>	<input type="checkbox"/>	08 May 1993
Turkey	23 Aug 1983	ratification	27 Feb 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Turkmenistan		accession	07 Jan 2005	<input type="checkbox"/>	<input type="checkbox"/>	06 Feb 2005
Uganda		accession	10 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	10 Jan 2004
Ukraine		accession	06 Jul 1993	<input type="checkbox"/>	<input type="checkbox"/>	05 Aug 1993
United Arab Emirates		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
^a , ^a United Kingdom	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
United Republic of Tanzania		accession	24 May 2006	<input type="checkbox"/>	<input type="checkbox"/>	23 Jun 2006
United States of America	03 Mar 1980	ratification	13 Dec 1982	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Uruguay		accession	24 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Nov 2003
Uzbekistan		accession	09 Feb 1998	<input type="checkbox"/>	<input type="checkbox"/>	11 Mar 1998
Yemen		accession	31 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	30 Jun 2007
^a EURATOM	13 Jun 1980	confirmation	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991

* signed/ratified as a EURATOM Member State
 a Deposited an objection to the declaration of Pakistan

Amendment to the Convention on the Physical Protection of Nuclear Material

[Reproduced from GOV/INF/2005/10-GC(49)/INF/6,
6 September 2005]

Report by the Director General

[Eds...]

Amendment to the Convention on the Physical Protection of Nuclear Material

1. The Title of the Convention on the Physical Protection of Nuclear Material adopted on 26 October 1979 (hereinafter referred to as “the Convention”) is replaced by the following title:

CONVENTION ON THE PHYSICAL PROTECTION OF
NUCLEAR MATERIAL AND NUCLEAR FACILITIES

2. The Preamble of the Convention is replaced by the following text:

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good neighbourliness and friendly relations and co-operation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations,”

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRING to avert the potential dangers posed by illicit trafficking, the unlawful taking and use of nuclear material and the sabotage of nuclear material and nuclear facilities, and noting that physical protection against such acts has become a matter of increased national and international concern,

DEEPLY CONCERNED by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime,

BELIEVING that physical protection plays an important role in supporting nuclear non-proliferation and counter-terrorism objectives,

DESIRING through this Convention to contribute to strengthening worldwide the physical protection of nuclear material and nuclear facilities used for peaceful purposes,

CONVINCED that offences relating to nuclear material and nuclear facilities are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures, or to strengthen existing measures, to ensure the prevention, detection and punishment of such offences,

DESIRING to strengthen further international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material and nuclear facilities,

CONVINCED that this Convention should complement the safe use, storage and transport of nuclear material and the safe operation of nuclear facilities,

RECOGNIZING that there are internationally formulated physical protection recommendations that are updated from time to time which can provide guidance on contemporary means of achieving effective levels of physical protection,

RECOGNIZING also that effective physical protection of nuclear material and nuclear facilities used for military purposes is a responsibility of the State possessing such nuclear material and nuclear facilities, and understanding that such material and facilities are and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

3. In Article 1 of the Convention, after paragraph (c), two new paragraphs are added as follows:

(d) “nuclear facility” means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

(e) “sabotage” means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances.

4. After Article 1 of the Convention, a new Article 1A is added as follows:

Article 1A

The purposes of this Convention are to achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes; to prevent and combat offences relating to such material and facilities worldwide; as well as to facilitate co-operation among States Parties to those ends.

5. Article 2 of the Convention is replaced by the following text:

1. This Convention shall apply to nuclear material used for peaceful purposes in use, storage and transport and to nuclear facilities used for peaceful purposes, provided, however, that articles 3 and 4 and paragraph 4 of article 5 of this Convention shall only apply to such nuclear material while in international nuclear transport.

2. The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State Party rests entirely with that State.

3. Apart from the commitments expressly undertaken by States Parties under this Convention, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State.

4. (a) Nothing in this Convention shall affect other rights, obligations and responsibilities of States Parties under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

(b) The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

(c) Nothing in this Convention shall be construed as a lawful authorization to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes.

(d) Nothing in this Convention condones or makes lawful otherwise unlawful acts, nor precludes prosecution under other laws.

5. This Convention shall not apply to nuclear material used or retained for military purposes or to a nuclear facility containing such material.

6. After Article 2 of the Convention, a new Article 2A is added as follows:

Article 2A

1. Each State Party shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction, with the aim of:

- (a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport;
- (b) ensuring the implementation of rapid and comprehensive measures to locate and, where appropriate, recover missing or stolen nuclear material; when the material is located outside its territory, that State Party shall act in accordance with article 5;
- (c) protecting nuclear material and nuclear facilities against sabotage; and
- (d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

- (a) establish and maintain a legislative and regulatory framework to govern physical protection;
- (b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and
- (c) take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

FUNDAMENTAL PRINCIPLE A: *Responsibility of the State*

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

FUNDAMENTAL PRINCIPLE B: *Responsibilities During International Transport*

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

FUNDAMENTAL PRINCIPLE C: *Legislative and Regulatory Framework*

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

FUNDAMENTAL PRINCIPLE D: *Competent Authority*

The State should establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities. The State should take steps to ensure an effective independence between the functions of the State's competent authority and those of any other body in charge of the promotion or utilization of nuclear energy.

FUNDAMENTAL PRINCIPLE E: *Responsibility of the License Holders*

The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).

FUNDAMENTAL PRINCIPLE F: *Security Culture*

All organizations involved in implementing physical protection should give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization.

FUNDAMENTAL PRINCIPLE G: *Threat*

The State's physical protection should be based on the State's current evaluation of the threat.

FUNDAMENTAL PRINCIPLE H: *Graded Approach*

Physical protection requirements should be based on a graded approach, taking into account the current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities.

FUNDAMENTAL PRINCIPLE I: *Defence in Depth*

The State's requirements for physical protection should reflect a concept of several layers and methods of protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives.

FUNDAMENTAL PRINCIPLE J: *Quality Assurance*

A quality assurance policy and quality assurance programmes should be established and implemented with a view to providing confidence that specified requirements for all activities important to physical protection are satisfied.

FUNDAMENTAL PRINCIPLE K: *Contingency Plans*

Contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof, should be prepared and appropriately exercised by all license holders and authorities concerned.

FUNDAMENTAL PRINCIPLE L: *Confidentiality*

The State should establish requirements for protecting the confidentiality of information, the unauthorized disclosure of which could compromise the physical protection of nuclear material and nuclear facilities.

4. (a) The provisions of this article shall not apply to any nuclear material which the State Party reasonably decides does not need to be subject to the physical protection regime established pursuant to paragraph 1, taking into account the nature of the material, its quantity and relative attractiveness and the potential radiological and other consequences associated with any unauthorized act directed against it and the current evaluation of the threat against it.

(b) Nuclear material which is not subject to the provisions of this article pursuant to subparagraph (a) should be protected in accordance with prudent management practice.

7. Article 5 of the Convention is replaced by the following text:

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their point of contact in relation to matters within the scope of this Convention.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

- (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof, and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations;
- (b) in doing so, as appropriate, the States Parties concerned shall exchange information with each other, the

International Atomic Energy Agency and other relevant international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container or recovering unlawfully taken nuclear material and shall:

- (i) co-ordinate their efforts through diplomatic and other agreed channels;
- (ii) render assistance, if requested;
- (iii) ensure the return of recovered nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. In the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, States Parties shall, to the maximum feasible extent, in accordance with their national law and consistent with their relevant obligations under international law, cooperate as follows:

- (a) if a State Party has knowledge of a credible threat of sabotage of nuclear material or a nuclear facility in another State, the former shall decide on appropriate steps to be taken in order to inform that State as soon as possible and, where appropriate, the International Atomic Energy Agency and other relevant international organizations of that threat, with a view to preventing the sabotage;
- (b) in the case of sabotage of nuclear material or a nuclear facility in a State Party and if in its view other States are likely to be radiologically affected, the former, without prejudice to its other obligations under international law, shall take appropriate steps to inform as soon as possible the State or the States which are likely to be radiologically affected and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations, with a view to minimizing or mitigating the radiological consequences thereof;
- (c) if in the context of sub-paragraphs (a) and (b), a State Party requests assistance, each State Party to which a request for assistance is directed shall promptly decide and notify the requesting State Party, directly or through the International Atomic Energy Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that may be rendered;
- (d) co-ordination of the co-operation under sub-paragraphs (a) to (c) shall be through diplomatic or other agreed channels. The means of implementation of this cooperation shall be determined bilaterally or multilaterally by the States Parties concerned.

4. States Parties shall co-operate and consult, as appropriate, with each other directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

5. A State Party may consult and co-operate, as appropriate, with other States Parties directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining their guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities.

8. Article 6 of the Convention is replaced by the following text:

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations or to States that are not parties to this Convention in confidence, steps shall be taken to ensure that the confidentiality of such information is

protected. A State Party that has received information in confidence from another State Party may provide this information to third parties only with the consent of that other State Party.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material or nuclear facilities.

9. Paragraph 1 of Article 7 of the Convention is replaced by the following text:

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority;
- (e) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated;
- (f) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (g) a threat:
 - (i) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in sub-paragraph (e), or
 - (ii) to commit an offence described in sub-paragraphs (b) and (e) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (h) an attempt to commit any offence described in sub-paragraphs (a) to (e);
- (i) an act which constitutes participation in any offence described in sub-paragraphs (a) to (h);
- (j) an act of any person who organizes or directs others to commit an offence described in sub-paragraphs (a) to (h); and
- (k) an act which contributes to the commission of any offence described in sub-paragraphs (a) to (h) by a group of persons acting with a common purpose; such act shall be intentional and shall either:
 - (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence described in sub-paragraphs (a) to (g), or
 - (ii) be made in the knowledge of the intention of the group to commit an offence described in sub-paragraphs (a) to (g)

shall be made a punishable offence by each State Party under its national law.

10. After Article 11 of the Convention, two new articles, Article 11A and Article 11B, are added as follows:

Article 11A

None of the offences set forth in article 7 shall be regarded for the purposes of extradition or mutual legal assistance, as a

political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 11B

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 7 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

11. After Article 13 of the Convention, a new Article 13A is added as follows:

Article 13A

Nothing in this Convention shall affect the transfer of nuclear technology for peaceful purposes that is undertaken to strengthen the physical protection of nuclear material and nuclear facilities.

12. Paragraph 3 of Article 14 of the Convention is replaced by the following text:

3. Where an offence involves nuclear material in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, or where an offence

involves a nuclear facility and the alleged offender remains in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

13. Article 16 of the Convention is replaced by the following text:

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of the Amendment adopted on 8 July 2005 to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

14. Footnote ^b of Annex II of the Convention is replaced by the following text:

^b Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 1 gray/hour (100 rads/hour) at one metre unshielded.

15. Footnote ^e of Annex II of the Convention is replaced by the following text:

^e Other fuel which by virtue of its original fissile material content is classified as Category and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 1 gray/hour (100 rads/hour) at one metre unshielded.

[Eds...]

Status of Amendment to the Convention on the Physical Protection of Nuclear Material

[As at 17 February 2009]

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: 33

Last change of status: 10 January 2010

Country/Organization	Signature	Instrument	Date of deposit	Declaration etc. / Withdrawal		Entry into force
Algeria		ratification	25 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Antigua and Barbuda		ratification	17 Dec 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Australia		ratification	17 Jul 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Austria		ratification	18 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Bulgaria		ratification	17 Mar 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Chile		acceptance	12 Mar 2009	<input type="checkbox"/>	<input type="checkbox"/>	
China		ratification	14 Sep 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Croatia		approval	11 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Estonia		ratification	24 Feb 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Fiji		approval	22 Jun 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Gabon		acceptance	20 Mar 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Hungary		ratification	4 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
India		ratification	19 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Jordan		acceptance	7 Oct 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Kenya		acceptance	1 Aug 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Libyan Arab Jamahiriya		ratification	19 Jul 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Liechtenstein		ratification	13 Oct 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Lithuania		ratification	19 May 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Mali		acceptance	27 Jan 2010	<input type="checkbox"/>	<input type="checkbox"/>	
Mauritania		ratification	28 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Niger		ratification	28 May 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Nigeria		ratification	4 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Norway		approval	20 Aug 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Poland		ratification	1 Jun 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Rep. of Moldova		ratification	22 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Romania		ratification	6 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Russian Federation		acceptance	19 Sep 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Seychelles		acceptance	9 Jan 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Slovenia		acceptance	1 Sep 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Spain		acceptance	9 Nov 2007	<input type="checkbox"/>	<input type="checkbox"/>	

Switzerland		ratification	15 Oct 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Turkmenistan		acceptance	22 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	
Ukraine		ratification	24 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
United Arab Emirates		acceptance	31 Jul 2009	<input type="checkbox"/>	<input type="checkbox"/>	

UN Security Council Resolution 1540

[Reproduced from S/RES/1540,
adopted on 28 April 2004]

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

- Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;
- Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;
- Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
 - Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
 - Develop and maintain appropriate effective physical protection measures;
 - Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
 - Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;
- 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;
- Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;
- 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;
- Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience

and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

- (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;
- (b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;
- (c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;
- (d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

* Definitions for the purpose of this resolution only:

– Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

– Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

– Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

International Convention for the Suppression of Acts of Nuclear Terrorism

[United Nations, 2005]

The States Parties to this Convention,

(Eds.)[...]

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "Radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

2. "Nuclear material" means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the

isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. "Nuclear facility" means:

(a) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(b) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.

4. "Device" means:

(a) Any nuclear explosive device; or

(b) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

5. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

6. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) Possesses radioactive material or makes or possesses a device:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment;

(b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment; or

(iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

2. Any person also commits an offence if that person:

(a) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or

(b) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory

of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 5

Each State Party shall adopt such measures as may be necessary:

- (a) To establish as criminal offences under its national law the offences set forth in article 2;
- (b) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 7

1. States Parties shall cooperate by:

(a) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;

(b) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

3. States Parties shall not be required by this Convention to provide any information which they are not permitted to

communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

Article 8

For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

- (a) The offence is committed in the territory of that State; or
- (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
- (c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

- (a) The offence is committed against a national of that State; or
- (b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
- (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or
- (d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or
- (e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

Article 10

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:

- (a) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or

which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) To be visited by a representative of that State;

(c) To be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

Article 12

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

Article 13

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the

conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 14

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent; and

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained

or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(a) Take steps to render harmless the radioactive material, device or nuclear facility;

(b) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(c) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (a) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3(b) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

(b) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Party or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (b) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material, device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 24

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 26

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.

2. If the majority of the States Parties request the depositary to

convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.

3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.

4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

Article 27

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.

The United Nations Global Counter-Terrorism Strategy

[Excerpts reproduced from A/RES/60/288,
8 September 2006]

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and *reaffirming* its role under the Charter, including on questions related to international peace and security,

Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome, in particular its section on terrorism,

Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

Recalling also that at the 2005 World Summit Outcome world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in our international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for

the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or humanitarian character and the fulfillment in good faith of the obligations assumed in accordance with the Charter,

Recalling further the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming further Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

Continuing to acknowledge that the question of convening a high level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,

Bearing in mind the need to address the conditions conducive to the spread of terrorism,

Affirming Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. Expresses its appreciation for the report "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (doc. A/60/825), submitted by the Secretary-General to the General Assembly;

2. Adopts the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");

3. Decides, without prejudice to the continuation of the discussion at its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:

a. To launch the Strategy at a high-level segment of its sixty-first session;

b. To examine in two years progress made in implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years, and some should be treated as long term objectives;

c. To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;

d. To encourage Member States, the United Nations and other appropriate international, regional and sub-regional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;

e. To further encourage non-governmental organizations

and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy.

4. Decides to inscribe in the provisional agenda of its sixty-second session an item entitled "The United Nations Global Counter-Terrorism Strategy".

ANNEX

Plan of Action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security.
2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
 - a. To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
 - b. To implement all General Assembly resolutions on measures to eliminate international terrorism, and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
 - c. To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfillment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions.
3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism.
2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world.
3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations.

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct.
5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all.
6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists.
7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development.
8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms assistance to victims.

II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.
2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens.
3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements, and to strengthen cooperation between law enforcement agencies.
4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism.
5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials.
6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them.
7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in paragraph 1 of this section.

8. To encourage relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the United Nations Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing mandates, the United Nations Office of Drugs and Crime and the International Criminal Police Organization, to facilitate its provision.

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of the international efforts to enhance the fight against terrorism.

10. To encourage States to implement the comprehensive international standards embodied in the Financial Action Task Force's Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing, recognizing that States may require assistance in implementing them.

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the International Criminal Police Organization's contemplated Biocrimes Database. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, scientific community, civil society and governments, into a common programme aimed at ensuring that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good, with due respect to the basic international norms on intellectual property rights.

12. To work with the United Nations, with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to

- a. Coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet,
- b. Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.

13. To step-up national efforts and bilateral, sub-regional, regional and international co-operation, as appropriate, to improve border and customs controls, in order to prevent and detect the movement of terrorists and to prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect.

14. To encourage the United Nations Counter Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations, and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization.

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization-United Nations Special Notices concerning people subject to this sanctions regime.

16. To step up efforts and co-operation at every level, as appropriate, to improve the security on manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the

International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool as appropriate, in particular by sharing relevant information.

17. To invite the United Nations to improve co-ordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency co-ordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary co-operation and assistance in the event of a terrorist attack using weapons of mass destruction.

18. To step up all efforts to improve the security and protection of particularly vulnerable targets such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to that effect.

III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security.

2. To take advantage of the framework provided by relevant international, regional and sub-regional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area.

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter terrorism.

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter terrorism, relevant specialized agencies, relevant international, regional and sub-regional organizations, and the donor community, to develop States' capacities to implement relevant United Nations resolutions.

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the United Nations Counter-Terrorism Implementation Task Force within the Secretariat, in order to ensure overall co-ordination and coherence in the United Nations system's counter-terrorism efforts.

6. To encourage the United Nations Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and sub-regional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers.

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the United Nations Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the

international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions.

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and financing of terrorism.

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.

10. To encourage the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists.

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions, at the national, regional and international level.

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their co-operation, work with States to identify any national shortfalls in areas of transport security and provide assistance upon request to address them.

13. To encourage the United Nations to work with Member States and relevant international, regional and sub-regional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism".

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law.

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies.

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice system, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime.

5. To reaffirm the United Nations system's important role in strengthening the international legal architecture by promoting the rule of law, respect for human rights, and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism.

6. To support the Human Rights Council, and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism.

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on States' human rights obligations and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at States' request.

8. To these support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support States' efforts and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations, and reporting on these issues.

Statement of Principles for the Global initiative to Combat Nuclear Terrorism

Bureau of International Security and Nonproliferation,
Washington, DC
[20 November 2006]

Participants in the Global Initiative to Combat Nuclear Terrorism are committed to the following Statement of Principles to develop partnership capacity to combat nuclear terrorism on a determined and systematic basis, consistent with national legal authorities and obligations they have under relevant international legal frameworks, notably the Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, United Nations Security Council Resolutions 1373 and 1540. They call on all states concerned with this threat to international peace and security, to make a commitment to implement on a voluntary basis the following principles:

- Develop, if necessary, and improve accounting, control and physical protection systems for nuclear and other radioactive materials and substances;
- Enhance security of civilian nuclear facilities;
- Improve the ability to detect nuclear and other radioactive materials and substances in order to prevent illicit trafficking in such materials and substances, to include cooperation in the research and development of national detection capabilities that would be interoperable;
- Improve capabilities of participants to search for, confiscate, and establish safe control over unlawfully held nuclear or other radioactive materials and substances or devices using them.
- Prevent the provision of safe haven to terrorists and financial or economic resources to terrorists seeking to acquire or use nuclear and other radioactive materials and substances;
- Ensure adequate respective national legal and regulatory frameworks sufficient to provide for the implementation of appropriate criminal and, if applicable, civil liability for terrorists and those who facilitate acts of nuclear terrorism;
- Improve capabilities of participants for response, mitigation, and investigation, in cases of terrorist attacks involving the use of nuclear and other radioactive materials and substances, including the development of technical means to identify nuclear and other radioactive materials and substances that are, or may be, involved in the incident; and
- Promote information sharing pertaining to the suppression of acts of nuclear terrorism and their facilitation, taking appropriate measures consistent with their national law and international obligations to protect the confidentiality of any information which they exchange in confidence.

Global Initiative participants recognize the role of the International Atomic Energy Agency (IAEA) in the fields of nuclear safety and security and the IAEA has been invited to serve as an observer to the Initiative. All participants commend the IAEA for its action in the field of nuclear security. Participants intend for the IAEA to contribute to the Initiative through its ongoing activities and technical expertise.

The initial partner nations intend to establish a terms of reference for implementation and assessment to support effective fulfillment of the initiative, including by facilitating the provision of assistance to participants that may require it, and facilitating suitable exercises.

They express the desire to broaden participation in the Global Initiative to other countries who share the common goals of the Initiative, are actively committed to combating nuclear terrorism, and endorse the Statement of Principles.

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)

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 8 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 2006,

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 fulfil 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(48)/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".

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 Supplement 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,

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 1368 (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 national 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,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006,

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 fulfil 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”.

Joint Statement of the President of the Russian Federation and the President of the United States of America for the 4th Meeting of the Global Initiative to Combat Nuclear Terrorism

[17 June 2008]

We are pleased to be working closely together with our Global Initiative Partners to combat nuclear terrorism. That so many nations have joined the Global Initiative to Combat Nuclear Terrorism demonstrates a true commitment to defeat this threat to our peace and security.

The Russian Federation and the United States launched the Global Initiative on July 15, 2006 and we can now call more than 70 nations Global Initiative partners. We will continue to stand upon the principles at the heart of this Initiative, attract others to our ranks and realize our goal of making this a truly global effort. Gathering as partners in Madrid is an important reminder to one another of the commitments we have to each of our citizens to see clearly the concrete steps we can take together to prevent nuclear terrorism and ensure our peace and security.

Nuclear security, including measures to protect against nuclear and radiological terrorism

[GC(53)/RES/11, September 2009]

See Section J

Measures to prevent terrorists from acquiring weapons of mass destruction

[Resolution A/RES/64/38, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 63/60 of 2 December 2008,

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 Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, which was held in Sharm-el Sheikh, Egypt, from 11 to 16 July 2009, for measures to prevent terrorists from acquiring weapons of mass destruction,

Noting also that the Group of Eight, the European Union, the Regional Forum of the Association of Southeast Asian Nations and others have taken into account in their deliberations the dangers posed by the likely acquisition by terrorists of weapons of mass destruction, and the need for international cooperation in combating it,

Noting further the Global Initiative to Combat Nuclear Terrorism, launched jointly by the Russian Federation and the United States of America, and the proposed Global Summit on Nuclear Security to be hosted by the United States of America in 2010,

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-third regular session,

Taking note also of the 2005 World Summit Outcome adopted at the High level Plenary Meeting of the General Assembly in September 2005 and adoption of the United Nations Global Counter-Terrorism Strategy on 8 September 2006,

Taking note further of the report of the Secretary-General, submitted pursuant to paragraph 5 of resolution 63/60,

Mindful of the urgent need for addressing, within the United Nations framework and through international cooperation, this threat to humanity,

Emphasizing that progress is urgently needed in the area of disarmament and non-proliferation in order to maintain international peace and security and to contribute to global efforts against terrorism,

1. *Calls upon* all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery;

2. *Appeals* to all Member States to consider early accession to and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism;

3. *Urges* all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture;

4. *Encourages* cooperation among and between Member States and relevant regional and international organizations for strengthening national capacities in this regard;

5. *Requests* the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on additional relevant measures, including

national measures, for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction and to report to the General Assembly at its sixty-fifth session;

6. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled “Measures to prevent terrorists from acquiring weapons of mass destruction”.

Nuclear Forensics and Attribution Act

[Senate and House of Representatives of the United States of America in Congress, 5 January 2010]

An Act To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the “Nuclear Forensics and Attribution Act”.

Section. 2. Findings.

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of a nuclear weapon, there could be little forensic evidence except the radioactive material in the weapon itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, predetonation forensics is a relatively undeveloped field. The postdetonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4) (A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several

decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition—has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

Section. 3. Sense of Congress on International Agreements for Forensics Cooperation.

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

[Eds...]

O – Bilateral Measures – Russia-United States

Synopsis of the Strategic Arms Reduction Treaty (START) 1 Including Termination Clauses.

[Moscow, 31 July 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,

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] [START II, Art. I.3]

(i) 4900, for warheads attributed to deployed ICBMs and deployed SLBMs; [RF MOU, Section II] [US MOU, Section II] [START II, Art. I.4] [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 I] [US MOU Section I] and deployed SLBMs [RF MOU, Section I] [US MOU Section I] so that seven years after entry into force of this Treaty and thereafter such aggregate throw-weight does not exceed 3600 metric tons. ABA [Throw-weight Limits/Provisions for Types of ICBMs and SLBMs]

ARTICLE IV

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 or 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.

ARTICLE V

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 planform area in excess of 310 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. Conversion and elimination shall be verified by national technical means of verification and by inspection as provided for in Articles IX and XI of this Treaty; in the Conversion or Elimination Protocol; and in the Protocol on Inspections and Continuous Monitoring Activities Relating to this Treaty, hereinafter referred to as the Inspection 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 by rendering them inoperable, precluding their use for 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] Relating 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 notifications 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.

5. If a time is to be specified in a notification provided pursuant to this Article, that time shall be expressed in Greenwich Mean Time. If only a date is to be specified in a notification, that date shall be specified as the 24-hour period that corresponds to the date in local time, expressed in Greenwich Mean Time.

6. Except as otherwise provided in this Article, each Party shall have the right to release to the public all data current as of September 1, 1990, that are listed in the Memorandum of Understanding, as well as the photographs that are appended thereto. Geographic coordinates and site diagrams that are received pursuant to the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Exchange of Geographic Coordinates and Site Diagrams Relating to the Treaty of July 31, 1991, shall not be released to the public unless otherwise agreed. The Parties shall hold consultations on releasing to the public data and other information provided pursuant to this Article or received otherwise in fulfilling the obligations provided for in this Treaty. The provisions of this Article shall not affect the rights and obligations of the Parties with respect to the communication of such data and other information to those individuals who, because of their official responsibilities, require such data or other information to carry out activities related to the fulfillment of the obligations provided for in this Treaty. [Statements on Release to Public]

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 1 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 beaming; 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.

5. 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 eleven flight tests of ICBMs or SLBMs each year. Of these eleven 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 first stages of such 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]

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

its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

ARTICLE XVIII

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing entry into force of this Treaty.

ARTICLE XIX

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on July 31, 1991, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:

George Bush

President of the United States of America

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

M. Gorbachev

President of the Union of Soviet Socialist Republics

Announcement of Withdrawal from the ABM Treaty

[Statement by the White House Press Secretary,
13 December 2001]

The circumstances affecting U.S. national security have changed fundamentally since the signing of the ABM Treaty in 1972. The attacks against the U.S. homeland on September 11 vividly demonstrate that the threats we face today are far different from those of the Cold War. During that era, now fortunately in the past, the United States and the Soviet Union were locked in an implacably hostile relationship. Each side deployed thousands of nuclear weapons pointed at the other. Our ultimate security rested largely on the grim premise that neither side would launch a nuclear attack because doing so would result in a counter-attack ensuring the total destruction of both nations.

Today, our security environment is profoundly different. The Cold War is over. The Soviet Union no longer exists. Russia is not an enemy, but in fact is increasingly allied with us on a growing number of critically important issues. The depth of United States-Russian cooperation in counter-terrorism is both a model of the new strategic relationship we seek to establish and a foundation on which to build further cooperation across the broad spectrum of political, economic and security issues of mutual interest.

Today, the United States and Russia face new threats to their security. Principal among these threats are weapons of mass destruction and their delivery means wielded by terrorists and rogue states. A number of such states are acquiring increasingly longer-range ballistic missiles as instruments of blackmail and coercion against the United States and its friends and allies. The United States must defend its homeland, its forces and its friends and allies against these threats. We must develop and deploy the means to deter and protect against them, including through limited missile defense of our territory.

Under the terms of the ABM Treaty, the United States is prohibited from defending its homeland against ballistic missile attack. We are also prohibited from cooperating in developing missile defenses against long-range threats with our friends and allies. Given the emergence of these new threats to our national security and the imperative of defending against them, the United States is today providing formal notification of its withdrawal from the ABM Treaty. As provided in Article XV of that Treaty, the effective date of withdrawal will be six months from today.

At the same time, the United States looks forward to moving ahead with Russia in developing elements of a new strategic relationship.

- In the inter-related area of offensive nuclear forces, we welcome President Putin's commitment to deep cuts in Russian nuclear forces, and reaffirm our own commitment to reduce U.S. nuclear forces significantly.
- We look forward to continued consultations on how to achieve increased transparency and predictability regarding reductions

in offensive nuclear forces.

- We also look forward to continued consultations on transparency, confidence building, and cooperation on 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.

Strategic Offensive Reductions Treaty

[Signed 24 May 2002, reproduced from
White House Press Release, 24 May 2002]

The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Embarking upon the path of new relations for a new century and committed to the goal of strengthening their relationship through cooperation and friendship,

Believing that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the Parties,

Desiring to establish a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability,

Committed to implementing significant reductions in strategic offensive arms,

Proceeding from the Joint Statements by the President of the United States of America and the President of the Russian Federation on Strategic Issues of July 22, 2001 in Genoa and on a New Relationship between the United States and Russia of November 13, 2001 in Washington,

Mindful of their obligations under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and

Convinced that this Treaty will help to establish more favorable conditions for actively promoting security and cooperation, and enhancing international stability,

Have agreed as follows:

Article I

Each Party shall reduce and limit strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13, 2001 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700–2200 for each Party. Each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads.

Article II

The Parties agree that the START Treaty remains in force in accordance with its terms.

Article III

For purposes of implementing this Treaty, the Parties shall hold

meetings at least twice a year of a Bilateral Implementation Commission.

Article IV

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.
2. This Treaty shall remain in force until December 31, 2012 and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.
3. Each Party, in exercising its national sovereignty, may withdraw from this Treaty upon three months written notice to the other Party.

Article V

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 24, 2002, in two copies, each in the English and Russian languages, both texts being equally authentic.

Letter from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations, Addressed to the Secretary-General

[A/C.1/62/3 1 November 2007]

We have the honour to transmit herewith the text of the Joint Statement on the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (see annex), issued on 25 October 2007 by the Russian Federation and the United States of America.

We would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 98.

(Signed) Vitaly I. Churkin

Permanent Representative of the Russian Federation to the United Nations

(Signed) Zalmay Khalilzad

Permanent Representative of the United States of America to the United Nations

Annex to the letter dated 26 October 2007 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General

Joint United States-Russian Statement on the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles at the sixty-second session of the General Assembly

December 8, 2007 marks the twentieth anniversary of the signing of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, which banned ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres. It is hard to overestimate the historic significance of this act: it marked an important, practical step in meeting our NPT article VI obligation to pursue negotiations in good faith on nuclear disarmament. By late 1991, the Union of Soviet Socialist Republics and the United States destroyed all missiles of these two classes along with all supporting infrastructure under strict verification procedures.

We would like to underscore the contribution of this Treaty to decreased international tensions, particularly in Europe. The Russian Federation and the United States take this occasion to reaffirm our joint support for the INF Treaty.

We are concerned with the proliferation of intermediate- and shorter-range missiles. An ever-greater number of countries are acquiring missile production technologies and adding such missiles to their arsenals. At the same time, the Treaty, being of unlimited duration, is limiting the actions only of a few States, primarily Russia and the United States.

The Russian Federation and the United States call on all interested countries to discuss the possibility of imparting a global character to

this important regime through the renunciation of ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres, leading to destruction of any such missiles and the cessation of associated programmes. Such a renunciation would serve to strengthen the international nuclear missile non-proliferation effort.

Today the Treaty retains its long-standing importance. We believe that renunciation of ground-launched intermediate- and shorter-range missiles and their complete elimination in the world would increase the role of the Treaty as a model for strengthening international security.

The Russian Federation and the United States will work with all interested countries and continue to make every effort to prevent the proliferation of such missiles and strengthen peace in the world.

Joint Statement by Dmitriy A. Medvedev, President of the Russian Federation, and Barack Obama, President of the United States of America, Regarding Negotiations on Further Reductions in Strategic Offensive Arm

[1 April 2009]

The President of the United States of America, Barack Obama, and the President of the Russian Federation, Dmitriy A. Medvedev, noted that the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START Treaty), which expires in December 2009, has completely fulfilled its intended purpose and that the maximum levels for strategic offensive arms recorded in the Treaty were reached long ago. They have therefore decided to move further along the path of reducing and limiting strategic offensive arms in accordance with U.S. and Russian obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

The Presidents decided to begin bilateral intergovernmental negotiations to work out a new, comprehensive, legally binding agreement on reducing and limiting strategic offensive arms to replace the START Treaty. The United States and the Russian Federation intend to conclude this agreement before the Treaty expires in December. In this connection, they instructed their delegations at the negotiations to proceed on basis of the following:

- The subject of the new agreement will be the reduction and limitation of strategic offensive arms;
- In the future agreement the Parties will seek to record levels of reductions in strategic offensive arms that will be lower than those in the 2002 Moscow Treaty on Strategic Offensive Reductions, which is currently in effect;
- The new agreement will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.

They directed their negotiators to report on progress achieved in working out the new agreement by July 2009.

Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America

[1 April 2009]

Reaffirming that the era when our countries viewed each other as enemies is long over, and recognizing our many common interests, we today established a substantive agenda for Russia and the United States to be developed over the coming months and years. We are resolved to work together to strengthen strategic stability, international security, and jointly meet contemporary global challenges, while also addressing disagreements openly and honestly in a spirit of mutual respect and acknowledgement of each other's perspective.

We discussed measures to overcome the effects of the global economic crisis, strengthen the international monetary and financial system, restore economic growth, and advance regulatory efforts to ensure that such a crisis does not happen again.

We also discussed nuclear arms control and reduction. As leaders of the two largest nuclear weapons states, we agreed to work together to fulfill our obligations under Article VI of the Treaty on Non-Proliferation of Nuclear Weapons (NPT) and demonstrate leadership in reducing the number of nuclear weapons in the world. We committed our two countries to achieving a nuclear free world, while recognizing that this long-term goal will require a new emphasis on arms control and conflict resolution measures, and their full implementation by all concerned nations. We agreed to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty. We are instructing our negotiators to start talks immediately on this new treaty and to report on results achieved in working out the new agreement by July.

While acknowledging that differences remain over the purposes of deployment of missile defense assets in Europe, we discussed new possibilities for mutual international cooperation in the field of missile defense, taking into account joint assessments of missile challenges and threats, aimed at enhancing the security of our countries, and that of our allies and partners.

The relationship between offensive and defensive arms will be discussed by the two governments.

We intend to carry out joint efforts to strengthen the international regime for nonproliferation of weapons of mass destruction and their means of delivery. In this regard we strongly support the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and are committed to its further strengthening. Together, we seek to secure nuclear weapons and materials, while promoting the safe use of nuclear energy for peaceful purposes. We support the activities of the International Atomic Energy Agency (IAEA) and stress the importance of the IAEA Safeguards system. We seek universal adherence to IAEA comprehensive safeguards, as provided for in Article III of the NPT, and to the Additional Protocol and urge the ratification and implementation of these agreements. We will deepen cooperation to combat nuclear terrorism. We will seek to further promote the Global Initiative to Combat Nuclear Terrorism, which now unites 75 countries. We also support international negotiations for a verifiable treaty to end the production of fissile materials for nuclear weapons. As a key measure of nuclear nonproliferation and disarmament, we underscored the importance of the entering into force the Comprehensive Nuclear Test Ban Treaty. In this respect, President Obama confirmed his commitment to work for American ratification of this Treaty. We applaud the achievements made through the Nuclear Security Initiative launched in Bratislava in 2005, including to minimize the civilian use of Highly Enriched Uranium, and we seek to continue bilateral collaboration to improve and sustain nuclear security. We agreed to examine possible new initiatives to promote international cooperation in the peaceful use of nuclear energy while strengthening the nuclear non-proliferation regime. We welcome the work of the IAEA on multilateral approaches to the nuclear fuel cycle and encourage efforts to develop mutually beneficial approaches with states considering nuclear energy or considering expansion of existing nuclear energy programs in conformity with their rights and obligations under the NPT. To facilitate cooperation in the safe use of nuclear energy for peaceful purposes, both sides will work to bring into force the bilateral Agreement for Cooperation in the Field of Peaceful Uses of Nuclear Energy. To strengthen non-proliferation efforts, we also declare our intent to give new impetus to implementation of U.N. Security Council Resolution 1540 on preventing non-state actors from obtaining WMD-related materials and technologies.

We agreed to work on a bilateral basis and at international forums to resolve regional conflicts.

We agreed that al-Qaida and other terrorist and insurgent groups operating in Afghanistan and Pakistan pose a common threat to many nations, including the United States and Russia. We agreed to work toward and support a coordinated international response with the UN playing a key role. We also agreed that a similar coordinated and international approach should be applied to counter the flow of narcotics from Afghanistan, as well as illegal supplies of precursors to this country. Both sides agreed to work out new ways of cooperation to facilitate international efforts of stabilization, reconstruction and development in Afghanistan, including in the regional context.

We support the continuation of the Six-Party Talks at an early date and agreed to continue to pursue the verifiable denuclearization of the Korean Peninsula in accordance with purposes and principles of the September 19, 2005 Joint Statement and subsequent consensus documents. We also expressed concern that a North Korean ballistic missile launch would be damaging to peace and stability in the region and agreed to urge the DPRK to exercise restraint and observe relevant UN Security Council resolutions.

While we recognize that under the NPT Iran has the right to a civilian nuclear program, Iran needs to restore confidence in its exclusively peaceful nature. We underline that Iran, as any other Non-Nuclear Weapons State - Party to the NPT, has assumed the obligation under Article II of that Treaty in relation to its non-nuclear weapon status. We call on Iran to fully implement the relevant U.N. Security Council and the IAEA Board of Governors resolutions including provision of required cooperation with the IAEA. We reiterated their commitment to pursue a comprehensive diplomatic solution, including direct diplomacy and through P5+1 negotiations, and urged Iran to seize this opportunity to address the international community's concerns.

We also started a dialogue on security and stability in Europe. Although we disagree about the causes and sequence of the military actions of last August, we agreed that we must continue efforts toward a peaceful and lasting solution to the unstable situation today. Bearing in mind that significant differences remain between us, we nonetheless stress the importance of last year's six-point accord of August 12, the September 8 agreement, and other relevant agreements, and pursuing effective cooperation in the Geneva discussions to bring stability to the region.

We agreed that the resumption of activities of the NATO-Russia Council is a positive step. We welcomed the participation of an American delegation at the special Conference on Afghanistan convened under the auspices of Shanghai Cooperation Organization last month.

We discussed our interest in exploring a comprehensive dialogue on strengthening Euro-Atlantic and European security, including existing commitments and President Medvedev's June 2008 proposals on these issues. The OSCE is one of the key multilateral venues for this dialogue, as is the NATO-Russia Council.

We also agreed that our future meetings must include discussions of transnational threats such as terrorism, organized crime, corruption and narcotics, with the aim of enhancing our cooperation in countering these threats and strengthening international efforts in these fields, including through joint actions and initiatives.

We will strive to give rise to a new dynamic in our economic links including the launch of an intergovernmental commission on trade and economic cooperation and the intensification of our business dialogue. Especially during these difficult economic times, our business leaders must pursue all opportunities for generating economic activity. We both pledged to instruct our governments to make efforts to finalize as soon as possible Russia's accession into the World Trade Organization and continue working towards the creation of favorable conditions for the development of Russia-U.S. economic ties.

We also pledge to promote cooperation in implementing Global Energy Security Principles, adopted at the G-8 summit in Saint Petersburg in 2006, including improving energy efficiency and the development of clean energy technologies.

Today we have outlined a comprehensive and ambitious work plan for our two governments. We both affirmed a mutual desire to organize contacts between our two governments in a more structured and regular way. Greater institutionalized interactions between our ministries and departments make success more likely in meeting the ambitious goals that we have established today.

At the same time, we also discussed the desire for greater cooperation not only between our governments, but also between our societies – more scientific cooperation, more students studying in each other's country, more cultural exchanges, and more cooperation between our nongovernmental organizations. In our relations with each other, we also seek to be guided by the rule of law, respect for fundamental freedoms and human rights, and tolerance for different views.

We, the leaders of Russia and the United States, are ready to move beyond Cold War mentalities and chart a fresh start in relations between our two countries. In just a few months we have worked hard to establish a new tone in our relations. Now it is time to get down to business and translate our warm words into actual achievements of benefit to Russia, the United States, and all those around the world interested in peace and prosperity.

The Joint Understanding for the START Follow-On Treaty

[Barack Obama and Dmitry Medvedev, Moscow
6 July 2009]

The President of the United States of America and the President of the Russian Federation have decided on further reductions and limitations of their nations' strategic offensive arms and on concluding at an early date a new legally binding agreement to replace the current START Treaty, and directed that the new treaty contain, *inter alia*, the following elements:

1. A provision to the effect that each Party will reduce and limit its strategic offensive arms so that seven years after entry into force of the treaty and thereafter, the limits will be in the range of 500-1100 for strategic delivery vehicles, and in the range of 1500-1675 for their associated warheads. The specific numbers to be recorded in the treaty for these limits will be agreed through further negotiations.
2. Provisions for calculating these limits.
3. Provisions on definitions, data exchanges, notifications, eliminations, inspections and verification procedures, as well as confidence building and transparency measures, as adapted, simplified, and made less costly, as appropriate, in comparison to the START Treaty.
4. A provision to the effect that each Party will determine for itself the composition and structure of its strategic offensive arms.
5. A provision on the interrelationship of strategic offensive and strategic defensive arms.

6. A provision on the impact of intercontinental ballistic missiles and submarine-launched ballistic missiles in a non-nuclear configuration on strategic stability.

7. A provision on basing strategic offensive arms exclusively on the national territory of each Party.

8. Establishment of an implementation body to resolve questions related to treaty implementation.

9. A provision to the effect that the treaty will not apply to existing patterns of cooperation in the area of strategic offensive arms between a Party and a third state.

10. A duration of the treaty of ten years, unless it is superseded before that time by a subsequent treaty on the reduction of strategic offensive arms.

The Presidents direct their negotiators to finish their work on the treaty at an early date so that they may sign and submit it for ratification in their respective countries.

Signed at Moscow, this sixth day of July, 2009, in duplicate, in the English and Russian languages.

FOR THE UNITED STATES	FOR THE RUSSIAN
OF AMERICA:	FEDERATION:
Barack Obama	Dmitry Medvedev

Joint Statement by Presidents Obama, Medvedev on START Treaty

[4 December 2009]

Countries will continue to work in spirit of treaty after its expiration

Recognizing our mutual determination to support strategic stability between the United States of America and the Russian Federation, we express our commitment, as a matter of principle, to continue to work together in the spirit of the START Treaty following its expiration, as well as our firm intention to ensure that a new treaty on strategic arms enter into force at the earliest possible date.

P – Documents Relating to the Democratic People's Republic of Korea

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.mcis.soton.ac.uk>

Joint Declaration for a Non-Nuclear Korean Peninsula

[Initiated 31 December 1991,
signed 20 January 1992]

The circumstances affecting U.S. have changed In order to create conditions and an environment favourable to peace and the peaceful unification of our land and to contribute to the peace and security of Asia and the world at large by eliminating the danger of nuclear war through its denuclearization, the South and the North declare as follows:

1. The South and the North will not test, produce, receive, possess, store, deploy or use nuclear weapons.
2. The South and the North will use nuclear energy solely for peaceful purposes.
3. The South and the North will not possess facilities for nuclear reprocessing and uranium enrichment.
4. In order to verify the denuclearization of the Korean Peninsula, the South and the North will conduct inspection of objects chosen by the other side and agreed to by both parties. Such inspection will be implemented according to the procedures and methods prescribed by a South-North Joint Nuclear Control Committee.
5. In order to ensure the implementation of this Joint Declaration, the South and the North will organize a South-North Joint Nuclear Control Committee within one (1) month of the coming into force of this Declaration.
6. This Joint Declaration will enter into force the day appropriate instruments are exchanged following the completion by the South and the North of the necessary procedures to bring this Declaration into effect.

Agreement on the Formation and Operation of the North-South Joint Nuclear Control Committee

[On denuclearization of the Korean Peninsula,
18 March 1992]

The North and South agreed to form and operate the North-South Joint Nuclear Control Committee to implement the Joint Declaration on the Denuclearization of the Korean Peninsula as follows:

1. The Joint Nuclear Control Committee shall be formed as follows:
 - (1) The Joint Nuclear Control Committee shall be composed of seven members, including one chairman and one vice chairman from each side, and one or two members, to include active-duty soldiers. The chairmen will be vice-minister level officials.
 - (2) When they replace members of the Joint Nuclear Control Committee, each side shall notify the other in advance.
 - (3) The Joint Nuclear Control Committee shall have seven suite members, and this number can be readjusted if necessary as agreed upon by the two sides.
2. The Joint Nuclear Control Committee shall discuss and handle the following:
 - (1) The adoption and handling of auxiliary documents on how to implement the Joint Declaration on the Denuclearization of the Korean Peninsula and other related issues.
 - (2) The exchange of information necessary for verifying the denuclearization of the Korean peninsula, including information on nuclear facilities, nuclear material, and nuclear weapons and nuclear bases that each side insists are suspicious.
 - (3) The formation and operation of inspection teams for verifying the denuclearization of the Korean peninsula.
 - (4) The selection of facilities for inspection when verifying the denuclearization of the Korean peninsula, including nuclear facilities, nuclear material, and nuclear weapons and nuclear bases that each side insists are suspicious; inspection procedures; and inspection methods.
 - (5) Issues concerning equipment to be used in nuclear inspection.
 - (6) Issues concerning rectifications as a result of nuclear inspection.

(7) Issues concerning the implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula and the resolution of disputes in inspection activities.

3. The Joint Nuclear Control Committee shall be operated as follows:

(1) Joint Nuclear Control Committee meetings shall take place every two months in principle and can take place at any time as the two sides agree.

(2) Joint Nuclear Control Committee meetings shall take place alternately in Tongilgak on the North side's area and in the House of Peace on the South side's area of Panmunjom in principle and can take place as the two sides agree.

(3) Joint Nuclear Control Committee meetings shall be jointly presided over by the two side's chairmen. They shall take place behind closed doors in principle.

(4) Issues concerning the guarantee of personal safety for people who visit each other's area to attend Joint Nuclear Control Committee meetings, providing them with conveniences and writing down details of meetings, and other procedural matters shall be handled according to usage.

(5) Other matters necessary for the operation of the Joint Nuclear Control Committee shall be discussed and decided by the two sides at the Joint Nuclear Control Committee.

4. The agreements on the Joint Nuclear Control Committee shall become effective from the day the two sides' premiers sign those agreements. As the case may be, important documents that the two sides shall agree on shall become effective from the day the two sides' premiers sign them and exchange their copies after completing ratification procedures.

5. This agreement can be amended and supplemented as the two sides agree.

6. This agreement will become effective from the day the two sides sign the documents and exchange their signed copies.

Agreed Framework Between the United States of America and the Democratic People's Republic of Korea

[21 October 1994]

Delegations of the Governments of the United States of America (US) and the Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the US and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the US and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The US and the DPRK decided to take the following actions for the resolution of the nuclear issue.

I. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

1) In accordance with the October 20, 1994 letter of assurance from the US President, the US will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

- The US will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The US representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.
- The US, representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.
- As necessary, the US and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

2) In accordance with October 20, 1994 letter of assurance from the US President, the US, representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR Unit.

- Alternative energy will be provided in the form of heavy oil for heating and electricity production.
- Deliveries of heavy oil will begin within three months of the date of this Document, and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

3) Upon receipt of US assurances for the provision of LWRs and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

- The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.
- Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.
- The US and the DPRK will cooperate in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the DPRK.

4) As soon as possible after the date of this Document, US and DPRK experts will hold two sets of experts talks.

- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.
- At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

3) As progress is made on issues of concern to each side, the US and the DPRK will upgrade bilateral relations to the ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

1) The US will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the US.

2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

1) The DPRK will remain a part to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze.

3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

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

[Resolution adopted by the IAEA Board of Governors,
6 January 2003, GOV/2003/3]

The Board of Governors,

(a) Recalling its resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742 and General Conference resolutions GC(XXXVII)RES/624, GC(XXXVIII)RES/16, GC(39)RES/3, GC(40)RES/4, GC(41)RES/22, GC(42)RES/2, GC(43)RES/3, GC(44)RES/26, GC(45)RES/16 and GC(46)RES/14,

(b) Recalling also its resolution GOV/2002/60 of 29 November 2002, and noting that there has been no positive response by the DPRK to that resolution or to the efforts of the Director General pursuant to it,

(c) Noting that the Democratic People's Republic of Korea (DPRK) is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the NPT remains binding and in force, and that both the IAEA and DPRK have an obligation to co-operate to facilitate the implementation of the safeguards provided for in that agreement;

(d) Noting with grave concern the report of the Director General on the Implementation of Safeguards in the DPRK (GOV/2002/62), particularly the statement that the Agency is at present unable to verify that there has been no diversion of nuclear material in the DPRK, and

(e) Having considered the report of the Director General at its meeting of 6 January 2003,

1. Takes note of the Director General's report and expresses support for the efforts of the Director General and the Secretariat to implement safeguards in the DPRK in accordance with the safeguards agreement;

2. Reiterates its previous calls to the DPRK to comply promptly and fully with its safeguards agreement, which remains binding and in force;

3. Stresses its desire for a peaceful resolution of this issue, including its support for efforts to promote through diplomatic means the denuclearization of the Korean Peninsula;

4. Deplores in the strongest terms the DPRK's unilateral acts to remove and impede the functioning of containment and surveillance equipment at its nuclear facilities and the nuclear material contained therein, including the expulsion of IAEA inspectors, which renders the Agency unable to verify, pursuant to its safeguards agreement with the DPRK, that there has been no diversion of nuclear material in the DPRK;

5. Considers that the DPRK's actions are of great non-proliferation concern and make the Agency unable at present to verify that all nuclear material in the DPRK is declared and submitted to Agency safeguards;

6. Calls upon the DPRK to co-operate urgently and fully with the Agency:

(i) by allowing the re-establishment of the required containment and surveillance measures at its nuclear facilities and the full implementation of all the required safeguards measures at all times including the return of IAEA inspectors;

(ii) by complying with the Board's resolution of 29 November 2002 (GOV/2002/60) and the Secretariat's letters seeking clarification of its reported uranium enrichment programme, as well as by giving up any nuclear weapons programme expeditiously and in a verifiable manner;

(iii) by enabling the Agency to verify that all nuclear material in the DPRK is declared and is subject to safeguards; and

(iv) by meeting immediately, as a first step, with IAEA officials;

7. Affirms that unless the DPRK takes all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK will be in further non-compliance with its safeguards agreement;

8. Requests the Director General to transmit the Board's resolution to the DPRK, to continue to pursue urgently all efforts with the aim of DPRK coming into full compliance with its safeguards obligations, and to report again to the Board of Governors as a matter of urgency; and

9. Decides to remain seized of the matter.

Statement by the DPRK on Withdrawal from the NPT

[Pyongyang, 10 January 2003, as reported by North Korean news agency KCNA (unofficial translation)]

The government of the Democratic People's Republic of Korea issued a statement today as regards the grave situation where the national sovereignty and the supreme interests of the state are most seriously threatened by the US vicious hostile policy towards the DPRK.

The full text of the statement reads: A dangerous situation where our nation's sovereignty and our state's security are being seriously violated is prevailing on the Korean Peninsula due to the US vicious hostile policy towards the DPRK.

The United States instigated the International Atomic Energy Agency (IAEA) to adopt another "resolution" against the DPRK on 6 January in the wake of a similar "resolution" made on 29 November, 2002.

Under its manipulation, the IAEA in those "resolutions" termed the DPRK "a criminal" and demanded it scrap what the US called a "nuclear programme" at once by a verifiable way in disregard of the nature of the nuclear issue, a product of the US hostile policy towards the DPRK, and its unique status in which it declared suspension of the effectuation of its withdrawal from the Nuclear Non-Proliferation Treaty (NPT).

Following the adoption of the latest "resolution", the IAEA director general issued an ultimatum that the agency would bring the matter to the UN Security Council to apply sanctions against the DPRK unless it implements the "resolution" in a few weeks.

This clearly proves that the IAEA still remains a servant and a spokesman for the US and the NPT is being used as a tool for implementing the US hostile policy towards the DPRK aimed to disarm it and destroy its system by force.

A particular mention should be made of the fact that the IAEA in the recent "resolution" kept mum about the US which has grossly violated the NPT and the DPRK-US agreed framework, but urged the DPRK, the victim, to unconditionally accept the US demand for disarmament and forfeit its right to self-defence, and the agency was praised by the US for "saying all what the US wanted to do." This glaringly reveals the falsehood and hypocrisy of the signboard of impartiality the IAEA put up.

The DPRK government vehemently rejects and denounces this "resolution" of the IAEA, considering it as a grave encroachment upon our country's sovereignty and the dignity of the nation.

It is none other than the US which wrecks peace and security on the Korean Peninsula and drives the situation there to an extremely dangerous phase.

After the appearance of the Bush administration, the United States listed the DPRK as part of an "axis of evil", adopting it as a national policy to oppose its system, and singled it out as a target of pre-emptive nuclear attack, openly declaring a nuclear war.

Systematically violating the DPRK-US Agreed Framework, the US brought up another "nuclear suspicion" and stopped the supply of heavy oil, reducing the AF to a dead document. It also answered the DPRK's sincere proposal for the conclusion of the DPRK-US non-aggression treaty and its patient efforts for negotiations with such threats as "blockade" and "military punishment" and with such an arrogant attitude as blustering that it may talk but negotiations are impossible.

The US went so far to instigate the IAEA to internationalize its moves to stifle the DPRK, putting its declaration of a war into practice. This has eliminated the last possibility of solving the nuclear issue of the Korean Peninsula in a peaceful and fair way.

It was due to such nuclear war moves of the US against the DPRK and the partiality of the IAEA that the DPRK was compelled to declare its withdrawal from the NPT in March 1993 when a touch-and-go situation was created on the Korean Peninsula.

As it has become clear once again that the US persistently seeks to stifle the DPRK at any cost and the IAEA is used as a tool for executing the US hostile policy towards the DPRK, we can no longer remain bound to the NPT, allowing the country's security and the dignity of our nation to be infringed upon.

Under the grave situation where our state's supreme interests are most seriously threatened, the DPRK government adopts the following decisions to protect the sovereignty of the country and the nation and their right to existence and dignity: firstly, the DPRK

government declares an automatic and immediate effectuation of its withdrawal from the NPT, on which "it unilaterally announced a moratorium as long as it deemed necessary" according to the 11 June, 1993, DPRK-US joint statement, now that the US has unilaterally abandoned its commitments to stop nuclear threat and renounce hostility towards the DPRK in line with the same statement.

Secondly, it declares that the DPRK withdrawing from the NPT is totally free from the binding force of the safeguards accord with the IAEA under its Article 3.

The withdrawal from the NPT is a legitimate self-defensive measure taken against the US moves to stifle the DPRK and the unreasonable behaviour of the IAEA following the US though we pull out of the NPT, we have no intention to produce nuclear weapons and our nuclear activities at this stage will be confined only to peaceful purposes such as the production of electricity.

If the US drops its hostile policy to stifle the DPRK and stops its nuclear threat to the DPRK, the DPRK may prove through a separate verification between the DPRK and the US that it does not make any nuclear weapon.

The United States and the IAEA will never evade their responsibilities for compelling the DPRK to withdraw from the NPT, by ignoring the DPRK's last efforts to seek a peaceful settlement of the nuclear issue through negotiations.

Report By The Director General on the Implementation of the Resolution Adopted by the Board on 6 January 2003 and of the Agreement Between the IAEA and the Democratic People's Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

[GOV/2003/4, 22 January 2003]

1. In his report to the Board of Governors on the "Implementation of Safeguards in the Democratic People's Republic of Korea" (GOV/2002/62), the Director General provided information on the action by the Democratic People's Republic of Korea (DPRK), which involved expelling Agency inspectors and disabling containment and surveillance measures in facilities subject to the Agreement between the DPRK and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).⁽¹⁾ Following its consideration of that report at its meeting of 6 January 2003, the Board adopted the resolution set out in document GOV/2003/3, which, inter alia, reiterated the Board's previous calls to the DPRK to comply promptly and fully with its NPT Safeguards Agreement, which remained binding and in force, and called upon the DPRK to co-operate urgently and fully by taking a number of steps, as detailed in operative paragraph 6 of the resolution. The Board affirmed that, unless the DPRK took all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK would be in further non-compliance with its NPT Safeguards Agreement. The Board requested the Director General to transmit the resolution to the DPRK, to continue to pursue urgently all efforts to bring the DPRK into full compliance with its safeguards obligations, and to report again to the Board as a matter of urgency.

2. As requested by the Board of Governors, the Director General transmitted the resolution to the DPRK on 6 January 2003, underlining the readiness of the Secretariat to undertake a dialogue with the DPRK Government.

3. In its response to the Director General dated 10 January 2003⁽²⁾, the Government of the DPRK referred to the resolutions set out in documents GOV/2003/3 and GOV/2002/60⁽³⁾ as "unilateral and unjust". The DPRK referred to its 12 March 1993 notification of withdrawal from the NPT, and its "unilateral decision" reflected in the 11 June 1993 DPRK-US Joint Statement to "put a moratorium on the effectuation of its withdrawal from the NPT", and announced its Government's decision, taken on 10 January 2003, to "lift" that "moratorium", and to withdraw from the NPT with effect from 11 January 2003.

Status of the DPRK'S NPT Safeguards Agreement

4. On 12 December 1985, the DPRK acceded to the NPT.

Its NPT Safeguards Agreement entered into force on 10 April 1992. As provided for in Article 23 of that Safeguards Agreement, the application of safeguards under the earlier Agreement of 20 July 1977 between the DPRK and the IAEA for the Application of Safeguards in Respect of a Research Reactor Facility 4 was suspended while the NPT Safeguards Agreement is in force. As provided for in Article 26 of document INFCIRC/403, the NPT Safeguards Agreement is to remain in force as long as the DPRK remains a party to the NPT.

5. Article X(1) of the NPT provides that "Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests".

6. In its letter of 10 January 2003, the DPRK asserted that its withdrawal from the NPT would take effect one day later, indicating the DPRK's view that, having "suspended" its 12 March 1993 notification of withdrawal one day short of the three month period provided for in Article X(1) of the NPT, it needed only one day following its "lifting of that moratorium" for the withdrawal to become effective.

7. The interpretation of the NPT belongs to its States Parties. The Agency is not a party to that treaty. Notwithstanding, as the NPT Safeguards Agreement remains in force only while the DPRK is a party to the NPT, the status of the DPRK's adherence to the NPT is relevant to the Agency. In that context, reference is made to the fact that the NPT contains no provision for the 'suspension' of a notice of withdrawal from the NPT, and that Article 68 of the Vienna Convention on the Law of Treaties provides only for the revocation of an instrument or notification of withdrawal from a treaty. Thus, it may be concluded that the 11 June 1993 "moratorium on the effectuation of its withdrawal from the NPT" by the DPRK should be treated as a revocation of its notice of withdrawal, and that, to effect its withdrawal from the NPT, the DPRK would have to issue a new notice of withdrawal in compliance with the terms of Article X (1) of the NPT, giving three months' advance notice – not one day – to all other parties to the NPT and to the United Nations Security Council, and include a statement of the current extraordinary events it regards as having jeopardized its supreme interests. 4 Under this item-specific safeguards agreement, reproduced in INFCIRC/252, safeguards had been applied to two nuclear research facilities in Nyongbyon, the IRT research reactor and a critical assembly.

Implementation of Board Resolution Set Out in Document GOV/2003/3

8. In addition to transmitting the Board resolution of 6 January 2003 to the Government of the DPRK, the Director General and the Secretariat have engaged in determined efforts to bring about its implementation, and to achieve progress in bringing the DPRK to come into full compliance with its Safeguards Agreement.

9. The DPRK has shown no willingness to undertake the steps called for by the Board in the resolution set out in document GOV/2003/3. It has further exacerbated the situation by declaring, as noted above, that as of 11 January 2003 it is no longer a State Party to the NPT. Furthermore, the DPRK has declared in a statement dated 10 January 2003, reported by the Korean Central News Agency, that it is "totally free from the binding force of the safeguards accord with the IAEA" pursuant to the NPT.

10. The Secretariat remains unable to verify, in accordance with the NPT Safeguards Agreement, that there has been no diversion of nuclear material in the DPRK. Furthermore, the DPRK's actions and statements do not indicate readiness to enable the Agency to perform its safeguards responsibilities. In the view of the Director General, the DPRK's actions at this time constitute further non-compliance with the NPT Safeguards Agreement.

11. In connection with the mandate entrusted to him by the Board of Governors and in the short time available, the Director General has been in contact with many of the Member States most directly concerned, including through high-level meetings in Athens (Greece having the EU Presidency), Moscow, New York, Paris, and Washington, as well as with Resident Representatives in

Vienna. During his visit to Paris, the Director General also met the Minister for Foreign Affairs of Japan. The Director General understands that intensive efforts among concerned Member States are continuing to find ways and means to bring the DPRK into compliance with its safeguards obligations – efforts that include the visit of a Russian Deputy Foreign Minister to Pyongyang, Ministerial-level discussions between the DPRK and the Republic of Korea in Seoul, and informal meetings among the permanent members of the UN Security Council in New York. On 21 January 2003, the Director General received a letter from the Minister for Foreign Affairs of the Russian Federation, stating that "certain positive shifts... [were] taking place in the course of active diplomatic process" and emphasizing that "the delicate process of finding ways to resolve mutual concerns" should not be disturbed.

12. The Director General understands that consultations are ongoing about the timing of a further meeting of the Board of Governors to consider the matter.

{1} Reproduced in INFCIRC/403, referred to hereafter as the NPT Safeguards Agreement.

{2} Reproduced in GOV/INF/2003/3.

{3} Adopted by the Board of Governors on 29 November 2002.

Statement by the DPRK on Nuclear Test

[Pyongyang, 9 October 2006, as reported by North Korean news agency KCNA (unofficial translation)]

The following is the full text of the announcement carried on North Korea's official Korean Central News Agency as reported on the Reuters news agency:

"The field of scientific research in the DPRK (North Korea) successfully conducted an underground nuclear test under secure conditions on October 9, Juche 95 (2006) at a stirring time when all the people of the country are making a great leap forward in the building of a great, prosperous, powerful socialist nation.

"It has been confirmed that there was no such danger as radioactive emission in the course of the nuclear test as it was carried out under a scientific consideration and careful calculation.

"The nuclear test was conducted with indigenous wisdom and technology 100%. It marks a historic event as it greatly encouraged and pleased the KPA (Korean People's Army) and people that have wished to have powerful self-reliant defence capability.

"It will contribute to defending the peace and stability on the Korean peninsula and in the area around it."

UN Security Council Resolution 1718

[S/RES/1718 (2006), adopted 14 October 2006]

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41), Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Expressing its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-weapon state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons,

Deploing the DPRK's announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and its pursuit of nuclear weapons,

Deploing further that the DPRK has refused to return to the Six-Party talks without precondition,

Endorsing the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States,

Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community,

Expressing profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and determining therefore that there is a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;

2. *Demands* that the DPRK not conduct any further nuclear test or launch of a ballistic missile;

3. *Demands* that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Demands* further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and underlines the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;

5. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

6. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA;

7. *Decides* also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;

8. *Decides* that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, or

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the S/RES/1718 (2006) Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;

(iii) Luxury goods;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States

shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. *Decides* that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;

10. *Decides* that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

11. *Calls upon* all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they

have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;

13. *Welcomes and encourages further* the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate tension and to facilitate the early resumption of the Six-Party Talks, with a view to the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. *Calls upon* the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;

15. *Affirms* that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;

16. *Underlines* that further decisions will be required, should additional measures be necessary;

17. *Decides* to remain actively seized of the matter.

Text of the Joint Agreement on North Korea's Nuclear Disarmament (from the Third Session of the Fifth Round of the Six-Party Talks)

[Beijing, 13 February 2007]

The Third Session of the Fifth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 8 to 13 February 2007.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC, Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Chun Yung-woo, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexander

Losyukov, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary for East Asian and Pacific Affairs of the Department of State of the United States attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the talks.

I. The Parties held serious and productive discussions on the actions each party will take in the initial phase for the implementation of the Joint Statement of 19 September 2005. The Parties reaffirmed their common goal and will to achieve early denuclearization of the Korean Peninsula in a peaceful manner and reiterated that they would earnestly fulfill their commitments in the Joint Statement. The Parties agreed to take coordinated steps to implement the Joint Statement in a phased manner in line with the principle of "action for action".

II. The Parties agreed to take the following actions in parallel in the initial phase:

1. The DPRK will shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK.

2. The DPRK will discuss with other parties a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods, that would be abandoned pursuant to the Joint Statement.

3. The DPRK and the US will start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The US will begin the process of removing the designation of the DPRK as a state-sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.

4. The DPRK and Japan will start bilateral talks aimed at taking steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.

5. Recalling Section 1 and 3 of the Joint Statement of 19 September 2005, the Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK. In this regard, the Parties agreed to the provision of emergency energy assistance to the DPRK in the initial phase. The initial shipment of emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) will commence within next 60 days.

The Parties agreed that the above-mentioned initial actions will be implemented within next 60 days and that they will take coordinated steps toward this goal.

III. The Parties agreed on the establishment of the following Working Groups (WG) in order to carry out the initial actions and for the purpose of full implementation of the Joint Statement:

1. Denuclearization of the Korean Peninsula
2. Normalization of DPRK-US relations
3. Normalization of DPRK-Japan relations
4. Economy and Energy Cooperation
5. Northeast Asia Peace and Security Mechanism

The WGs will discuss and formulate specific plans for the implementation of the Joint Statement in their respective areas. The WGs shall report to the Six-Party Heads of Delegation Meeting on the progress of their work. In principle, progress in one WG shall not affect progress in other WGs. Plans made by the five WGs will be implemented as a whole in a coordinated manner.

The Parties agreed that all WGs will meet within next 30 days.

IV. During the period of the Initial Actions phase and the next phase – which includes provision by the DPRK of a complete declaration of all nuclear programs and disablement of all existing nuclear facilities, including graphite-moderated reactors and reprocessing plant – economic, energy and humanitarian assistance up to the equivalent of 1 million tons of heavy fuel oil (HFO), including the initial shipment equivalent to 50,000 tons of HFO, will be provided to the DPRK.

The detailed modalities of the said assistance will be determined through consultations and appropriate assessments in the Working

Group on Economic and Energy Cooperation.

V. Once the initial actions are implemented, the Six Parties will promptly hold a ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia.

VI. The Parties reaffirmed that they will take positive steps to increase mutual trust, and will make joint efforts for lasting peace and stability in Northeast Asia. The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.

VII. The Parties agreed to hold the Sixth Round of the Six-Party Talks on 19 March 2007 to hear reports of WGs and discuss on actions for the next phase.

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]

(Eds.)[...]

On 23 February I received an invitation from the Democratic People's Republic of Korea (DPRK) to visit the DPRK to "develop the relations between the DPRK and the Agency, as well as to discuss problems of mutual concerns". I have also been notified by China, in its capacity as Chairman of the Six-Party Talks, of the "initial actions for the implementation of the joint statement" adopted in Beijing on 13 February. These actions envisioned, inter alia, the DPRK shutting down and sealing, for the purposes of eventual abandonment, its Yongbyon nuclear facility, including the reprocessing facility. It also envisioned the return of IAEA personnel to conduct all necessary monitoring and verification as agreed by the IAEA and the DPRK. I welcome the Beijing agreement, and the invitation to visit the DPRK, as positive steps towards the denuclearization of the Korean Peninsula, and towards the normalization of the DPRK's relationship with the Agency. I will report to the Board on developments and any required action.

[...] (eds.)

Implementation of Safeguards in the Democratic People's Republic of Korea, by the IAEA Director General Mohamed ElBaradei

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

[...] (eds.)

At the March Board meeting, I reported that I had received an invitation from the Democratic People's Republic of Korea (DPRK) to visit the DPRK to "develop the relations between the DPRK and the Agency, as well as to discuss problems of mutual concerns". I also reported at the time that China, in its capacity as Chairman of the Six-Party Talks, had notified the Secretariat of the "initial actions for the implementation of the joint statement" adopted in Beijing on 13 February. These actions provide for, inter alia, the DPRK shutting down and sealing, for the purposes of eventual abandonment, its Yongbyon nuclear facility, including the reprocessing facility - as well as the return of IAEA personnel to conduct the necessary monitoring and verification as agreed by the IAEA and the DPRK.

Later in March, I visited the DPRK. Discussions with DPRK officials were forward looking. They were focused on the potential for re-establishing the relationship between the DPRK and the Agency. We remain ready to begin work with the DPRK as soon as we are notified of their readiness to do so.

[...] (eds.)

Excerpts from Introductory Statement by the Director General Mohamed ElBaradei to the IAEA Board of Governors

[Vienna, 9 July 2007]

As you are aware, at the invitation of the Democratic People's Republic of Korea (DPRK), an Agency team visited the DPRK during the last week of June with a view to agreeing on modalities for verification and monitoring by the IAEA of the shutdown and sealing of the Yongbyon nuclear facility, as foreseen in the "Initial Actions" agreed at the Six Party Talks in Beijing on 13 February 2007.

Document GOV/2007/36 details the ad hoc monitoring and verification arrangement that was worked out between the DPRK and the Agency.

I welcome the return of the DPRK to the verification process. I am particularly pleased with the active cooperation of the DPRK that the IAEA team received during the visit and I look forward to continuing to work with the DPRK as the verification process evolves as envisaged in the Initial Actions.

You may recall that the Board concluded in June that, "a successfully negotiated settlement of the Korean nuclear issue, maintaining the essential verification role of the Agency, would be a significant accomplishment for international peace and security". In this context, I would invite the Board to take the actions recommended in document GOV/2007/36.

[...] (eds.)

The DPRK case clearly illustrates the need for the Agency to have an adequate reserve that can be drawn upon to enable it to respond promptly and effectively to unexpected crises or extraordinary requests, whether in the areas of verification, nuclear and radiological accidents, or other emergencies.

[...] (eds.)

Application of Safeguards in the Democratic People's Republic of Korea (DPRK)

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

[Editorial note: footnote not included]

A. Introduction

1. In his report to the 50th regular session of the General Conference (GC(50)/15) on 14 August 2006, the Director General stated, inter alia, that "since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, the Agency had been unable to draw any conclusions regarding the DPRK's nuclear activities".

2. Having considered the Director General's report, the General Conference adopted resolution GC(50)/RES/15, on 22 September 2006, in which it inter alia strongly urged the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued 19 September 2005, and in particular to implement fully its commitment to abandon all nuclear weapons and existing nuclear programmes, as a step towards the goal of the verifiable denuclearisation of the Korean Peninsula; called upon the DPRK to cooperate promptly with the Agency in the full and effective implementation of IAEA safeguards and to resolve any outstanding issues that may have arisen due to the long absence of safeguards; called upon the DPRK to comply fully with the Treaty on the Non-Proliferation of Nuclear Weapons; and stressed the essential verification role of the Agency. The General Conference also decided to include in the agenda for its fifty-first regular session an item entitled "Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea".

3. The announcement by the DPRK on 9 October 2006 that it had conducted a nuclear test was discussed at the November 2006 meeting of the Board of Governors.

4. On 23 February 2007, the Director General received an

invitation from the DPRK to visit the DPRK to "develop the relations between the DPRK and the Agency, as well as to discuss problems of mutual concerns". The Director General visited the DPRK on 13-14 March 2007 and reported to the Board of Governors in June 2007 that his discussions with DPRK officials were forward looking, and had focused on the potential for re-establishing the relationship between the DPRK and the Agency, and that the Agency remained ready to begin work with the DPRK on monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility, as foreseen in the Initial Actions for the Implementation of the Six Party Joint Statement on the Korean Peninsula Nuclear Issue agreed at the Six-Party Talks in Beijing on 13 February 2007.

5. On 3 July 2007, the Director General submitted to the Board of Governors a report on monitoring and verification in the DPRK (GOV/2007/36), in which he informed the Board of the results of a visit to the DPRK by an Agency team on 26-29 June 2007, and of the ad hoc arrangement for monitoring and verification as agreed between the Agency and the DPRK and foreseen in the Initial Actions agreed at the Six-Party Talks. On 9 July 2007, the Board of Governors authorized the Director General, subject to the availability of funds, to implement the ad hoc arrangement.

6. The current report, which is being submitted to the Board of Governors and the General Conference, covers developments since the fiftieth regular session of the General Conference regarding the application of safeguards in the DPRK and the developments since the Board of Governors authorized the implementation of the ad hoc arrangement.

B. Application of Safeguards in the DPRK

7. The Director General noted, most recently in his June 2007 statement to the Board of Governors, that the Agency had not performed any verification activities in the DPRK since December 2002, and had been unable to draw any conclusions regarding the DPRK's nuclear activities.

8. On 14 July 2007 an Agency team arrived at Yongbyon to implement the ad hoc monitoring and verification arrangement. On 17 July 2007 the Agency stated, following initial verification, that the DPRK has shut down the following installations at the Yongbyon nuclear facility: the Nuclear Fuel Fabrication Plant; the Radiochemical Laboratory (the reprocessing plant); the 5 MW(e) Experimental Nuclear Power Plant; and the 50 MW(e) Nuclear Power Plant all of which are located in Yongbyon; as well as the 200 MW(e) Nuclear Power Plant in Taechon.

9. Since 17 July 2007, the Agency has continued to monitor and verify the shut down status of the above mentioned installations and has implemented, with the cooperation of the DPRK, appropriate monitoring and verification measures as follows:

[Eds...]

C. Conclusion

10. The Agency has verified the shutdown status of the Yongbyon nuclear facility and is continuing to implement the ad hoc monitoring and verification arrangement with the cooperation of the DPRK.

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

[22 November 2007]

Implementation of Safeguards in the DPRK

At the request of the Democratic People's Republic of Korea (DPRK), the Agency has been verifying and monitoring the shutdown and sealing of the Yongbyon nuclear facilities since 18 July 2007. More recently, work has been proceeding on the disablement of some of the Yongbyon nuclear facilities under Six-Party arrangements without the Agency's involvement.

I would recall that the Six-Party Joint Statement of 19 September 2005 envisions the DPRK "returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards". Under the NPT, the IAEA has the responsibility to verify that all nuclear material in a State Party is declared to the

Agency and is under safeguards. We stand ready to assume this or any other verification role as and when requested.

Statement by the Chair Mr Wu Dawei, head of the Chinese Delegation to the Six Party Talks

[26 June 2008]

On the afternoon of 26th June, 2008, Mr. Wu Dawei, head of the Chinese delegation to the Six-Party Talks and Vice Foreign Minister, released the Statement by the Chair of the Six-Party Talks. The full text is as follows:

The Six-Party Talks Has Made Positive Progress

The Six-Party Talks has made positive progress in the second-phase actions for the implementation of the Joint Statement thanks to the concerted efforts by all the Parties.

In the spirit of the October 3, 2007 Six Party agreement, on June 26, 2008, the DPRK will submit its nuclear declaration to the Chair of the Six-Party Talks, and the United States will implement its obligations to remove the designation of the DPRK as a state sponsor of terrorism and to terminate application of the Trading with the Enemy Act.

The Parties agreed that the declaration will be subject to verification and there is agreement within the Parties on a set of principles to guide the establishment of a verification regime.

The Parties agreed to establish a Monitoring Mechanism to cover all parties' obligations in the Six-Party Talks, including nonproliferation and economic and energy assistance.

The Parties reaffirm the September 19, 2005 Joint Statement goal to realize verifiable denuclearization of the Korean Peninsula.

We believe that the above-mentioned developments will be conducive to implementing the second-phase actions in a comprehensive and balanced manner, and the final realization of all the goals in the September 19, 2005 Joint Statement.

Mr. Choe Jin Su, the DPRK Ambassador to China, submitted the nuclear declaration to Mr. Wu Dawei on the same day.

Available at the website of the Consulate of the People's Republic of China in San Francisco:

<http://www.chinaconsulatesf.org/eng/xw/t451491.htm>

Press Release by Ministry of Foreign Affairs of the Russian Federation on Denuclearization of Korean Peninsula

[28 June 2008]

Russia notes with satisfaction the weighty progress achieved over the last few days in the framework of international efforts aimed at denuclearizing the Korean Peninsula.

We welcome the presentation by the North Korean side to the Chinese chair of the six-party talks to resolve the Korean Peninsula nuclear problem (KPNP) of a declaration of its nuclear activities as well as the demolition of the cooling tower at its Yongbyon nuclear reactor, which means that this facility is put out of action.

The Russian side has highly assessed the reciprocal decision of the US administration to start the procedure for de-listing the DPRK from its list of state sponsors of terrorism and for lifting Trading with Enemy Act restrictions on that country.

These steps are being carried out in accordance with the measures agreed upon by the participants in the talks to implement the Joint Statement of September 19, 2005 and signify real progress of the six-party process on the KPNP.

The Russian Federation reaffirms the readiness to continue its active participation in the six-party talks, including holding a meeting of the heads of the delegations soon with a view to achieving a complete denuclearization of the Korean Peninsula.

North Korea Foreign Ministry Statement on the Disablement of Yongbyon

[4 July 2008]

Pyeongyang, July 4 (KCNA) – A spokesman for the DPRK Foreign Ministry released the following statement Friday as regards the implementation of the October 3 agreement adopted by the six-party talks:

The October 3 agreement has entered a new phase in its implementation thanks to the DPRK's sincere efforts.

The disablement of the nuclear facilities in the DPRK has been done more than 80 percent as of now and it implemented the agreed point that calls for presenting an accurate and complete nuclear declaration.

The DPRK took the measure of completely blowing up the cooling tower of the pilot atomic power plant, in particular, going beyond the phase of disablement.

This constitutes a step taken out of good will, a proof of the DPRK's will for the denuclearization, as it means that it has taken in advance the action to be done at the phase following the dismantlement of the nuclear facilities.

The other participating parties of the six-way talks should join the DPRK in its efforts by honestly fulfilling their commitments.

The U.S. published the measure for political compensation according to the October 3 agreement, but the measure for taking the DPRK off the list of "state sponsors of terrorism" has not yet taken effect due to its procedural factor and the measure for putting an end to applying the "Trading with the Enemy Act" against the DPRK has not been implemented to the full in the light of its substance, though the U.S. claims it came into force.

The commitments of the five parties to make economic compensation have been fulfilled just 40 per cent as of now.

A party whose chief delegate had seconded the above-said agreement by raising his hand at the six-party talks is refusing to participate in the undertaking to implement it, but it is still connived at.

The DPRK is ready to cooperate in verifying the nuclear declaration but is maintaining the basic principle that the principle of "action for action" should be observed.

By origin, the denuclearization of the whole Korean Peninsula in line with the September 19 joint statement presupposes its verification. The fulfillment of the commitments by all participating parties including the U.S. should be verified without exception.

Only when all the participating countries accurately wind up the fulfillment of their commitments, is it possible to see the full implementation of the October 3 agreement and only then can the discussion of the issues at the next phase make smooth progress.

This is the basic requirement of the principle of "action for action" and the consistent stand of the DPRK.

Press Communiqué of the Heads of Delegation Meeting of the Sixth Round of the Six-Party Talks

[Beijing, 12 July 2008]

The Heads of Delegation Meeting of the Sixth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 10 to 12 July 2008.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC; Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Saiki Akitaka, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Kim Sook, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexei Borodavkin, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher R. Hill, Assistant Secretary for East Asian and Pacific Affairs of the State Department of the United States

attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the meeting.

The Parties spoke highly of the positive progress made in the second-phase actions for the implementation of the Joint Statement and agreed unanimously that the progress contributes to peace and stability in Northeast Asia. The Parties reached important consensus on the full and balanced implementation of the second-phase actions.

1. In accordance with the Joint Statement of the Six-Party Talks adopted on 19 September 2005, the six parties agreed to establish a verification mechanism within the Six-Party Talks framework to verify the denuclearization of the Korean Peninsula.

The verification mechanism consists of experts of the six parties and is responsible to the Working Group on Denuclearization of the Korean Peninsula.

The verification measures of the verification mechanism include visits to facilities, review of documents, interviews with technical personnel and other measures unanimously agreed upon among the six parties.

When necessary, the verification mechanism can welcome the International Atomic Energy Agency (IAEA) to provide consultancy and assistance for relevant verification.

The specific plans and implementation of the verification will be decided by the Working Group on Denuclearization of the Korean Peninsula in line with the principle of consensus.

2. The six parties agreed to establish a monitoring mechanism within the Six-Party Talks framework.

The monitoring mechanism consists of the heads of delegation of the six parties.

The mission of the monitoring mechanism is to ensure that all parties honor and fulfill their respective commitments made within the Six-Party Talks framework, including non-proliferation and economic and energy assistance to the DPRK.

The monitoring mechanism will carry out its responsibilities in ways considered effective by the six parties.

The heads of delegation of the six parties can authorize appropriate officials to carry out their responsibilities.

3. The Parties formulated a timetable for economic and energy assistance along with disablement of the Yongbyon nuclear facilities.

Disablement of the Yongbyon nuclear facilities by the DPRK and the remaining heavy fuel oil (HFO) and non-HFO assistance to the DPRK by other parties will be fully implemented in parallel.

All parties will work to complete their HFO and non-HFO assistance to the DPRK by the end of October 2008.

The United States and Russia will work to complete the provision of their remaining share of HFO assistance to the DPRK by the end of October 2008.

China and the ROK will work to sign with the DPRK binding agreements for the provision of their remaining share of non-HFO assistance by the end of August 2008.

Japan expressed its willingness to take part in the economic and energy assistance to the DPRK as soon as possible when the environment is in place.

The DPRK will work to complete the disablement of the Yongbyon nuclear facilities by the end of October 2008.

4. The Parties agreed to continue with their discussions on the "Guiding Principles of Peace and Security in Northeast Asia".

5. The Parties reiterated that the Six-Party Ministerial Meeting will be held in Beijing at an appropriate time.

6. The Parties had a preliminary exchange of views on the third-phase actions for the implementation of the Joint Statement of 19 September 2005. The Parties agreed to continue to advance the Six-Party Talks process in a comprehensive manner and work together for lasting peace and stability in Northeast Asia.

Informal Meeting of Foreign Ministers from States Participants in Six-Party Talks on Korean Peninsula Nuclear Problem

[Press Release by Ministry of Foreign Affairs of the Russian Federation, 24 July 2008]

Foreign ministers from the nations participating in six-party talks to

settle the Korean Peninsula nuclear problem met informally on July 23 in Singapore on the margins of the ASEAN events and ASEAN Regional Forum (ARF). Those meeting were: Russian Foreign Minister Sergey Lavrov, PRC Foreign Minister Yang Jiechi, DPRK Foreign Minister Pak Ui-chun, South Korean Foreign and Trade Minister Yu Myung-hwan, US Secretary of State Condoleezza Rice, and Japanese Foreign Minister Masahiko Komura.

The heads of the foreign affairs agencies positively assessed recent progress in the endeavor and reiterated their commitment to the talks' ultimate aim for a verifiable non-nuclear status of the Korean Peninsula. Much attention was paid to the necessity of crafting effective procedures to verify the recently submitted DPRK declaration on its nuclear programs. Overall backing was given to Russia's approach calling for the full use of IAEA potential in the verification process.

Russia, China, the United States and South Korea reiterated their pledges of compensation deliveries of fuel oil and power equipment to the DPRK in parallel with North Korea's measures to disable its Yongbyon nuclear reactor.

The Russian proposal to intensify work as part of the six-party talks on the elaboration of the Draft Guiding Principles on Northeast Asia Peace and Security, with an eye for the subsequent creation of a relevant multilateral mechanism, received an overall positive response.

The ministers pointed to the need to step up the six-party process and expressed readiness to hold in Beijing their official meeting, the date for which will be arranged later on.

U.S.-North Korea Understandings on Verification, Fact Sheet Office of the Spokesman, State Department, Washington, DC

[11 October 2008]

- The participants in the Six-Party Talks have for some time been discussing the importance of verification measures that will allow the Parties to reliably verify North Korea's denuclearization as the process moves forward.
- The Six-Party Heads of Delegation met in July to discuss verification measures, and draft papers were exchanged among the Parties.
- On July 12, China, the Chair of the Six-Party Talks, released a Press Communiqué stating that verification measures would include visits to facilities, review of documents, and interviews with technical personnel as well as other measures unanimously agreed among the Six Parties.
- Upon the invitation of the North Korean government, a U.S. negotiating team on behalf of the Six Parties visited Pyongyang from October 1 - 3 for intensive talks on verification measures.
- Based upon these discussions, U.S. and North Korean negotiators agreed on a number of important verification measures, including:
 - Agreement that experts from all Six Parties may participate in verification activities, including experts from non-nuclear states;
 - Agreement that the IAEA will have an important consultative and support role in verification
 - Agreement that experts will have access to all declared facilities and, based on mutual consent, to undeclared sites;
 - Agreement on the use of scientific procedures, including sampling and forensic activities; and
 - Agreement that all measures contained in the Verification Protocol will apply to the plutonium-based program and any uranium enrichment and proliferation activities. In addition, the Monitoring Mechanism already agreed by the Six Parties to monitor compliance with Six-Party documents applies to proliferation and uranium

enrichment activities.

- The U.S.-DPRK agreement on these verification measures has been codified in a joint document between the United States and North Korea and certain other understandings, and has been reaffirmed through intensive consultations. The agreement and associated understandings have been conveyed to the other parties.
- These measures will serve as the baseline for a Verification Protocol to be finalized and adopted by the Six Parties in the near future.
- Verification of the North Korea declaration submitted on June 26 has already begun with review of the over 18,000 pages of operating records from Yongbyon that North Korea provided on May 8.

DPRK Grants IAEA Access to Yongbyon Facilities

[IAEA Press Releases, 13 October 2008]

Following is a statement to the media by IAEA Spokesperson Melissa Fleming on the situation in the DPRK:

The Democratic People's Republic of Korea today granted the Agency access to the 5 Megawatt Experimental Nuclear Power Plant, the Nuclear Fuel Fabrication Plant and the reprocessing facility at Yongbyon. As you will recall, the DPRK informed the IAEA on 9 October that its access to these facilities would no longer be permitted.

The Agency inspectors were also informed today that, as of tomorrow, 14 October, core discharge activities at the reactor would be resumed, monitored by Agency inspectors.

Agency inspectors will also now be permitted to re-apply the containment and surveillance measures at the reprocessing facility.

The Agency has not yet been briefed on the details of the verification measures agreed to by the U.S. and the DPRK as a baseline for a Verification Protocol. We assume that we will be fully briefed once all the Six Parties have met to consider it.

Naturally, any additional verification role envisaged for the Agency under the Verification Protocol that goes beyond the IAEA's present ad hoc monitoring and verification arrangement with the DPRK will require Board authorization.

Russian MFA Information and Press Department Commentary Regarding the DPRK's Resumption of Disablement of the Yongbyon Nuclear Facilities

[14 October 2008]

We note with satisfaction that positive dynamics have emerged in solving the Korean Peninsula nuclear problem. The United States and the DPRK continued fulfilling their obligations as part of the second stage of the peninsula's denuclearization in accordance with the "action for action" principle – the United States completed the procedure of removing the DPRK from its list of state sponsors of terrorism, and the DPRK resumed work to disable the nuclear facilities at Yongbyon.

Russia as an active and responsible participant in the talks on the Korean Peninsula nuclear problem strictly adheres to the accords reached within the six-party process. Continuing to pursue this line in the future as well, the Russian side calls on the other states participating in the talks to work consistently on the implementation of the provisions of the Joint Declaration of September 19, 2005 and expresses its readiness to closely cooperate with the partners to achieve the verifiable denuclearization of the Korean Peninsula.

Chairman's Statement of the Six-Party Talks

[11 December 2008]

The Heads of Delegation of the Six-Party Talks held a meeting in Beijing from 8 to 11 December 2008. Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Saiki Akitaka, Director-

General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Kim Sook, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexei Borodavkin, Deputy Minister of Foreign Affairs of the Russian Federation and Mr. Christopher R. Hill, Assistant Secretary for East Asian and Pacific Affairs of the State Department of the United States attended the talks as heads of their respective delegation. Mr. Wu Dawei, Vice Minister of Foreign Affairs of China, chaired the meeting.

There were three items on the agenda as agreed by the Parties: 1. Full implementation of the second-phase actions. 2. Verification of the denuclearization of the Korean Peninsula. 3. Guiding principles on peace and security in Northeast Asia. The Parties conducted serious, candid, in-depth and constructive discussions on these topics.

The Parties gave full recognition to the positive progress made in implementing the second-phase actions of the September 19 Joint Statement: disablement of the relevant DPRK Yongbyon nuclear facilities; the DPRK's declaration on nuclear facilities and programs; and economic and energy assistance. The Parties spoke highly of the active efforts made by all parties in this regard.

The Parties agreed, as described in the October 3 Second Phase Agreement, to complete in parallel the disablement of the Yongbyon nuclear facilities and the provision of economic and energy assistance equivalent to one million tons of heavy fuel oil by the other parties. The Parties would welcome the participation of the international community in providing assistance to the DPRK. The ROK, as the chair, would convene a meeting of the Working Group on the Economy and Energy Cooperation at an appropriate time to coordinate the relevant issues concerning assistance to the DPRK.

The Parties reaffirmed the September 19 Joint Statement goal of the verifiable denuclearization of the Korean Peninsula. The Parties evaluated the progress made towards agreement on terms for verification. The Parties would welcome assistance and consultancy from the IAEA in the course of verification.

The Russian Federation distributed the revised draft of Guiding Principles on Peace and Security in Northeast Asia. It was discussed by the Parties and received generally positive reaction. Parties agreed that a meeting of relevant Working Group under the Russian Chairmanship will be held in Moscow in February 2009 for further consideration of the above mentioned draft.

The Parties encouraged sincere efforts by the DPRK and the US as well as the DPRK and Japan toward resolving the issues of concern and normalizing their relations.

The Parties unanimously agreed to advance the Six-Party Talks process and make contributions to peace and stability in Northeast Asia and the world.

The Parties agreed to hold the next Six-Party Talks meeting at an early date.

DPRK Foreign Ministry's Spokesman Dismisses U.S. Wrong Assertion

[Pyongyang, 13 January 2009, (KCNA)]

Wrong views and assertions were floated in the United States recently to create the impression that the denuclearization of the Korean Peninsula is the issue to be settled only when the DPRK shows nuclear weapons.

A spokesman for the DPRK Ministry of Foreign Affairs Tuesday issued a statement turning down this assertion intended to mislead the public opinion.

The statement recalled that at the six party talks held on September 19, 2005, the six parties agreed to denuclearize not only the northern half of the Korean Peninsula but the whole of it and, to this end, the United States committed itself to terminate its hostile relations with the DPRK, assure it of non-use of nuclear weapons and clear south Korea of nukes, etc.

It continued:

We consented to the September 19 Joint Statement, not prompted by the desire to improve the relations through denuclearization, but

proceeding from the principled stand to realize the denuclearization through the normalization of the relations. Our aim to denuclearize the Korean Peninsula is, above all, to remove the U.S. nuclear threat to the DPRK that has lasted for the past half century.

The nuclear issue surfaced on the Korean Peninsula because of the U.S. hostile policy toward the DPRK and its nuclear threat resulting from it, and the hostile relations are not attributable to the nuclear issue.

It is a twisted logic to assert that the bilateral relations can be improved only when we show nukes before anything else, and this is a distortion of the spirit of the September 19 Joint Statement.

As clarified in the joint statement, the denuclearization of the whole Korean Peninsula should be strictly realized in a verifiable manner.

Free field access should be ensured to verify the introduction and deployment of U.S. nukes in south Korea and details about their withdrawal and there should be verification procedures to inspect on a regular basis the possible reintroduction or passage of nukes.

As proven in practice, the basic way of implementing the September 19 Joint Statement under the situation where there is no mutual confidence is to observe the principle of "action for action".

This principle can never be an exception as far as the issue of verification is concerned.

It is necessary to simultaneously verify the whole Korean Peninsula at the phase where the denuclearization is ultimately realized according to the said principle.

When the U.S. nuclear threat is removed and south Korea is cleared of its nuclear umbrella, we will also feel no need to keep its nuclear weapons.

This precisely means the denuclearization of the Korean Peninsula and it is our invariable stand.

We will never do such a thing as showing our nuclear weapons first even in 100 years unless the U.S. hostile policy and nuclear threat to the DPRK are fundamentally terminated.

If the nuclear issue is to be settled, leaving the hostile relations as they are, all nuclear weapons states should meet and realize the simultaneous nuclear disarmament. This is the only option.

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

[GC(53)/RES/15, September 2009]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference.

(a) Recalling previous reports by the Agency's Director General regarding nuclear activities in the Democratic People's Republic of Korea (DPRK), as well as relevant resolutions of the Agency's Board of Governors and General Conference,

(b) Recalling with grave concern the steps taken by the DPRK which led the Board of Governors to find that the DPRK was in non-compliance with its safeguards agreement and to report the DPRK's non-compliance to the United Nations Security Council,

(c) Further recalling with deep concern the nuclear test conducted by the DPRK on 9 October 2006,

(d) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security,

(e) Recognizing the importance of the Six-Party Talks, in particular the agreements reached by the Six Parties in the September 2005 Joint Statement, and on 13 February and 3 October 2007,

(f) Recalling the important role that the Agency has played in monitoring and verification activities at the Yongbyon nuclear facilities, including as agreed in the Six-Party Talks,

(g) Noting with deep concern the DPRK's decision to cease all cooperation with the Agency, and its demand on 14 April 2009 that

Agency inspectors leave the DPRK and remove all Agency containment and surveillance equipment from its facilities,

(h) Further noting in this context serious concerns regarding the DPRK's announced intentions to reactivate all facilities at Yongbyon, reprocess spent fuel and weaponize the extracted plutonium, and develop uranium enrichment technology, and

(i) Having considered the Director General's report contained in document GC(53)/13,

1. Stresses its desire for a diplomatic resolution of the DPRK nuclear issue so as to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula;

2. Condemns the nuclear test conducted by the DPRK on 25 May 2009 in violation of the relevant United Nations Security Council resolutions;

3. Stresses the importance of Member States fully implementing their obligations pursuant to United Nations Security Council resolutions 1718 (2006) and 1874 (2009), including the DPRK's nonproliferation obligations;

4. Strongly urges the DPRK not to conduct any further nuclear test;

5. Stresses the importance of the full implementation of the 19 September 2005 Joint Statement and other Six-Party commitments by all relevant parties, including the commitments made by the DPRK to abandon all nuclear weapons and existing nuclear programmes;

6. Calls upon the DPRK to come into full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons and to cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards;

7. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses the actions taken by the Board of Governors and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

8. Supports the Six-Party Talks, recognizes that the Six-Party Talks are an effective mechanism for dealing with the DPRK nuclear issue, and calls upon the DPRK to return immediately and without preconditions to the Six-Party Talks;

9. Supports the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK; and

10. Decides to remain seized of the matter and to include the item in the agenda for its fifty-fourth (2010) regular session.

Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence

[Statement for the record: February 2, 2010]

[Eds...]

North Korean WMD and Missile Programs

Pyongyang's nuclear weapons and missile programs pose a serious threat to the security environment in East Asia. North Korea's export of ballistic missiles and associated materials to several countries including Iran and Pakistan, and its assistance to Syria in the construction of a nuclear reactor, exposed in 2007, illustrate the reach of the North's proliferation activities.

Despite the Six-Party October 3, 2007 Second Phase Actions agreement in which North Korea reaffirmed its commitment not to transfer nuclear materials, technology, or know-how we remain alert to the possibility North Korea could again export nuclear technology.

The North's October 2006 nuclear test was consistent with our longstanding assessment that it had produced a nuclear device, although we judge the test itself to have been a partial failure based on its less-than-one-kiloton TNT equivalent yield. The North's probable nuclear test in May 2009 supports its claim that it has been seeking to develop weapons, and with a yield of roughly a few kilotons TNT equivalent, was apparently more successful than the 2006 test. We judge North Korea has tested two nuclear devices, and while we do not know whether the North has produced nuclear weapons, we assess it has the capability to do so. It remains our policy that we will not accept North Korea as a nuclear weapons state, and we assess that other countries in the region remain committed to the denuclearization of North Korea as has been reflected in the Six Party Talks.

After denying a highly enriched uranium program since 2003, North Korea announced in April 2009 that it was developing uranium enrichment capability to produce fuel for a planned light water reactor (such reactors use low enriched uranium); in September it claimed its enrichment research had "entered into the completion phase". The exact intent of these announcements is unclear, and they do not speak definitively to the technical status of the uranium enrichment program. The Intelligence Community continues to assess with high confidence North Korea has pursued a uranium enrichment capability in the past, which we assess was for weapons.

[Eds...]

Six Party Talks and Denuclearization. In addition to the TD-2 missile launch of April 2009 and the probable nuclear test of May 2009, Pyongyang's reprocessing of fuel rods removed from its reactor as part of the disablement process appears designed to enhance its nuclear deterrent and reset the terms of any return to the negotiating table. Moreover, Pyongyang knows that its pursuit of a uranium enrichment capability has returned that issue to the agenda for any nuclear negotiations. The North has long been aware of US suspicions of a highly enriched uranium program.

We judge Kim Jong-Il seeks recognition of North Korea as a nuclear weapons power by the US and the international community. Pyongyang's intent in pursuing dialogue at this time is to take advantage of what it perceives as an enhanced negotiating position, having demonstrated its nuclear and missile capabilities.

Q – Documents Relating to Iran (Islamic Republic of)

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.mcis.soton.ac.uk/>

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]

[...] (eds.)

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 technology, 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.

[...] (eds.)

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions 1737 (2006) and 1747 (2007) in the Islamic Republic of Iran: Nuclear Intentions and Capabilities

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

[Editorial note: 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.

[Eds...]

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 undeclared nuclear material and activities in Iran, the Agency is not in a position to provide credible assurances about the absence of undeclared 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.

Iran: Nuclear Intentions and Capabilities

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

[Editorial note: Footnote not included]

[Eds...]

National Intelligence Estimates and the NIE Process

National Intelligence Estimates (NIEs) are the Intelligence Community's (IC) most authoritative written judgments on national security issues and designed to help US civilian and military leaders develop policies to protect US national security interests. NIEs usually provide information on the current state of play but are primarily "estimative"—that is, they make judgments about the likely course of future events and identify the implications for US policy.

[Eds...]

This Estimate incorporates intelligence reporting available as of 31 October 2007.

What We Mean When We Say: An Explanation of Estimative Language

We use phrases such as *we judge*, *we assess*, and *we estimate*—and probabilistic terms such as *probably* and *likely*—to convey analytical assessments and judgments. Such statements are not facts, proof, or knowledge. These assessments and judgments generally are based on collected information, which often is incomplete or fragmentary. Some assessments are built on previous judgments. In all cases, assessments and judgments are not intended to imply that we have "proof" that shows something to be a fact or that definitively links two items or issues.

In addition to conveying judgments rather than certainty, our estimative language also often conveys 1) our assessed likelihood or probability of an event; and 2) the level of confidence we ascribe to the judgment.

Estimates of Likelihood. Because analytical judgments are not certain, we use probabilistic language to reflect the Community's estimates of the likelihood of developments or events.

Terms such as *probably*, *likely*, *very likely*, or *almost certainly* indicate a greater than even chance. The terms *unlikely* and *remote* indicate a less than even chance that an event will occur; they do not imply that an event will not occur. Terms such as *might* or *may* reflect situations in which we are unable to assess the likelihood, generally because relevant information is unavailable, sketchy, or fragmented. Terms such as *we cannot dismiss*, *we cannot rule out*, or *we cannot discount* reflect an unlikely, improbable, or remote event whose consequences are such that it warrants mentioning.

[Eds...]

Confidence in Assessments. Our assessments and estimates are supported by information that varies in scope, quality and sourcing. Consequently, we ascribe *high*, *moderate*, or *low* levels of confidence to our assessments, as follows:

- *High confidence* generally indicates that our judgments are based on high-quality information, and/or that the nature of the issue makes it possible to render a solid judgment. A "high confidence" judgment is not a fact or a certainty, however, and such judgments still carry a risk of being wrong.
- *Moderate confidence* generally means that the information is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.
- *Low confidence* generally means that the information's credibility and/or plausibility is questionable, or that the information is too fragmented or poorly corroborated to make solid analytic inferences, or that we have significant concerns or problems with the sources.

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 some 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 because of foreseeable 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.

F. 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.

G. We judge with high confidence that Iran will not be technically capable of producing and reprocessing enough plutonium for a weapon before about 2015.

H. 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.

Key Differences Between the Key Judgments of This Estimate on Iran's Nuclear Program and the May 2005 Assessment

2005 IC Estimate: Assess with high confidence that Iran currently is determined to develop nuclear weapons despite its international obligations and international pressure, but we do not assess that Iran is immovable.

2007 National Intelligence Estimate: Judge with high confidence that in fall 2003, Tehran halted its nuclear weapons program. Judge with high confidence that the halt lasted at least several years. (DOE and the NIC have moderate confidence that the halt to those activities represents a halt to Iran's entire nuclear weapons program.) 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. Judge with high confidence that the halt was directed primarily in response to increasing international scrutiny and pressure resulting from exposure of Iran's previously undeclared nuclear work. Assess with moderate-to-high confidence that Tehran at a minimum is keeping open the option to develop nuclear weapons.

2005 IC Estimate: We have moderate confidence in projecting when Iran is likely to make a nuclear weapon; we assess that it is unlikely before early-to-mid next decade.

2007 National Intelligence Estimate: We judge with moderate confidence that the earliest possible date Iran would be technically capable of producing enough highly enriched uranium (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 that Iran is unlikely to achieve this capability before 2013 because of foreseeable technical and programmatic problems.)

2005 IC Estimate: Iran could produce enough fissile material for a weapon by the end of this decade if it were to make more rapid and successful progress than we have seen to date.

2007 National Intelligence Estimate: We judge with moderate confidence that the earliest possible date Iran would be technically capable of producing enough highly enriched uranium (HEU) for a weapon is late 2009, but that this is very unlikely.

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council resolutions 1737 (2006) and 1747 (2007) in the Islamic Republic of Iran

[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 (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.

[Eds...]

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 accountancy 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 PHRC. 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.

Resolution 1803 (2008) Adopted by the Security Council at its 5848th meeting

[S/RES/1803 (2008), 3 March 2008]

The Security Council,

Recalling the Statement of its President, S/PRST/2006/15, of 29 March 2006, and its resolution 1696 (2006) of 31 July 2006, its resolution 1737 (2006) of 23 December 2006 and its resolution 1747 (2007) of 24 March 2007, and *reaffirming* their provisions,

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 the resolution of the IAEA Board of Governors (GOV/2006/14), which states that a solution to the Iranian nuclear issue 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,

Noting with serious concern that, as confirmed by the reports of 23 May 2007 (GOV/2007/22), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4) of the Director General of the International Atomic Energy Agency (IAEA), Iran has not established full and sustained suspension of all enrichment related and reprocessing activities and heavy water-related projects as set out in resolution 1696 (2006), 1737 (2006), and 1747 (2007), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006), 1737 (2006) and 1747 (2007) and which are essential to build confidence, and *deploring* Iran's refusal to take these steps,

Noting with concern that Iran has taken issue with the IAEA's right to verify design information which had been provided by Iran pursuant to the modified Code 3.1, *emphasizing* that in accordance with Article 39 of Iran's Safeguards Agreement Code 3.1 cannot be modified nor suspended unilaterally and that the Agency's right to verify design information provided to it is a continuing right, which is not dependent on the stage of construction of, or the presence of nuclear material at, a facility,

Reiterating its determination to reinforce the authority of the IAEA, strongly supporting the role of the IAEA Board of Governors, *commending* the IAEA for its efforts to resolve outstanding issues relating to Iran's nuclear programme in the work plan between the Secretariat of the IAEA and Iran (GOV/2007/48, Attachment), *welcoming* the progress in implementation of this work plan as reflected in the IAEA Director General's reports of 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4), *underlining* the importance of Iran producing tangible results rapidly and effectively by completing implementation of this work plan including by providing answers to all the questions the IAEA asks so that the Agency, through the implementation of the required transparency measures, can assess the completeness and correctness of Iran's declaration,

Expressing 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,

Stressing that China, France, Germany, the Russian Federation, the United Kingdom and the United States are willing to take further concrete measures on exploring an overall strategy of resolving the Iranian nuclear issue through negotiation on the basis of their June 2006 proposals (S/2006/521), and *noting* the confirmation by these countries that once the confidence of the international community in the exclusively peaceful nature of Iran's nuclear programme is restored, it will be treated in the same manner as that of any Non-Nuclear Weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons,

Having regard to States' rights and obligations relating to international trade,

Welcoming the guidance issued by the Financial Actions Task Force (FATF) to assist States in implementing their financial obligations under resolution 1737 (2006),

Determined to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006), resolution 1737 (2006), resolution 1747 (2007) 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 these resolutions 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 resolutions 1696 (2006), 1737 (2006) and 1747 (2007), *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. *Reaffirms* 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, and, in this context, *affirms* its decision that Iran shall without delay take the steps required in paragraph 2 of resolution 1737 (2006), and *underlines* that the IAEA has sought confirmation that Iran will apply Code 3.1 modified;

2. *Welcomes* the agreement between Iran and the IAEA to resolve all outstanding issues concerning Iran's nuclear programme and progress made in this regard as set out in the Director General's report of 22 February 2008 (GOV/2008/4), *encourages* the IAEA to continue its work to clarify all outstanding issues, *stresses* that this would help to re-establish international confidence in the exclusively peaceful nature of Iran's nuclear programme, and *supports* the IAEA in strengthening its safeguards on Iran's nuclear activities in accordance with the Safeguards Agreement between Iran and the IAEA;

3. *Calls upon* all States to exercise vigilance and restraint 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 established pursuant to paragraph 18 of resolution 1737 (2006) (herein "the Committee") of the entry into or transit through their territories of the persons designated in the Annex to resolution 1737 (2006), Annex I to resolution 1747 (2007) or Annex I to this resolution, 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 or 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 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of resolution 1737 (2006);

4. *Underlines* that nothing in paragraph 3 above 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, including religious obligations, as well as the necessity to meet the objectives of this resolution, resolution 1737 (2006) and resolution 1747 (2007), including where Article XV of the IAEA Statute is engaged;

5. *Decides* that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex II to this resolution 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 or 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 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of resolution 1737 (2006) and provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

6. *Decides* that the measures imposed by paragraph 5 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;

7. *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 Annexes I and III to this resolution, and any persons or entities acting on their behalf or at their direction, and to entities owned or controlled by them and to persons and entities determined by the Council or the Committee to have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, this resolution, resolution 1737 (2006) or resolution 1747 (2007);

8. *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 use in or benefit of, Iran, and whether or not originating in their territories, of:

(a) all items, materials, equipment, goods and technology set out in INFCIRC/254/Rev.7/Part 2 of document S/2006/814, except the supply, sale or transfer, in accordance with the requirements of paragraph 5 of resolution 1737 (2006), of items, materials, equipment, goods and technology set out in sections 1 and 2 of the Annex to that document, and sections 3 to 6 as notified in advance to the Committee, only when for exclusive use in light water reactors, and where such supply, sale or transfer is necessary for technical cooperation provided to Iran by the IAEA or under its auspices as provided for in paragraph 16 of resolution 1737 (2006);

(b) all items, materials, equipment, goods and technology set out in 19.A.3 of Category II of document S/2006/815;

9. *Calls upon* all States to exercise vigilance in entering into new commitments for public provided financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, in order to avoid such financial support contributing to the proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution 1737 (2006);

10. *Calls upon* all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran, in particular with Bank Melli and Bank Saderat, and their branches and subsidiaries abroad, in order to avoid such activities contributing to the proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution 1737 (2006);

11. *Calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessel is transporting goods prohibited under this resolution or resolution 1737 (2006) or resolution 1747 (2007);

12. *Requires* all States, in cases when inspection mentioned in the paragraph above is undertaken, to submit to the Security Council within five working days a written report on the inspection containing, in particular, explanation of the grounds for the inspection, as well as information on its time, place, circumstances, results and other relevant details;

13. *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 3, 5, 7, 8, 9, 10 and 11 above;

14. *Decides* that the mandate of the Committee as set out in paragraph 18 of resolution 1737 (2006) shall also apply to the measures imposed in resolution 1747 (2007) and this resolution;

15. *Stresses* the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote resumption of dialogue, and consultations on the basis of their offer to Iran, with a view to seeking a comprehensive, long-term and proper solution of this issue which would allow for the development of all-round relations and wider cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme, and inter alia, starting direct talks and negotiation with Iran as long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA;

16. *Encourages* the European Union High Representative for the Common Foreign and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States with a view to create necessary conditions for resuming talks;

17. *Emphasizes* the importance of all States, including Iran, taking

the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or of any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by the present resolution, resolution 1737 (2006) or resolution 1747 (2007);

18. *Requests* within 90 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), resolution 1747 (2007) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

19. *Reaffirms* that it shall review Iran's actions in light of the report referred to in the paragraph above, and:

(a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome;

(b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006), as well as in paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007), and in paragraphs 3, 5, 7, 8, 9, 10 and 11 above, as soon as it determines, following receipt of the report referred to in the paragraph above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board;

(c) that it shall, in the event that the report shows that Iran has not complied with resolution 1696 (2006), resolution 1737 (2006), resolution 1747 (2007) 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;

20. *Decides* to remain seized of the matter.

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council resolutions 1737 (2006) and 1747 (2007) and 1803 (2008) in the Islamic Republic of Iran

[Report by the Director General, GOV/2008/15,
26 May 2008]

[*Editorial note:* Footnotes not included]

1. On 22 February 2008, 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/2008/4). This report, which covers relevant developments since that date, is submitted to the Board of Governors and to the Security Council, which, in resolution 1803 (2008) of 3 March 2008, requested the Director General to submit a further report on this matter within 90 days.

A. Current Enrichment Related Activities

2. Since the previous report, Iran has continued to operate the original 3000-machine IR-1 unit at the Fuel Enrichment Plant (FEP). Installation work has continued on four other units as well. On 7 May 2008, two 164-machine (IR-1) cascades of one of the four units were being fed with UF₆, and another cascade of that same unit was in vacuum without UF₆. The installation of the other 15 cascades at that unit is continuing. All nuclear material at FEP, as well as all installed cascades, remain under Agency containment and surveillance. Between the physical inventory taking (PIT) on 12 December 2007 and 6 May 2008, 2300 kg of UF₆ was fed into the operating cascades. This brings the total amount of UF₆ fed into the cascades since the beginning of operations in February 2007 to 3970 kg.

3. On 10 April 2008, Iran informed the Agency about the planned installation of a new generation sub-critical centrifuge (IR-3) at the Pilot Fuel Enrichment Plant (PFEP). On 19 April 2008, the Agency confirmed that two IR-3 centrifuges had been installed at PFEP. In February 2008, Agency inspectors noted that Iran had also brought 20 IR-1 centrifuges into PFEP, which were run in a 20-machine cascade for a short time, after which they were removed.

4. Between 28 January and 16 May 2008, Iran fed a total of approximately 19 kg of UF₆ into the 20-machine IR-1 cascade, the single IR-2 centrifuges, the 10-machine IR-2 cascade and the single IR-3 centrifuges at PFEP. All nuclear material at PFEP, as well as the cascade area, remains under Agency containment and surveillance.

5. The results of the environmental samples taken at FEP and PFEP indicate that the plants have been operated as declared. The samples showed low enriched uranium (with up to 4.0% U-235), natural uranium and depleted uranium (down to 0.4% U-235) particles. Iran declared enrichment levels in FEP of up to 4.7% U-235. Since March 2007, fourteen unannounced inspections have been conducted.

B. Reprocessing Activities

6. 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 (DIV). There have been no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related research and development (R&D) activities in Iran, the Agency can confirm this only with respect to these three facilities as the measures of the Additional Protocol are not available.

C. Heavy Water Reactor Related Projects

7. On 13 May 2008, the Agency carried out design information verification at the Iran Nuclear Research Reactor (IR-40) and noted that construction of the facility was ongoing. The Agency has continued to monitor the status of the Heavy Water Production Plant using satellite imagery.

8. On 10 May 2008, the Agency conducted a DIV at the Fuel Manufacturing Plant (FMP). Although the pellet production process for the heavy water reactor fuel is almost complete and some test pellets have been produced, the fuel rod production and fuel assembling processes are still missing some essential equipment.

D. Other Implementation Issues

D.1. Uranium Conversion

9. As of 12 May 2008, approximately 11 tonnes of uranium in the form of UF₆ had been produced since 3 February 2008. This brings the total amount of uranium in the form of UF₆ produced at the Uranium Conversion Facility (UCF) since March 2004 to 320 tonnes, all of which remains under Agency containment and surveillance. Iran has stated that it is not carrying out uranium conversion related R&D activities other than those at Esfahan.

D.2. Design Information

10. 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.

11. In March and April 2008, Iran provided revised design information for FEP and PFEP, indicating that centrifuges in the new 18-cascade unit (A26) would be installed in FEP and that new types of centrifuges, IR-2 and IR-3, would be installed at PFEP. These changes are significant and as such should have been communicated to the Agency, in accordance with Code 3.1 of the Subsidiary Arrangements General Part, sixty days before the modifications were scheduled to be completed. The Agency was, however, able to ensure that all necessary safeguards measures, including containment and surveillance, were in place before UF₆ was fed into the newly installed centrifuges.

D.3. Other Matters

12. Since February 2008, all fuel assemblies imported from the

Russian Federation for use in the Bushehr Nuclear Power Plant have remained under Agency seal.

13. On 2 April 2008, the Agency requested Iran to provide, as a transparency measure, access to additional locations related, *inter alia*, to the manufacturing of centrifuges, R&D on uranium enrichment, and uranium mining and milling. To date, Iran has not agreed to the Agency's request.

E. Possible Military Dimensions

14. In addition to the implementation of Iran's Additional Protocol, for the Agency to provide assurances regarding the absence of undeclared nuclear material and activities in Iran, Iran needs to, *inter alia*: resolve questions related to the alleged studies (GOV/2008/4, para. 35); provide more information on the circumstances of the acquisition of the uranium metal document (GOV/2008/4, para. 19); clarify procurement and R&D activities of military related institutes and companies that could be nuclear related (GOV/2008/4, paras 40–41); and clarify the production of nuclear equipment and components by companies belonging to defence industries (GOV/2004/11 para.37, GOV/2004/34 para.22).

15. During a meeting in Tehran on 21–22 April 2008, Iran agreed to address the alleged studies, the procurement and R&D activities of military related institutes and companies, and questions which had been raised in the Agency's letters of 8 February and 12 February 2008 (GOV/2008/4 para. 38) (See Annex, Section B.1). On 9 May 2008, the Agency submitted a request for additional clarifications relevant to the nature of Iran's nuclear programme (see Annex, Section B.2). Iran provided its response to these questions on 23 May 2008, which is being assessed by the Agency.

16. At follow up meetings in Tehran on 28–30 April and 13–14 May 2008, the Agency presented, for review by Iran, information related to the alleged studies on the green salt project, high explosives testing and the missile re-entry vehicle project (See Annex, Section A). This included information which Iran had declined to review in February 2008 (GOV/2008/4, paras 35, 37–39 and 42). This information, which was provided to the Agency by several Member States, appears to have been derived from multiple sources over different periods of time, is detailed in content, and appears to be generally consistent. The Agency received much of this information only in electronic form and was not authorised to provide copies to Iran.

17. One aspect of the alleged studies refers to the conversion of uranium dioxide to UF₄, also known as green salt. A second aspect concerns the development and testing of high voltage detonator firing equipment and exploding bridgewire (EBW) detonators including, *inter alia*, the simultaneous firing of multiple EBW detonators; an underground testing arrangement (GOV/2008/4, para. 39); and the testing of at least one full scale hemispherical, converging, explosively driven shock system that could be applicable to an implosion-type nuclear device. A third aspect of the studies concerns development work alleged to have been performed to redesign the inner cone of the Shahab-3 missile re-entry vehicle to accommodate a nuclear warhead.

18. On 14 May 2008, Iran provided in writing its overall assessment of the documents presented to it by the Agency. Iran stated that the documents "do not show any indication that the Islamic Republic of Iran has been working on [a] nuclear weapon." Iran also stated that the documents were not authentic, that they were "forged" or "fabricated". Iran did not dispute that some of the information contained in the documents was factually accurate, but said the events and activities concerned involved civil or conventional military applications. Iran said the documents contained numerous inconsistencies and many were based on publicly available information. Iran stated that "the Islamic Republic of Iran has not had and shall not have any nuclear weapon program."

19. Concerning the documents purporting to show that Iran had been working to develop an additional capability to convert uranium dioxide to UF₄ (green salt), Iran said it would not have made sense to launch such a project as it had already acquired the necessary technology for UCF.

20. Concerning the alleged work to design and build an EBW detonator and a suitable detonator firing unit, Iran acknowledged that it had conducted simultaneous testing with two to three EBW

detonators with a time precision of about one microsecond. Iran said, however, that this was intended for civil and conventional military applications. Iran further stated, *inter alia*, that there was no evidence in the documents presented to it to link them to Iran.

21. Concerning the documents purporting to show administrative interconnections between the alleged green salt project and a project to modify the Shahab-3 missile to carry a nuclear warhead, Iran stated that, since some of the documents were not shown to it by the Agency, it could not make an assessment of them. Although the Agency had been shown the documents that led it to these conclusions, it was not in possession of the documents and was therefore unfortunately unable to make them available to Iran.

22. Concerning six technical reports purportedly related to efforts to engineer a new payload chamber for the Shahab-3 missile re-entry vehicle, Iran stated that the files were in electronic form and could therefore have been easily manipulated. Iran also stated, *inter alia*, that the documents were not complete and that the report structures varied, which raised serious doubts about their authenticity.

23. The Agency is continuing to assess the information and explanations provided by Iran. However, at this stage, Iran has not provided the Agency with all the information, access to documents and access to individuals necessary to support Iran's statements. In light of the discussion on 14 May 2008, the Agency is of the view that Iran may have additional information, in particular on high explosives testing and missile related activities, which could shed more light on the nature of these alleged studies and which Iran should share with the Agency.

24. It should be noted that the Agency currently has no information – apart from the uranium metal document – on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies. As regards the uranium metal document found in Iran, Pakistan has confirmed, in response to the Agency's request (GOV/2007/58 para.25), that an identical document exists in Pakistan.

25. Although the Agency did not detect any nuclear activities at Kolehdoz or Parchin (GOV/2003/75 para. 10, GOV/2005/67 para. 41, GOV/2005/87 para. 46, 2006/15 para. 32), the role of military related institutes, such as the Physics Research Center (PHRC), the Institute of Applied Physics (IAP) and the Education Research Institute (ERI) — and their staff — needs to be better understood, also in view of the fact that substantial parts of the centrifuge components were manufactured in the workshops of the Defence Industries Organization (GOV/2004/11 para. 37 and GOV/2004/34, para. 22). The Agency also needs to understand fully the reasons for the involvement of military related institutions in procurement for the nuclear programme.

F. Summary

26. 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 accountancy reports in connection with declared nuclear material and activities. However, Iran has not implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1 on the early provision of design information.

27. The alleged studies on the green salt project, high explosives testing and the missile re-entry vehicle project remain a matter of serious concern. Clarification of these is critical to an assessment of the nature of Iran's past and present nuclear programme. Iran has agreed to address the alleged studies. However, it maintains that all the allegations are baseless and that the data have been fabricated.

28. The Agency's overall assessment of the nature of Iran's nuclear programme also requires, *inter alia*, an understanding of the role of the uranium metal document, and clarifications by Iran concerning some procurement activities of military related institutions, which remain outstanding. Substantive explanations are required from Iran to support its statements on the alleged studies and on other information with a possible military dimension. Iran's responses to the Agency's letter of 9 May 2008 were not received until 23 May 2008 and could not yet be assessed by the

Agency. It is essential that Iran provide all requested information, clarifications and access outlined in this report without further delay. It should be emphasised, however, that the Agency has not detected the actual use of nuclear material in connection with the alleged studies.

29. Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities, having continued the operation of PFEP and FEP and the installation of both new cascades and of new generation centrifuges for test purposes. Iran has also continued with the construction of the IR-40 reactor.

30. The Director General urges Iran to implement all measures required to build confidence in the peaceful nature of its nuclear programme, including the Additional Protocol, at the earliest possible date.

31. The Director General will continue to report as appropriate.

A. Documents shown to Iran in connection with the alleged studies

A.1. Green Salt Project

Document 1: A one page undated flowsheet purportedly originating from the Kimia Maadan Company (KM), which shows a process of bench scale conversion of UO₂ to UF₄ with a capacity of 1 tonne per year of UF₄. The document is entitled "Process Flow Diagram – Green Salt Production – Bench Scale", bears the words "Kimia Maadan Group" and "Project 5/13", and includes a detailed legend of equipment and material balance information.

Document 2: A one page annotated letter of May 2003 in Farsi from an engineering company to KM requesting instructions regarding the supply of a programmable logic control (PLC) system.

A.2. High Explosives Testing

Document 1: "Analysis and Review of Exploding Bridgewire (EBW) Detonator Test Results" dated January–February 2004, comprising 11 pages in Farsi reporting on work carried out by "Project 3.12" to design and construct an EBW detonator and a suitable detonator firing unit, including testing of about 500 EBW detonators.

Document 2: One page undated document in Farsi providing text and a schematic diagram for an underground testing arrangement. The diagram depicts a 400m deep shaft located 10km from a firing control point and shows the placement of various electronic systems such as a control unit and a high voltage power generator.

Document 3: Five page document in English describing experimentation undertaken with a complex multipoint initiation system to detonate a substantial amount of high explosive in hemispherical geometry and to monitor the development of the detonation wave in that high explosive using a considerable number of diagnostic probes.

A.3. Missile Re-entry Vehicle

Document 1: One page piece of correspondence in Farsi, dated 3 March 2003, from M. Fakhrizadeh to Shahid Hemat Industrial Group (SHIG) management, referring to the "Amad Plan" and seeking assistance with the prompt transfer of data for "Project 111".

Document 2: One page letter in Farsi, dated 14 March 2004, from a "Project 110" official to Dr Kamran advising him of the views of the project supervisors regarding the report relating to "Group E1" (part of "Project 111").

Document 3: One page undated document in Farsi providing correspondence from the "Project 111 Office" to "Engineer Fakhrizadeh, Chief, Amad Plan," referring to a meeting on 28 August 2002 and the provision of the "Project 111" progress report to a Ministry official.

Document 4: Fourteen page document in Farsi dated February–March 2003 entitled "Documentation Preliminary Training" which outlines, in both text and in copies of a presentation, the methodology to be adopted for the production and management of technical reports and documents.

Document 5: Three page document comprising a cover letter in Farsi, dated 11 June 2002, from M. Fakhrizadeh to "Project

Executive" requesting that monthly reports are to be provided to him by the 25th of each month in a specified format.

Document 6: Undated, five page document in Farsi from "Orchid Office" to "Design Management" summarizing the scientific activities of the "Project 111 Groups E1 – E6" and the "Vice Chair E."

Document 7: Comprised of four presentations in Farsi providing an overview of "Project 111" from some time before December 2002 to January 2004. The documents detail various aspects of an unidentified entity's effort to develop and construct a Shahab-3 re-entry vehicle capable of housing a new payload for the Shahab-3 missile system. The material includes a short film clip on the assembly of a dummy re-entry vehicle payload chamber.

Document 8: "Instructions for Assembling the Chamber Parts, Assembling the Payload Inside the Chamber, and Assembling the Chamber to Shahab-3 Warhead", 18 pages in Farsi, dated December 2003–January 2004, produced by Group E6 of Project 111.

Document 9: "Explosive Control System. Construction and Design Report", 48 pages in Farsi, dated December 2003–January 2004, produced by Project 111.

Document 10: "Assembly and Operating Guidelines for Explosive Control System", 17 pages in Farsi, dated December 2003–January 2004, produced by the Groups E2 and E3 of Project 111.

Document 11: "Design and Construction of Explosive Control System", 29 pages in Farsi, dated December 2003–January 2004, produced by Groups E2 and E3 of Project 111.

Document 12: "Finite Element Simulation and Transient Dynamic Analysis of the Warhead Structure", 39 pages in Farsi, dated February–March 2003, produced by Group E5 of Project 111.

Document 13: "Implementation of Mass Properties Requirements of Shahab-3 Missile Warhead with New Payload, with the Use of Nonlinear Optimization Method", 36 pages in Farsi, dated March–April 2003, produced by Group E4 of Project 111.

B. Other Questions

B.1. Questions addressed in Agency letters of 8 and 12 February 2008

1. The Agency asked about the possible involvement of an Institute of Applied Physics (IAP) staff member in Iran's work on EBW detonators; procurement attempts by this person for borehole HP (Ge) gamma spectrometers (GOV/2008/4, para. 40); and Iran's procurement attempts for spark gaps by another entity (GOV/2008/4, para. 40). Iran stated that the person concerned was not involved in work related to EBWs and that the procurement requests were related to well logging for the oil ministry. Iran denied that attempts were made to procure spark gaps by another entity. The Agency continues to assess the information provided by Iran.

2. Iran was also asked by the Agency to clarify the so-called "Project 4", which could be related to possible uranium enrichment (GOV/2008/4, para. 41). Iran repeated its earlier statements that there had never been a Project 4 and that there had not been any uranium enrichment project in Iran except that carried out by the AEOI. The Agency continues to assess the information provided by Iran.

3. The Agency asked about the following projects: "Project 5/11/1", Southern Plant, Bandar Abbas; "Project 5/11/2", Conversion of yellowcake to UF₆; and "Project 5/11/5", R&D on Mining and Extraction. Iran denied the existence of these projects. The Agency continues to assess the information provided by Iran.

4. The Agency requested Iran to describe the purpose of visits abroad between 1998 and 2001 by Mr. Fakhrizadeh and other people known to be involved in Iran's nuclear programme, and to specify the persons, companies and institutes with which meetings were held. Iran acknowledged that these visits took place, but declared that none of them were related to nuclear activities, including uranium enrichment, and provided no details. On 14 May 2008, the Agency re-iterated its request for a more detailed response.

5. In response to the Agency's requests, Iran denied that procurement attempts were made for neutron sources in 2003.

Iran also denied that it had attempted in 1997 to obtain training courses on neutron calculations, enrichment/isotope separation, shock wave software, neutron sources and ballistic missiles (GOV/2008/4, para. 40). The Agency had also enquired about the reasons for inclusion in the curriculum vitae of an IAP employee of a Taylor-Sedov equation for the evolving radius of a nuclear explosion ball with photos of the 1945 Trinity test. Iran indicated that the IAP scientist had been working on dimensional analysis and had included in his resume references available in open sources. The Agency was not permitted to meet with the individuals relevant to these issues and continues to assess the information provided by Iran.

B.2. Questions addressed in Agency letter of 9 May 2008

6. The Agency asked Iran for additional clarifications regarding Iran's nuclear programme. The questions concerned, inter alia:

- (a) information about a high level meeting in 1984 on reviving Iran's pre-revolution nuclear programme;
- (b) information about a letter published by the Chairman of the Expediency Council in September 2006 which makes reference to possible acquisition of nuclear weapons;
- (c) attempts by a former head of the Physics Research Centre (PHRC) and by the SHIG to procure certain nuclear use and dual use items on behalf of the Technical University and the AEOL (GOV/2008/4/ para. 18);
- (d) the scope of a visit by AEOL officials to a nuclear installation in Pakistan in 1987;
- (e) information on meetings between Iranian officials and members of the supply network in 1993 in Dubai;
- (f) the role of the Central Islamic Revolutionary Committee in procurement transactions with the supply network in 1989;
- (g) whether the following projects have existed or still exist, their purpose, present status and the entities involved: "Project 4/8", "Project 3.14", "Project 8", "Project 13 (Project 44)", "Group 14", "Project 10", "Project 19" and "Project 159";
- (h) supporting documents about the order of aluminum bars and sheets that were presented to the Agency on 27 January 2006 (GOV/2006/15, para. 37);
- (i) the nature, intended purpose and application of the radiation monitoring equipment which a staff member of IAP attempted to acquire in 1998;
- (j) information about the purpose of work done by the Pishgam company around 2000 related to the design of a PUREX based process for the AEOL; and
- (k) an agreement which, according to open source information, was signed on 21 January 1990 by Iran's Minister of Defence and Armed Forces Logistics to build a 27 MW reactor in Esfahan.

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council resolutions 1737 (2006) and 1747 (2007) and 1803 (2008) in the Islamic Republic of Iran

[Report by the Director General, GOV/2008/38, 15 September 2008]

[Editorial note: Footnotes not included]

1. On 26 May 2008, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), and 1803 (2008) in the Islamic Republic of Iran (Iran) (GOV/2008/15). This report covers relevant developments since that date.

A. Current Enrichment Related Activities

2. Since the Director General's previous report, Iran has continued to operate the original 3000-machine IR-1 unit at the Fuel Enrichment Plant (FEP). In addition, installation work has continued on four other units. On 30 August 2008, five 164-machine (IR-1) cascades of Unit A26 were being fed with UF₆ and another cascade of that same unit was in vacuum without UF₆; installation of the remaining 12 cascades at that unit is continuing (GOV/2008/15, para. 2). All nuclear material at FEP, as well as all installed cascades, remain under Agency containment and surveillance. As of 30 August 2008, 5930 kg of UF₆ had been fed into the operating cascades since 12 December 2007, the date of the last physical inventory verification (PIV) carried out by the

Agency at FEP. This brings the total amount of UF₆ fed into the cascades since the beginning of operations in February 2007 to 7600 kg. Based on Iran's daily operating records, as of 30 August 2008, Iran had produced approximately 480 kg of low enriched UF₆.

3. At the Pilot Fuel Enrichment Plant (PFEP), between 16 May and 25 August 2008, Iran fed a total of approximately 30 kg of UF₆ into the 10-machine IR-2 cascade and the single IR-1, IR-2 and IR-3 centrifuges. Another 139 centrifuges in a 162-machine IR-1 cascade are in vacuum, but are not being fed with UF₆. All nuclear material at PFEP, as well as the cascade area, remains under Agency containment and surveillance.

4. The results of the environmental samples taken at FEP and PFEP to date, and the operating records for FEP since the Director General's last report, indicate that the plants have been operating as declared (i.e. less than 5.0% U-235 enrichment). Since March 2007, seventeen unannounced inspections have been conducted at FEP.

B. Reprocessing Activities

5. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR), the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility and the Iran Nuclear Research Reactor (IR-40) through inspections and design information verification (DIV). There have been no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related research and development (R&D) activities in Iran, the Agency can confirm this only with respect to these three facilities as the measures of the Additional Protocol are not available.

6. On 14 August 2008, Iran provided updated Design Information Questionnaires (DIQ) for the MIX Facility and the Jabr Ibn Hayan Multipurpose Laboratories (JHL), both located at the Tehran Nuclear Research Centre. The updated DIQ for the MIX Facility provided information on Iran's plans to fabricate low enriched uranium targets at JHL for the production of molybdenum for medical purposes through irradiation of the targets at TRR and their separation at the MIX Facility.

C. Heavy Water Reactor Related Projects

7. On 13 August 2008, the Agency conducted a PIV at the Fuel Manufacturing Plant (FMP), the results of which are still pending. No major changes in the construction status of FMP have been noted since the Agency's previous visit in May 2008 (GOV/2008/15, para. 8).

8. On 27 August 2008, the Agency carried out a DIV at the IR-40 and noted that construction of the facility was ongoing. Using satellite imagery, the Agency has continued to monitor the status of the Heavy Water Production Plant, which appears to be in operational condition.

D. Other Implementation Issues

D.1. Uranium Conversion

9. As of 3 August 2008, approximately 28 tonnes of uranium in the form of UF₆ had been produced at the Uranium Conversion Facility (UCF) since 8 March 2008, the date of the last PIV carried out by the Agency at UCF. This brings the total amount of uranium in the form of UF₆ produced at UCF since March 2004 to 342 tonnes, all of which remains under Agency containment and surveillance. In the revised DIQ for JHL, referred to above in paragraph 6, Iran also indicated that conversion related R&D activities would be carried out at JHL (cf. GOV/2008/15, para. 9).

D.2. Design Information

10. As previously reported to the Board of Governors (GOV/2007/22, paras 12–14), 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. There has been no progress on this issue.

11. The Agency requested in December 2007, but has not yet received, preliminary design information for the nuclear power plant that is to be built in Darkhovin.

D.3. Other Matters

12. On 2 April 2008, the Agency requested Iran to provide, as a transparency measure, access to additional locations related, *inter alia*, to the manufacturing of centrifuges, R&D on uranium enrichment, and uranium mining and milling (GOV/2008/15, para. 13). Iran has not yet agreed to the Agency's request.

13. On 3 September 2008, the Agency conducted an inspection at the Bushehr Nuclear Power Plant. All of the fuel assemblies imported from the Russian Federation for use at the plant have remained under Agency seal.

E. Possible Military Dimensions

14. There remain a number of outstanding issues, identified in the Director General's last report to the Board (GOV/2008/15, para. 14), which give rise to concerns about possible military dimensions to Iran's nuclear programme. As indicated in the Director General's report, for the Agency to be able to address these concerns and provide assurances regarding the absence of undeclared nuclear material and activities in Iran, it is essential that Iran, *inter alia*, provide the information and access necessary to: resolve questions related to the alleged studies; provide more information on the circumstances of the acquisition of the uranium metal document; clarify procurement and R&D activities of military related institutes and companies that could be nuclear related; and clarify the production of nuclear equipment and components by companies belonging to defence industries.

15. As also indicated in GOV/2008/15 (paras 16–25), in a series of meetings in April and May 2008, the Agency held discussions with Iran on these matters, and sought additional clarifications relevant to the nature of Iran's nuclear programme. Iran provided written replies on 14 and 23 May 2008, the former of which included a 117-page presentation responding to the allegations concerning the green salt project, high explosives testing and the missile re-entry vehicle project. While Iran confirmed the veracity of some of the information referred to in the Annex to GOV/2008/15, Iran reiterated its assertion that the allegations were based on "forged" documents and "fabricated" data, focusing on deficiencies in form and format, and reiterated that, although it had been shown electronic versions of the documentation, Iran had not received copies of the documentation to enable it to prove that they were forged and fabricated. Iran also expressed concern that the resolution of some of these issues would require Agency access to sensitive information related to its conventional military and missile related activities.

16. After further assessment of Iran's responses, the Agency, in a series of meetings held in Tehran on 7–8 and 18–20 August 2008, highlighted areas where additional information was necessary. While expressing regret that the Agency was not in a position to provide Iran with copies of the documentation concerning the alleged studies, the Agency emphasized that the documentation was sufficiently comprehensive and detailed that it needed to be taken seriously, particularly in light of the fact that, as acknowledged by Iran, some of the information contained in it was factually accurate. The Agency also recalled the earlier discussions with Iran, as a result of which the Agency had concluded that Iran might have additional information, in particular on high explosives testing and missile related activities, which could shed more light on the nature of the alleged studies. The Agency encouraged Iran, as a matter of transparency, to address the substance of the allegations with a view to dispelling the doubts which naturally arise, in light of all of the outstanding issues, about the exclusively peaceful nature of Iran's nuclear programme. The Agency also expressed its willingness to discuss modalities that could enable Iran to demonstrate credibly that the activities referred to in the documentation are not nuclear related, as Iran asserts, while protecting sensitive information related to its conventional military activities.

17. To that end, over the course of the meetings, the Agency made a number of concrete proposals for addressing the alleged studies. The following are examples of those proposals.

- (a) In connection with the alleged studies in general, the Agency requested that Iran identify and clarify those elements of the documentation which it considered to be factually correct, and to specify those aspects considered by Iran to have been fabricated.
- (b) In connection with the alleged green salt project, the Agency

requested access to the originals of the letters and contracts involving Kimia Maadan, which Iran has acknowledged exist, and copies of some of which Iran has provided to the Agency, with a view to resolving some inconsistencies identified by the Agency in the supporting document provided by Iran. The Agency has also requested access to individuals named in the documentation.

(c) In connection with the alleged studies in high explosives testing, the Agency has asked Iran to provide additional information and documentation, and access to individuals, in support of its statements about the civil and conventional military applications of its work in the area of EBW detonators (GOV/2008/15, para. 20).

(d) With reference to the document describing experimentation in connection with symmetrical initiation of a hemispherical high explosive charge suitable for an implosion type nuclear device, Iran has stated that there have been no such activities in Iran. Since the Director General's previous report, the Agency has obtained information indicating that the experimentation described in this document may have involved the assistance of foreign expertise. Iran has been informed of the details of this information and has been asked to clarify this matter.

(e) Some important parameters reflected in the documentation relating to the re-design of the payload chamber for the Shahab-3 missile re-entry vehicle are the same as those reflected in the documentation referred to in paragraphs (c) and (d) above (e.g. dimensions). The Agency proposed discussions with Iranian experts on the contents of the engineering reports examining in detail modelling studies related to the effects of various physical parameters on the re-entry body from time of launch of the missile to payload detonation. The discussions would be aimed at ascertaining whether these studies were associated with nuclear related activities or, as Iran has asserted, related only to conventional military activities. In addition, the Agency requested access to three civilian workshops identified in the documentation.

18. The Agency believes that Iran could, as a matter of transparency, assist the Agency in its assessment of the alleged studies by providing it with access to documents, information and personnel to demonstrate, as Iran asserts, that these activities were not nuclear related. Unfortunately, Iran has not yet provided the requested information, or access to the requested documentation, locations or individuals.

19. As indicated in the Director General's report to the Board in February 2008 (GOV/2008/4, para. 19), Iran has said that it is unable to provide any additional clarification of the circumstances related to the acquisition of the uranium metal document, reiterating that the document in question had been received along with the P-1 documentation, and that it had not been requested by Iran.

20. The Agency is still awaiting responses to a number of procurement related questions which may shed light, *inter alia*, on the role of the military related entities and their staff in the procurement of items for Iran's nuclear programme and related technical activities in support of that programme. With regard to the production of nuclear related components by companies related to defence industries, Iran's response of 23 May 2008 did not provide any new information. Iran has thus far declined to address these issues as, in its opinion, such issues should be addressed as a routine safeguards matter, and only after the issue of the alleged studies has been resolved.

21. As indicated in the Director General's previous report, the Agency currently has no information — apart from the uranium metal document — on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies (GOV/2008/15, para. 24). Nor has the Agency detected the actual use of nuclear material in connection with the alleged studies. However, unless Iran undertakes as a measure of transparency, in accordance with its obligations under Security Council resolution 1803 (2008) and other related resolutions, to resolve substantively the outstanding issues, the Agency will not be in a position to progress in its verification of the absence of undeclared nuclear material and activities in Iran. Only through the expeditious resolution of these outstanding issues can doubts arising therefrom about the exclusively peaceful nature of Iran's nuclear programme be dispelled, particularly in light of the many years of clandestine nuclear activities by Iran.

F. Summary

22. 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 accounting reports in connection with declared nuclear material and activities. However, Iran has not implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1 on the early provision of design information.

23. The Agency, regrettably, has not been able to make any substantive progress on the alleged studies and other associated key remaining issues which remain of serious concern. For the Agency to make progress, an important first step, in connection with the alleged studies, is for Iran to clarify the extent to which information contained in the relevant documentation is factually correct and where, in its view, such information may have been modified or relates to alternative, non-nuclear purposes. Iran needs to provide the Agency with substantive information to support its statements and provide access to relevant documentation and individuals in this regard. Unless Iran provides such transparency, and implements the Additional Protocol, the Agency will not be able to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

24. Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities, having continued the operation of PFEP and FEP, and the installation of new cascades and the operation of new generation centrifuges for test purposes. Iran has also continued with the construction of the IR-40.

25. The Director General urges Iran to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme at the earliest possible date.

26. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

[Statement to the 63rd Regular Session of the General Assembly by the Director General, 28 October 2008]

Six years have elapsed since the Agency began working to clarify Iran's nuclear programme. Substantial progress has been made under a work plan agreed with Iran to clarify outstanding issues, including the nature of Iran's enrichment activities. The Agency has been able to continue to verify the non-diversion of *declared* nuclear material in Iran.

However, I regret that we are still not in a position to achieve full clarity regarding the absence of *undeclared* nuclear material and activities in Iran. This is because the Agency has not been able to make substantive progress on the so-called alleged studies and associated questions relevant to possible military dimensions to Iran's nuclear programme.

I reiterate that the Agency does not in any way seek to "pry" into Iran's conventional or missile-related military activities. Our focus is clearly on nuclear material and activities. I am confident that arrangements can be developed which enable the Agency to clarify the remaining issues while ensuring that Iran's legitimate right to protect the confidentiality of sensitive information and activities is respected. I therefore urge Iran to implement all the transparency measures required to build confidence in the exclusively peaceful nature of its nuclear programme at an early date. This will be good for Iran, good for the Middle East region and good for the world.

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008) in the Islamic Republic of Iran

[Report by the Director General, GOV/2008/59, 19 November 2008]

[Editorial note: Footnotes not included]

1. On 15 September 2008, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards

Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008) in the Islamic Republic of Iran (Iran) (GOV/2008/38). On 27 September 2008, the Security Council adopted resolution 1835 (2008) on the same matter. This report covers relevant developments since September 2008.

A. Current Enrichment Related Activities

2. Since the Director General's previous report, Iran has continued to feed UF₆ into the 3000-machine IR-1 unit (Unit A24), and five cascades of Unit A26, at the Fuel Enrichment Plant (FEP). Installation and testing of the 13 remaining cascades of Unit A26 is continuing. Preparatory installation work at Units A25, A27 and A28 continues. As of 7 November 2008, the total amount of UF₆ fed into the cascades since the beginning of operations in February 2007 was 9750 kg, and based on the operator's daily accounting records, Iran had produced approximately 630 kg of low enriched UF₆. All nuclear material at FEP, as well as all installed cascades, remain under Agency containment and surveillance.

3. On 29 September 2008, the Agency conducted a physical inventory verification (PIV) at the Pilot Fuel Enrichment Plant (PFEP), the results of which are still pending. Between 25 August and 28 October 2008, Iran fed a total of approximately 31 kg of UF₆ into the 10-machine IR-2 cascade and the single IR-1, IR-2 and IR-3 centrifuges. All nuclear material at PFEP, as well as the cascade area, remains under Agency containment and surveillance.

4. To date, the results of the environmental samples taken at FEP and PFEP, and the operating records for FEP, indicate that the plants have been operating as declared (i.e. less than 5.0% U-235 enrichment). Since March 2007, twenty unannounced inspections have been conducted at FEP.

5. On 26 October 2008, Iran provided updated Design Information Questionnaires (DIQs) for FEP and PFEP. Iran informed the Agency that it plans to commence the installation of IR-1 centrifuges at Unit A28 at FEP at the beginning of 2009.

B. Reprocessing Activities

6. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility through inspections and design information verification (DIV). There have been no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related research and development (R&D) activities in Iran, the Agency can confirm this only with respect to these two facilities as the measures of the Additional Protocol are not available.

C. Heavy Water Reactor Related Projects

7. On 13 August 2008, the Agency conducted a PIV at the Fuel Manufacturing Plant (FMP), the results of which are consistent with the declaration made by Iran. On 18 October 2008, the Agency conducted an inspection; no major changes in the construction status of FMP have been noted since the Agency's visit to FMP in May 2008.

8. Using satellite imagery, the Agency has continued to monitor the status of the Heavy Water Production Plant, which appears to be in operational condition.

9. Invoking its decision in March 2007 to "suspend" the implementation of the modified text of Code 3.1 of the Subsidiary Arrangements General Part concerning the early provision of design information (GOV/2007/22, paras 12–14), Iran continues to object to the Agency's carrying out of DIVs at the Iran Nuclear Research Reactor (IR-40). The Agency has reiterated that Code 3.1 concerns the submission of design information, not the frequency or timing of verification by the Agency of such information, and that the Agency's right to carry out DIV is a continuing right. Notwithstanding, the Agency was not permitted to carry out the DIV scheduled for 26 October 2008. As a result, the Agency's information on the status of the construction of the reactor is also limited to that available through satellite imagery. From a review of such imagery, the Agency can confirm that construction of the reactor is continuing.

D. Other Implementation Issues

D.1. Uranium Conversion

10. As of 3 November 2008, approximately 33 tonnes of uranium in the form of UF₆ had been produced at the Uranium Conversion Facility (UCF) since 8 March 2008, the date of the last PIV carried out by the Agency at UCF. This brings the total amount of uranium in the form of UF₆ produced at UCF since March 2004 to 348 tonnes, all of which remains under Agency containment and surveillance. The UCF was shut down in August 2008 for a routine maintenance and restarted operation in October 2008.

D.2. Design Information

11. As previously reported to the Board of Governors (GOV/2007/22, paras 12–14), 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. There has been no progress on this issue. On 16 October 2008, the Agency reiterated its request that Iran reconsider its decision on the issue.

12. The Agency requested in December 2007, but has not yet received, preliminary design information for the nuclear power plant that is to be built in Darkhovin (GOV/2008/38, para. 11).

D.3. Other Matters

13. On 2 April 2008, the Agency requested Iran to provide, as a transparency measure, access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment, and uranium mining and milling (GOV/2008/15, para. 13). Iran has not yet agreed to the Agency's request.

14. The fuel assemblies imported from the Russian Federation for use at the Bushehr Nuclear Power Plant have remained under Agency seal (GOV/2008/38, para. 13). A PIV is planned in December 2008.

E. Possible Military Dimensions

15. There remain a number of outstanding issues, identified in the Director General's last report to the Board (GOV/2008/38, para. 14), which give rise to concerns and need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme. As indicated in the Director General's report, for the Agency to be able to address these concerns and make progress in its efforts to provide assurance about the absence of undeclared nuclear material and activities in Iran, it is essential that Iran, inter alia, provide the information and access necessary to: resolve questions related to the alleged studies; provide more information on the circumstances of the acquisition of the uranium metal document; clarify procurement and R&D activities of military related institutes and companies that could be nuclear related; and clarify the production of nuclear equipment and components by companies belonging to defence industries.

16. Since the Director General's last report, the Agency has continued to assess the information previously provided to it, both by Iran (including INFCIRC/737 and 739) and by Member States, in respect of these issues. The Agency believes that Iran could, as a matter of transparency, assist the Agency in its assessment of these issues by providing it with access to documents, information and personnel to demonstrate, as Iran asserts, that these activities were not nuclear related. Unfortunately, Iran has not offered any cooperation with the Agency since that report and has not yet provided the requested information, or access to the requested documentation, locations or individuals.

17. As indicated in the Director General's previous report, the Agency currently has no information — apart from the uranium metal document — on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies (GOV/2008/38, para. 21). Nor has the Agency detected the actual use of nuclear material in connection with the alleged studies.

F. Summary

18. 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 accounting reports in connection with declared nuclear material and activities. However, Iran has not implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1 on the early provision of design information. Nor has Iran implemented the Additional Protocol, which is essential for the Agency to provide credible assurance about the absence of undeclared nuclear material and activities.

19. Regrettably, as a result of the lack of cooperation by Iran in connection with the alleged studies and other associated key remaining issues of serious concern, the Agency has not been able to make substantive progress on these issues. For the Agency to make progress, an important first step, in connection with the alleged studies, is for Iran to clarify the extent to which information contained in the relevant documentation is factually correct and where, in its view, such information may have been modified or relates to non-nuclear purposes. Iran needs to provide the Agency with substantive information to support its statements and provide access to relevant documentation and individuals in this regard. Unless Iran provides such transparency, and implements the Additional Protocol, the Agency will not be able to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

20. Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities, having continued the operation of PFEP and FEP and the installation of new cascades and the operation of new generation centrifuges for test purposes. Iran has not provided access to the IR-40, and, therefore, the Agency is not able to verify the current status of its construction.

21. The Director General continues to urge Iran to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme at the earliest possible date.

22. The Director General will continue to report as appropriate.

Excerpt from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[27 November 2008]

[Eds...]

Implementation of Safeguards in the Islamic Republic of Iran

You have before you my report on the *Implementation of Safeguards in the Islamic Republic of Iran*. The Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. However, Iran has not implemented the Additional Protocol, which is essential - as in all countries - for the Agency to provide credible assurance about the absence of undeclared nuclear material and activities.

There remain a number of outstanding issues, relevant to the alleged studies and associated questions identified in my last report to the Board, which give rise to concerns and need to be clarified in order to exclude the existence of possible military dimensions to Iran's nuclear programme. Regrettably, the Agency has not been able to make substantive progress on these issues. Iran needs to clarify as a matter of transparency the extent to which information contained in the relevant documentation is factually correct and where, in its view, such information may have been modified or relates to non nuclear purposes. Iran should also provide the Agency with substantive information to support its statements and provide access to relevant documentation and individuals. Unless Iran provides such transparency, and implements the Additional Protocol, the Agency will not be able to make progress in its efforts to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. I also still regret the fact that the Agency has not been able to share with Iran documentation provided by Member States. I call upon the Member States concerned to authorize the Agency to do so.

As I have stated before, the Agency does not in any way seek to intrude into Iran's conventional or missile-related military activities. Our focus is on nuclear material and activities. We have, however, a responsibility under comprehensive safeguards agreements to clarify the veracity of all available information to be able to confirm that all nuclear material is being used exclusively for peaceful purposes. I remain confident that arrangements can be developed which enable the Agency to do its work while ensuring that Iran's

legitimate right to protect the confidentiality of sensitive information and activities is respected.

I continue, therefore, to urge Iran to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme. Likewise, I still hope that conditions will be created soon for direct negotiations between all concerned parties, which are indispensable for establishing the necessary confidence building measures and developing the trust that is key to a solution to the Iran issue and stability in the Middle East.

[...Eds]

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran

[Report by the Director General, GOV/2009/8, 19 February 2009]

[Editorial note: Footnotes not included]

1. On 19 November 2008, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (Iran) (GOV/2008/59). This report covers relevant developments since that date.

A. Current Enrichment Related Activities

2. Since the Director General's previous report, Iran has continued to feed UF₆ into the 3000-machine IR-1 unit (Unit A24), and six cascades of Unit A26, at the Fuel Enrichment Plant (FEP). Nine other cascades of Unit A26 have been installed and are under vacuum. Installation of the three remaining cascades of that Unit is continuing. Installation work at Units A25, A27 and A28, including the installation of pipes and cables, is also continuing.

3. The Agency has finalized its assessment of the results of the physical inventory verification (PIV) carried out at FEP on 24–26 November 2008, and has concluded that the physical inventory as declared by Iran was consistent with the results of the PIV, within the measurement uncertainties normally associated with enrichment plants of a similar throughput. The Agency has verified that, as of 17 November 2008, 9956 kg of UF₆ had been fed into the cascades since February 2007, and a total of 839 kg of low enriched UF₆ had been produced. The results also showed that the enrichment level of this low enriched UF₆ product verified by the Agency was 3.49% U-235. Iran has estimated that, between 18 November 2008 and 31 January 2009, it produced an additional 171 kg of low enriched UF₆. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades, remain under Agency containment and surveillance.

4. On 29 September 2008, the Agency conducted a PIV at the Pilot Fuel Enrichment Plant (PFEP), the results of which confirm the physical inventory as declared by Iran, within the measurement uncertainties normally associated with such a facility. Between 29 October 2008 and 15 January 2009, Iran fed a total of approximately 50 kg of UF₆ into the 20-machine IR-1 cascade, the 10-machine IR-2 cascade and the single IR-1, IR-2 and IR-3 centrifuges. The nuclear material at PFEP, as well as the cascade area, remains under Agency containment and surveillance. Iran has transferred a few kilograms of low enriched UF₆ produced at PFEP to the Jaber Ibn Hayan Multipurpose Laboratories at the Tehran Nuclear Research Centre for research and development purposes.

5. To date, the results of the environmental samples taken at FEP and PFEP indicate that the plants have been operating as declared (i.e. less than 5.0% U-235 enrichment). Since March 2007, 21 unannounced inspections have been conducted at FEP.

6. On 12 January 2009, Iran provided updated Design Information Questionnaires (DIQs) for FEP and PFEP. Iran informed the Agency in the DIQ for FEP that it plans to include a room for functional testing of single centrifuge machines. There were no other changes in the capacity of the facilities or of their schedules for operation.

B. Reprocessing Activities

7. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. There have been no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related R&D activities in Iran, the Agency can confirm this only with respect to these two facilities, as the measures of the Additional Protocol are not available.

C. Heavy Water Reactor Related Projects

8. The Agency last visited the Iran Nuclear Research Reactor (IR-40) in August 2008 (GOV/2008/59, para. 9). On 21 January 2009, the Agency again requested access to carry out a DIV at the IR-40. In a letter dated 26 January 2009 referring to previous communications concerning the submission of design information, Iran informed the Agency that it would not permit the Agency to carry out the DIV. In a reply dated 29 January 2009, the Agency reiterated its request for access to carry out the DIV. In its response, dated 7 February 2009, Iran reiterated its view that since IR-40 was not in a situation to receive nuclear material, no DIQ was required, and, hence, the request for access to perform DIV was not justified. Iran requested that, as long as the decision stipulated in Iran's letter of 29 March 2007 was valid, no DIV for IR-40 be scheduled.

9. Iran's refusal to grant the Agency access to IR-40 could adversely impact the Agency's ability to carry out effective safeguards at that facility, and has made it difficult for the Agency to report further on the construction of the reactor, as requested by the Security Council. In addition to the roofing having already been completed for the other buildings on the site, construction of the reactor building's domed containment structure has also been completed, as observed in images taken on 30 December 2008, rendering impossible the continued use of satellite imagery to monitor further construction inside the reactor building or any of the other buildings.

10. On 7 February 2009, the Agency conducted an inspection at the Fuel Manufacturing Plant, at which time it was noted that the process line for the production of natural uranium pellets for the heavy water reactor fuel had been completed and fuel rods were being produced.

11. Using satellite imagery, the Agency has continued to monitor the status of the Heavy Water Production Plant, which appears to be in operational condition.

D. Other Implementation Issues

D.1. Uranium Conversion

12. As of 9 February 2009, approximately 42 tonnes of uranium in the form of UF₆ had been produced at the Uranium Conversion Facility (UCF) since 8 March 2008, the date of the last PIV carried out by the Agency at UCF. This brings the total amount of uranium in the form of UF₆ produced at UCF since March 2004 to 357 tonnes, some of which was transferred to FEP and PFEP, and all of which remains under Agency containment and surveillance.

D.2. Design Information

13. As previously reported to the Board of Governors, the Agency has still not received preliminary design information, requested by the Agency in December 2007, on the nuclear power plant that is to be built in Darkhovin (GOV/2008/38, para. 11).

D.3. Other Matters

14. A PIV was carried out at the Bushehr Nuclear Power Plant (BNPP) on 13–14 December 2008. The fuel assemblies imported from the Russian Federation for use at BNPP remain under Agency seal. Iran has informed the Agency that the loading of fuel into the reactor is scheduled to take place during the second quarter of 2009.

E. Possible Military Dimensions

15. As detailed in the Director General's previous reports to the Board (most recently in GOV/2008/59, para. 15), there remain a number of outstanding issues which give rise to concerns, and which need to be clarified, to exclude the existence of possible military dimensions to Iran's nuclear programme. As indicated in

those reports, for the Agency to be able to address these concerns and make progress in its efforts to provide assurance about the absence of undeclared nuclear material and activities in Iran, it is essential that Iran, inter alia, provide the information and access requested by the Agency.

16. In a letter to Iran dated 2 February 2008, the Agency reiterated its request to meet with Iranian authorities, in Tehran, at the earliest possible opportunity, with a view to proceeding with the resolution of the issues that remain outstanding.

17. The Agency has still not received a positive reply from Iran in connection with the Agency's requests and, therefore, has not had access to relevant information, documentation, locations or individuals.

F. Summary

18. The Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. However, Iran has not implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1, on the early provision of design information and has continued to refuse to permit the Agency to carry out design information verification at IR-40.

19. Contrary to the request of the Board of Governors and the Security Council, Iran has not implemented the Additional Protocol, which is a prerequisite for the Agency to provide credible assurance about the absence of undeclared nuclear material and activities. Nor has it agreed to the Agency's request that Iran provide, as a transparency measure, access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment, and uranium mining and milling, as also required by the Security Council.

20. Regrettably, as a result of the continued lack of cooperation by Iran in connection with the remaining issues which give rise to concerns about possible military dimensions of Iran's nuclear programme, the Agency has not made any substantive progress on these issues. As indicated in previous reports of the Director General, for the Agency to make such progress, Iran needs to provide substantive information, and access to relevant documentation, locations and individuals, in connection with all of the outstanding issues. With respect to the alleged studies in particular, an important first step is for Iran to clarify the extent to which information contained in the documentation which Iran was shown, and given the opportunity to study, is factually correct and where, in its view, such information may have been modified or relates to non-nuclear purposes.

21. Unless Iran implements the above transparency measures and the Additional Protocol, as required by the Security Council, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. The Director General continues to urge Iran to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme at the earliest possible date. The Director General, at the same time, urges Member States which have provided such documentation to the Agency to agree to the Agency's providing copies thereof to Iran.

22. Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities or its work on heavy water-related projects, including the construction of the heavy water moderated research reactor, IR-40, and the production of fuel for that reactor.

23. The Director General will continue to report as appropriate.

Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[2 March 2009, Vienna]

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

You have before you my report on *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran*.

The Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran, including all declared low enriched uranium. As the Report states, contrary to the request of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities, or its work on heavy water related projects. Nor has Iran implemented the Additional Protocol, which, as with other countries with comprehensive safeguards agreements, is a prerequisite for the Agency to provide credible assurance about the absence of undeclared nuclear material and activities. Iran has not permitted the Agency to perform the required design information verification at the IR-40 reactor currently under construction, and it has not implemented the modified text of its Subsidiary Arrangements General Part on the early provision of design information.

The Agency regrettably was unable to make any progress on the remaining issues which give rise to concerns about possible military dimensions of Iran's nuclear programme because of lack of cooperation by Iran. For the Agency to be able to make progress, Iran needs to provide substantive information and access to relevant documentation, locations and individuals in connection with all of the outstanding issues.

Unless Iran implements the transparency measures and the Additional Protocol, as required by the Security Council, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. I again urge Iran to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme at the earliest possible date and to unblock this stalemated situation. At the same time, I urge the Member States which have provided information to the Agency to agree to the Agency's sharing of this information with Iran.

Finally, I am hopeful that the apparent fresh approach by the international community to dialogue with Iran will give new impetus to the efforts to resolve this long-standing issue in a way that provides the required assurances about the peaceful nature of Iran's nuclear programme, while assuring Iran of its right to use nuclear energy for peaceful purposes.

Statement on behalf of China, France, Germany, Russia, the United Kingdom and the United States to the Board of IAEA Governors

[March 2009]

We thank the Director General for his report on the "Implementation of the NPT Safeguards and relevant provisions of UN Security Council Resolutions 1737, 1747, 1803, and 1835 in the Islamic Republic of Iran."

We reaffirm our unity of purpose and strong support for the Agency. We applaud the Secretariat for the professionalism and impartiality with which it has pursued its verification mission and reaffirm that the IAEA plays an essential role in establishing confidence in the exclusively peaceful nature of Iran's nuclear program.

We call upon Iran to meet without delay the requirements of the IAEA Board of Governors and to implement the resolutions of the UN Security Council.

We note the serious concern expressed in the Director General's report and in his introductory statement to this Board about the continued lack of progress in connection with remaining issues which give rise to concerns about possible military dimensions of Iran's nuclear program. In this regard, we call on Iran to cooperate fully with the IAEA by providing the Agency such access and information that it requests to resolve these issues.

We further call upon Iran to implement and ratify promptly the Additional Protocol and to implement all measures required by the Agency in order to build confidence in the exclusively peaceful nature of Iran's nuclear program.

We remain firmly committed to a comprehensive diplomatic solution, including through direct dialogue, and urge Iran to take this opportunity for engagement with us and thereby maximize opportunities for a negotiated way forward.

Statement on behalf of China, France, Germany, Russia, the United Kingdom and the United States

[INFCIRC/749 1 April 2009]

Communication dated 12 March 2009 received from the Permanent Missions of China, France, Germany, Russia, the United Kingdom and the United States of America regarding a joint statement on Iran's nuclear programme

The Secretariat has received a communication dated 12 March 2009 from the Permanent Missions of China, France, Germany, Russia, the United Kingdom and the United States of America, transmitting to the attention of all Member States of the IAEA a joint statement on Iran's nuclear programme, delivered at the March Board of Governors meeting. As requested in that communication, the attached statement is herewith circulated for the information of all Member States.

We thank the Director General for his report on the "Implementation of the NPT Safeguards and relevant provisions of UN Security Council Resolutions 1737, 1747, 1803, and 1835 in the Islamic Republic of Iran"

We reaffirm our unity of purpose and strong support for the Agency. We applaud the Secretariat for the professionalism and impartiality with which it has pursued its verification mission and reaffirm that the IAEA plays an essential role in establishing confidence in the exclusively peaceful nature of Iran's nuclear program.

We call upon Iran to meet without delay the requirements of the IAEA Board of Governors and to implement the resolutions of the UN Security Council.

We note the serious concern expressed in the Director General's report and in his introductory statement to this Board about the continued lack of progress in connection with remaining issues which give rise to concerns about possible military dimensions of Iran's nuclear program. In this regard, we call on Iran to cooperate fully with the IAEA by providing the Agency such access and information that it requests to resolve these issues.

We further call upon Iran to implement and ratify promptly the Additional Protocol and to implement all measures required by the Agency in order to build confidence in the exclusively peaceful nature of Iran's nuclear program.

We remain firmly committed to a comprehensive diplomatic solution, including through direct dialogue, and urge Iran to take this opportunity for engagement with us and thereby maximize opportunities for a negotiated way forward.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran

[GOV/2009/35 5 June 2009]

[Editorial note Footnotes not included]

Report by the Director General

1. On 19 February 2009, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (Iran) (GOV/2009/8). This report covers relevant developments since that date.

A. Current Enrichment Related Activities

2. Since the Director General's previous report, Iran has continued to feed UF₆ into Unit A24, and twelve cascades of Unit A26, at the Fuel Enrichment Plant (FEP). The six other cascades of Unit A26 have been installed and are under vacuum. Iran has also started installation of cascades at Unit A28; seven cascades have been installed and are under vacuum, and installation of another cascade is continuing. Installation work at Units A25 and A27 is

also continuing.

3. Iran has estimated that, between 18 November 2008 and 31 May 2009, 5723 kg of UF₆ was fed into the cascades and a total of 500 kg of low enriched UF₆ was produced. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades, remain under Agency containment and surveillance. Since the last physical inventory verification (PIV), the Agency and Iran have continued to discuss improvements in the facility's accountancy system. In addition, the Agency has informed Iran that, given the increasing number of cascades being installed at FEP and the increased rate of production of LEU at the facility, improvements to the containment and surveillance measures at FEP are required in order for the Agency to continue to fully meet its safeguards objectives. The Agency has proposed a solution and initiated discussions with Iran to that end.

4. Between 15 January 2009 and 23 May 2009, a total of approximately 54 kg of UF₆ was fed into the 10-machine IR-3 cascade, the 10-machine IR-2 cascade and single IR-1, IR-2, IR-2 modified, IR-3 and IR-4 centrifuges at the Pilot Fuel Enrichment Plant (PFEP). The nuclear material at PFEP, as well as the cascade area, remains under Agency containment and surveillance.

5. To date, the results of the environmental samples taken at FEP and PFEP indicate that the plants have been operating as declared (i.e. less than 5.0% U-235 enrichment). Since March 2007, 26 unannounced inspections have been conducted at FEP. Twenty-five of these inspections were successfully implemented. For one inspection, carried out on 19 May 2009, access to the facility was not granted by Iran within the agreed time because of an ongoing security drill being carried out at the facility by Iran which had been notified in advance to the Agency. The Agency has initiated discussions with Iran on arrangements in connection with unannounced inspections that would allow the Agency to meet its safeguards objectives within the required timeframe under similar circumstances.

B. Reprocessing Activities

6. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. There have been no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related R&D activities in Iran, the Agency can confirm this only with respect to these two facilities, as the measures of the Additional Protocol are not available.

C. Heavy Water Reactor Related Projects

7. The Agency last visited the Iran Nuclear Research Reactor (IR-40) in August 2008 (GOV/2008/59, para. 9). On 22 April 2009, the Agency again requested access to carry out design information verification (DIV) at the IR-40. In a letter dated 3 May 2009 referring to previous communications concerning the submission of design information, Iran informed the Agency that it would not permit the Agency to carry out the DIV.

8. Iran's refusal to grant the Agency access to IR-40 could adversely impact the Agency's ability to carry out effective safeguards at that facility, and has made it difficult for the Agency to report further on the construction of the reactor, as requested by the Security Council. The completion of the containment structure over the reactor building, and the roofing for the other buildings on the site, makes it impossible to assess further progress on construction inside the buildings without access to the facility. However, satellite imagery suggests that construction is continuing at the reactor site.

9. On 23 May 2009, the Agency conducted an inspection at the Fuel Manufacturing Plant, at which time it was noted that, with the exception of the final quality control testing area, the process line for the production of fuel assemblies for the heavy water reactor fuel had been completed, and that one fuel assembly had been assembled from previously produced fuel rods.

10. Using satellite imagery, the Agency has continued to monitor the status of the Heavy Water Production Plant, which appears to have been operating intermittently since the last report.

D. Other Implementation Issues

D.1. Uranium Conversion

11. Between 8 and 12 March 2009, the Agency conducted a PIV at the Uranium Conversion Facility. During the PIV, Iran presented 345 tonnes of uranium in the form of UF₆ for Agency verification. The Agency is evaluating the results of the PIV.

D.2. Design Information

12. As previously reported to the Board of Governors, the Agency has still not received preliminary design information, as requested by it in December 2007, for the nuclear power plant that is to be built in Darkhovin (GOV/2008/38, para. 11).

13. Iran has not yet implemented the revised Code 3.1 of the Subsidiary Arrangements General Part (GOV/2008/59, para. 9; GOV/2007/22, paras 12–14). Iran is the only State with significant nuclear activities which has a comprehensive safeguards agreement in force but is not implementing the provisions of the revised Code 3.1 on the early provision of design information. The absence of such information results in late notification to the Agency of the construction of new facilities and changes to the design of existing facilities.

D.3. Other Matters

14. On 1 November 2008, Iran transferred a few kilograms of low enriched UF₆ from PFEP to the Jabr Ibn Hayan Multipurpose Laboratories at the Tehran Nuclear Research Centre. In a letter dated 1 June 2009, Iran clarified that the material will be used in conversion experiments for the manufacturing of UO₂ targets to be irradiated in the Tehran Research Reactor for the production of radioisotopes for medical applications.

15. Iran has informed the Agency that the loading of fuel into the Bushehr Nuclear Power Plant is now scheduled to take place in September/October 2009.

16. Using satellite imagery, the Agency has observed a continuation of ore recovery activities in the area of the Bandar Abbas Uranium Production Plant (UPP) and at the Saghand uranium mine. New construction and modifications to buildings and process plant have also been observed at UPP, the Saghand uranium mine and the Ardakan Yellow Cake Production Plant, although it is difficult to assess the operational status and degree of utilization of these plants.

E. Possible Military Dimensions

17. As detailed in the Director General's previous reports to the Board (most recently in GOV/2009/8, para. 15), there remain a number of outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme. As indicated in those reports, for the Agency to be able to address these concerns and make progress in its efforts to provide assurance about the absence of undeclared nuclear material and activities in Iran, it is essential that Iran, inter alia, implement the Additional Protocol and provide the information and access requested by the Agency. The Agency has still not received a positive reply from Iran in connection with the Agency's requests for access to relevant information, documentation, locations or individuals.

18. In a letter to Iran dated 29 May 2009, the Agency responded to Iran's letters dated

16 September 2008, 28 November 2008 and 2 March 2009, in which Iran had, inter alia, provided its views on a number of issues referred to in the Director General's reports and questioned the correctness of certain statements contained in the reports attributed to Iran in connection with possible military dimensions to Iran's nuclear programme and statements in relation to the resolution of the issues contained in the Work Plan. In its letter, the Agency explained why the statements in the Director General's reports were correct. The Agency also reiterated its request to meet with relevant Iranian authorities at the earliest possible opportunity, with a view to addressing in a substantive and comprehensive manner the issues that remain outstanding.

F. Summary

19. As has been reported in previous reports, the Agency continues to verify the non-diversion of declared nuclear material in

Iran.

20. Iran has not, however, implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1, on the early provision of design information, and has continued to refuse to permit the Agency to carry out design information verification at IR-40.

21. Iran has not suspended its enrichment related activities or its work on heavy water related projects as required by the Security Council.

22. Contrary to the request of the Board of Governors and the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection with the remaining issues which give rise to concerns and which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme. Unless Iran implements the Additional Protocol and clarifies the outstanding issues, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

23. The Agency believes that it has provided Iran with sufficient access to documentation in its possession to permit Iran to respond substantively to the questions raised by the Agency. However, the Director General urges Member States which have provided documentation to the Agency to work out new modalities with the Agency so that it could share further information with Iran since the Agency's inability to share additional information with Iran, and to provide copies or, if possible, originals, is making it difficult for the Agency to progress further in its verification.

24. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008) in the Islamic Republic of Iran

[GOV/2009/55 28 August 2009]

[Editorial note: Footnotes not included]

Report by the Director General

1. On 5 June 2009, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (Iran) (GOV/2009/35). This report covers relevant developments since that date.

A. Current Enrichment Related Activities

2. On 12 August 2009, Iran was feeding UF₆ into Unit A24, and ten cascades of Unit A26, at the Fuel Enrichment Plant (FEP) at Natanz. On that day, the eight other cascades of Unit A26 were under vacuum. Iran has continued with the installation of cascades at Unit A28; fourteen cascades have been installed and the installation of another cascade is continuing. All machines installed to date are IR-1 centrifuges. Installation work at Units A25 and A27 is also continuing.

3. Iran has estimated that, between 18 November 2008 and 31 July 2009, 7942 kg of UF₆ was fed into the cascades and a total of 669 kg of low enriched UF₆ was produced. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.

4. As reported earlier, the Agency had informed Iran that, given the increasing number of cascades being installed at FEP and the increased rate of production of low enriched uranium at the facility, improvements to the containment and surveillance measures at FEP were needed for the Agency to continue to fully meet its safeguards objectives for the facility (GOV/2009/35, para. 3). In the course of a series of meetings, Iran and the Agency agreed on the improvements, which were put in place on 12 August 2009. The next physical inventory verification (PIV) at FEP is planned for November 2009. At that time, the Agency will be able to verify the inventory of all nuclear material at the facility and evaluate the nuclear material balance after the cold traps have been cleaned

out.

5. Iran and the Agency have also agreed on improvements regarding the provision of accounting and operating records, and on the requirements for timely access for unannounced inspections (GOV/2009/35, para. 5).

6. Between 24 May 2009 and 13 August 2009, a total of approximately 37 kg of UF₆ was fed into a 10-machine IR-4 cascade, a 10-machine IR-2m cascade and single IR-1, IR-2m and IR-4 centrifuges at the Pilot Fuel Enrichment Plant (PFEP). The nuclear material at PFEP, as well as the cascade area and the feed and withdrawal stations, remain under Agency containment and surveillance.

7. The results of the environmental samples taken at FEP and PFEP indicate that both plants have been operating as declared (i.e. less than 5.0% U-235 enrichment). Since the last report, the Agency has successfully conducted three unannounced inspections. A total of 29 unannounced inspections have been conducted at FEP since March 2007.

B. Reprocessing Activities

8. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. There have been no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related R&D activities in Iran, the Agency can confirm this only with respect to these two facilities, as the measures of the Additional Protocol are not available.

C. Heavy Water Reactor Related Projects

9. On 19 June 2009, the Agency requested Iran to update the Design Information Questionnaire (DIQ) for the Fuel Manufacturing Plant (FMP) and the Iran Nuclear Research Reactor (IR-40) to reflect the design features of the fuel assembly verified by the Agency during its May 2009 inspection at FMP (GOV/2009/35, para. 9). Under cover of a letter dated 21 August 2009, Iran submitted an updated DIQ for FMP, which the Agency is now reviewing.

10. On 11 August 2009, the Agency conducted both a PIV and design information verification (DIV) at FMP, at which time it was noted that the final quality control equipment had been installed, and the fuel assembly referred to above was undergoing quality control testing. Assessment of the results of the PIV is still pending.

11. On 17 August 2009, Iran, following repeated requests by the Agency, provided the Agency with access to the IR-40 reactor at Arak, at which time the Agency was able to carry out a DIV. The Agency verified that the construction of the facility was ongoing. In particular, the Agency noted that no reactor vessel was yet present. The operator stated that the reactor vessel was still being manufactured, and that it would be installed in 2011. Iran also stated that no hot cell windows or manipulators could be procured from foreign sources and that it was considering producing them domestically. Iran estimated that the civil construction work was about 95% completed and that the plant itself was about 63% completed. The facility at its current stage of construction conforms to the design information provided by Iran as of 24 January 2007. However, Iran still needs to provide updated and more detailed design information, in particular about the nuclear fuel characteristics, fuel handling and transfer equipment and the nuclear material accountability and control system. The Agency has continued using satellite imagery to monitor the status of the Heavy Water Production Plant, which seems not to have been operating since the last report.

D. Other Implementation Issues

D.1. Uranium Conversion

12. The Agency finalized its assessment of the results of the PIV carried out at the Uranium Conversion Facility (UCF) in March 2009 (GOV/2009/35, para. 11), and has concluded that the inventory of nuclear material at UCF as declared by Iran is consistent with those results, within the measurement uncertainties normally associated with conversion plants of similar throughput. Between 8 March 2009 and 10 August 2009, approximately 11 tonnes of uranium in the form of UF₆ was produced at UCF. This brings the total amount of uranium in the form of UF₆ produced at

UCF since March 2004 to approximately 366 tonnes, some of which was transferred to FEP and PFEP, and all of which remains under Agency containment and surveillance. Between March 2009 and 10 August 2009, 159 samples of ammonium diuranate, containing about 2 kg of uranium, were received at UCF from the Bandar Abbas Uranium Production Plant.

13. On 21 July 2009 and 10 August 2009, the Agency conducted design information verification at UCF. The Agency was able to confirm that the facility conforms to the design information provided by Iran.

D.2. Design Information

14. Iran has not yet resumed the implementation of the revised Code 3.1 of the Subsidiary Arrangements General Part on the early provision of design information (GOV/2008/59, para. 9; GOV/2007/22, paras 12–14). Iran is the only State with significant nuclear activities which has a comprehensive safeguards agreement in force but is not implementing the provisions of the revised Code 3.1. The absence of such information results in late notification to the Agency of the construction of new facilities and changes to the design of existing facilities.

15. The Agency has not yet received the requested preliminary design information for the nuclear power plant that is to be built in Darkhovin (GOV/2008/38, para. 11).

D.3. Other Matters

16. In view of the anticipated loading of fuel into the Bushehr Nuclear Power Plant (GOV/2009/35, para. 15), now expected to take place in October/November 2009, the Agency installed a containment and surveillance system at that facility on 22–25 August 2009.

17. In a letter dated 12 July 2009, Iran informed the Agency that it had transferred all nuclear material out of the Uranium Chemical Laboratory at Esfahan and that it did not plan any other nuclear activities in this location and requested the Agency to consider this facility as a decommissioned facility. The Agency has scheduled an inspection to confirm the decommissioned status of this facility.

E. Possible Military Dimensions

18. As referred to in the Director General's previous reports to the Board (most recently in GOV/2009/35, para. 17), there remain a number of outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme. As indicated in those reports, it is essential that Iran re-engage with the Agency to clarify and bring to a closure questions related to the alleged studies, the circumstances of the acquisition of the uranium metal document, and the procurement and R&D activities of military related institutes and companies that could be nuclear related as well as the production of nuclear related equipment and components by companies belonging to defence industries.

19. It should be noted that, although the Agency has limited means to authenticate independently the documentation that forms the basis of the alleged studies, the information is being critically assessed, in accordance with the Agency's practices, by corroborating it, inter alia, with other information available to the Agency from other sources and from its own findings. A description of all of the documentation available to the Agency about the alleged studies which the Agency has been authorized to share with Iran and which has been sufficiently vetted by the Agency was provided in the Director General's report of May 2008 (GOV/2008/15, Annex A). It should be noted, however, that the constraints placed by some Member States on the availability of information to Iran are making it more difficult for the Agency to conduct detailed discussions with Iran on this matter. Notwithstanding, as the Director General has repeatedly emphasized, the information contained in that documentation appears to have been derived from multiple sources over different periods of time, appears to be generally consistent, and is sufficiently comprehensive and detailed that it needs to be addressed by Iran with a view to removing the doubts which naturally arise, in light of all of the outstanding issues, about the exclusively peaceful nature of Iran's nuclear programme.

20. In connection with the outstanding issues, Iran has provided to the Agency: (a) its overall assessment of the documentation

related to the alleged studies (GOV/2008/15, Annex A), and (b) partial replies and a document, in response to specific questions presented by the Agency (GOV/2008/15, Annex B). Iran has indicated further that it has information which could shed more light on the nature of the alleged studies, but has not yet provided it to the Agency (GOV/2008/15, para. 23). In the meantime, the Agency has studied the information provided by Iran thus far, but has not yet been given the opportunity by Iran to discuss its findings in detail owing to Iran's insistence that it had already provided its final responses. In the view of the Agency, however, there are still matters which need to be discussed based on the documents and information provided by Iran itself or which relate to information which the Agency has independently corroborated. Examples of information included in the documentation that Iran has not disputed as being factually accurate⁷ are provided below.

21. Although Iran has challenged the allegation that it has engaged in nuclear related high explosives testing studies, Iran has told the Agency that it has experimented with the civil application of simultaneously functioning multiple detonators (GOV/2008/15, para. 20), and was asked by the Agency to provide it with information which would prove that such work had been for civil and nonnuclear military purposes (GOV/2008/38, para. 17(c)). Iran has not yet shared that information with the Agency. The Agency would also like to discuss with Iran the possible role that a foreign national with explosives expertise (GOV/2008/38, para. 17(d)), whose visit to Iran has been confirmed by the Agency, played in explosives development work.

22. With respect to the letter with handwritten annotations which was part of the documentation related to the alleged green salt project (GOV/2008/15, Annex A.1, Doc. 2), Iran has confirmed the existence of the underlying letter, has shown the original to the Agency and has provided the Agency with a copy of it. The existence of this original demonstrates a direct link between the relevant documentation and Iran. As already requested of Iran, the Agency needs to see further related correspondence and to have access to the individuals named in the letter.

23. In respect to the alleged missile re-entry vehicle studies, the Agency still wishes to visit the civilian workshops which Iran has indicated to the Agency exist and which are identified in the documentation as having been involved in the production of model prototypes of a new payload chamber for a missile (GOV/2008/38, para. 17(e)). In addition, while asserting that the documentation on the alleged missile re-entry vehicle was forged and fabricated, Iran informed the Agency that it was well known that Iran was working on the Shahab-3 missile. In light of that, the Agency has reiterated the need to hold discussions with Iran on the engineering and modelling studies associated with the re-design of the payload chamber referred to in the alleged studies documentation to exclude the possibility that they were for a nuclear payload.

24. In light of the above, the Agency has repeatedly informed Iran that it does not consider that Iran has adequately addressed the substance of the issues, having focused instead on the style and form of presentation of the written documents relevant to the alleged studies and providing limited answers or simple denials in response to other questions. The Agency has therefore requested Iran to provide more substantive responses and to provide the Agency with the opportunity to have detailed discussions with a view to moving forward on these issues, including granting the Agency access to persons, information and locations identified in the documents in order for the Agency to be able to confirm Iran's assertion that these documents are false and fabricated. The Agency has reiterated its willingness to discuss modalities that could enable Iran to demonstrate credibly that the activities referred to in the documentation are not nuclear related, as Iran asserts, while protecting sensitive information related to its conventional military activities.

25. For the Agency to be in a position to progress in its verification of the absence of undeclared nuclear material and activities in Iran, it is essential that Iran take the necessary steps to enable the Agency to clarify and bring to a closure the outstanding issues and implement its Additional Protocol.

F. Summary

26. The Agency continues to verify the non-diversion of declared nuclear material in Iran. Iran has cooperated with the Agency in improving safeguards measures at FEP and in providing the

Agency with access to the IR-40 reactor for purposes of design information verification. Iran has not, however, implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1, on the early provision of design information.

27. Iran has not suspended its enrichment related activities or its work on heavy water related projects as required by the Security Council.

28. Contrary to the requests of the Board of Governors and the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection with the remaining issues of concern which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme. Regrettably, the Agency has not been able to engage Iran in any substantive discussions about these outstanding issues for over a year. The Agency believes that it has provided Iran with sufficient access to documentation in its possession to enable Iran to respond substantively to the questions raised by the Agency. However, the Director General urges Member States which have provided documentation to the Agency to work out new modalities with the Agency so that it could share further documentation with Iran, as appropriate, since the Agency's inability to do so is rendering it difficult for the Agency to progress further in its verification process.

29. It is critical for Iran to implement the Additional Protocol and clarify the outstanding issues in order for the Agency to be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

30. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran

[GOV/2009/74 16 November 2009]

[Editorial note: Footnotes not included]

Report by the Director General

1. On 28 August 2009, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (Iran) (GOV/2009/35). This report covers relevant developments since that date.

A. Current Enrichment Related Activities

A.1. Natanz: FEP and PFEP

2. On 2 November 2009, Iran was feeding UF₆ into the 18 cascades of Unit A24, and 6 cascades of Unit A26, at the Fuel Enrichment Plant (FEP) at Natanz. On that day, the other 12 cascades of Unit A26 were under vacuum. Iran has continued with the installation of cascades at Unit A28; as of 2 November 2009, 17 cascades had been installed and the installation of another cascade was continuing. All machines installed to date are IR-1 centrifuges with 164 machines per cascade. Installation work at Units A25 and A27 is also continuing.

3. Iran has estimated that, between 18 November 2008 and 30 October 2009, 10395 kg of UF₆ was fed into the cascades and a total of 924 kg of low enriched UF₆ was produced, which would result in a total production of 1763 kg of low enriched UF₆ since the start-up of FEP. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.

4. The next physical inventory verification (PIV) at FEP is scheduled for 22 to 30 November 2009. As previously indicated to the Board, at that time, the Agency will verify the inventory of nuclear material at the facility and evaluate the nuclear material balance.

5. Between 14 August and 27 October 2009, a total of approximately 53 kg of UF₆ was fed into a 10-machine IR-2m

cascade and single IR-1, IR-2m and IR-4 centrifuges at the Pilot Fuel Enrichment Plant (PFEP). The nuclear material at the PFEP, as well as the cascade area and the feed and withdrawal stations, remain subject to Agency containment and surveillance. The Agency is currently evaluating the results of the PIV it conducted at PFEP between 14 and 16 September 2009.

6. The results of the environmental samples taken at FEP and PFEP indicate that the declared maximum enrichment level (i.e. less than 5.0% U-235 enrichment) has not been exceeded at either plant. Since the last report, the Agency has conducted two unannounced inspections at FEP, for a total of 31 since March 2007.

A.2. Qom: Fordow Fuel Enrichment Plant

7. In a letter to the Director General dated 21 September 2009, Iran informed the Agency that "Based on [its] sovereign right of safeguarding ... sensitive nuclear facilities through various means such as utilization of passive defense systems ... [Iran] has decided to construct a new pilot fuel enrichment plant (up to 5% enrichment)". Iran stated that the required infrastructure for the plant had been established and that the plant was under construction. In a letter dated 25 September 2009, the Agency requested Iran to provide further information on the current status of its construction and Iran's plans for the introduction of nuclear material into the facility. The Agency also requested that Iran submit a detailed Design Information Questionnaire (DIQ) and provide access to the facility as soon as possible.

8. During a meeting with the Director General in Tehran on 4 October 2009, Iran agreed to provide the Agency with access to the Fordow Fuel Enrichment Plant (FFEP). Under cover of a letter to the Agency dated 18 October 2009, Iran also submitted a preliminary DIQ for FFEP.

9. On 26 and 27 October 2009, the Agency carried out design information verification (DIV) at FFEP, which is located about 20 km north of the city of Qom. The Agency also held two meetings in Tehran, on 25 and 28 October 2009, to review the DIQ and to discuss the chronology of the design and construction of FFEP as well as its status and purpose. The Agency verified that FFEP was being built to contain sixteen cascades with a total of approximately 3000 centrifuges. Iran indicated that it currently planned to install only IR-1 centrifuges at FFEP, but that the facility could be reconfigured to contain centrifuges of more advanced types should Iran take a decision to use such centrifuges in the future. Iran stated that some of the equipment located at FFEP had come from the Natanz site, and that the Natanz site would provide functional support to FFEP, such as centrifuge assembly and decontamination of equipment. Iran also stated that no nuclear material had been introduced into FFEP.

10. The DIV included a detailed visual examination of all areas of the plant, the taking of photographs of cascade piping and other process equipment, the taking of environmental samples and a detailed assessment of the design, configuration and capacity of the various plant components and systems. Iran provided access to all areas of the facility. The Agency confirmed that the plant corresponded with the design information provided by Iran and that the facility was at an advanced stage of construction, although no centrifuges had been introduced into the facility. Centrifuge mounting pads, header and sub-header pipes, water piping, electrical cables and cabinets had been put in place but were not yet connected; the passivation tanks, chemical traps, cold traps and cool boxes were also in place but had not been connected. In addition, a utilities building containing electricity transformers and water chillers had also been erected.

11. During the meeting in Tehran on 25 October 2009, the Agency provided comments on the preliminary DIQ submitted by Iran, and requested that a revised preliminary DIQ be submitted with additional information, which Iran did in the course of the later meeting on 28 October. Iran informed the Agency that it would provide further information required in the DIQ as the facility is developed. The Agency informed Iran that, in accordance with its Safeguards Agreement, FFEP will henceforth be subject to regular DIV by the Agency. The next DIV is scheduled for the end of November 2009.

12. Iran explained that the Fordow site had been allocated to the Atomic Energy Organization of Iran (AEOI) in the second half of

2007, and that that was when the construction of FFEP had started. Iran subsequently confirmed that explanation in a letter dated 28 October 2009. In that letter, Iran stated that:

"As a result of the augmentation of the threats of military attacks against Iran, the Islamic Republic of Iran decided to establish contingency centers for various organizations and activities ...

"The Natanz Enrichment Plant was among the targets threatened with military attacks. Therefore, the Atomic Energy Organization requested the Passive Defence Organization to allocate one of those aforementioned centers for the purpose of [a] contingency enrichment plant, so that the enrichment activities shall not be suspended in the case of any military attack. In this respect, the Fordow site, being one of those constructed and prepared centers, [was] allocated to the Atomic Energy Organization of Iran (AEOI) in the second half of 2007. The construction of the Fordow Fuel Enrichment Plant then started. The construction is still ongoing. Thus the plant is not yet ready for operation and it is planned to be operational in 2011."

13. During the meetings, the Agency informed Iran that it had acquired commercially available satellite imagery of the site indicating that there had been construction at the site between 2002 and 2004, and that construction activities were resumed in 2006 and had continued to date. The Agency also referred to the extensive information given to the Agency by a number of Member States detailing the design of the facility, which was consistent with the design as verified by the Agency during the DIV. The Agency also informed Iran that these Member States alleged that design work on the facility had started in 2006.

14. The Agency further indicated that it still had questions about the purpose for which the facility had been intended and how it fit into Iran's nuclear programme. The Agency also indicated that Iran's declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities under construction and gives rise to questions about whether there were any other nuclear facilities in Iran which had not been declared to the Agency.

15. In light of the above, the Agency requested access to the FFEP project manager and those responsible for the design of FFEP, along with access to original design documentation, such as engineering drawings, with a view to confirming Iran's statements regarding the chronology and purpose of the facility.

16. Iran stated that it did not have any other nuclear facilities that were currently under construction or in operation that had not yet been declared to the Agency. Iran also stated that any such future facilities would "be reported to the Agency according to Iran's obligations to the Agency". In a letter dated 6 November 2009, the Agency asked Iran to confirm that it had not taken a decision to construct, or to authorize construction of, any other nuclear facility which had not been declared to the Agency.

17. For reasons set out in previous reports to the Board of Governors, Iran remains bound by the revised Code 3.1 of the Subsidiary Arrangements General Part to which it had agreed in 2003, which requires that the Agency be provided with preliminary design information about a new nuclear facility as soon as the decision to construct or to authorize construction of the facility is taken. The revised Code 3.1 also requires that Iran provide the Agency with further design information as the design is developed early in the project definition, preliminary design, construction and commissioning phases. Even if, as stated by Iran, the decision to construct the new facility at the Fordow site was taken in the second half of 2007, Iran's failure to notify the Agency of the new facility until September 2009 was inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement.

B. Reprocessing Activities

18. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. The Agency carried out a DIV at TRR on 19 August 2009 and on 9 November 2009 at the MIX Facility. There were no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no

reprocessing related R&D activities in Iran, the Agency can confirm this only with respect to these two facilities, as the measures of the Additional Protocol are not currently available to it for Iran.

C. Heavy Water Reactor Related Projects

19. The Agency has reviewed the updated DIQ for the Fuel Manufacturing Plant (FMP) at Esfahan provided by Iran on 21 August 2009 (GOV/2009/55, para. 9). Contrary to what was requested in the Agency's letter of 19 June 2009, the updated DIQ did not contain information on the design features of the IR-40 fuel assembly. The Agency provided comments on the DIQ to Iran on 5 November 2009, reiterating its request that Iran include the fuel assembly information.

20. The Agency has finalized its assessment of the results of the physical inventory verification (PIV) carried out at FMP in August 2009 (GOV/2009/55, para. 10), and has concluded that the inventory of nuclear material at FMP as declared by Iran is consistent with those results, within the measurement uncertainties normally associated with fabrication plants of similar throughput. On 24 October 2009, the Agency carried out a DIV at FMP. It confirmed that the status of the facility had remained unchanged and that no further assemblies, rods or pellets have been produced.

21. On 7 November 2009, the Agency carried out a DIV at the IR-40 reactor at Arak. The Agency verified that the construction of the facility was ongoing. The Agency has continued using satellite imagery to monitor the status of the Heavy Water Production Plant, which seems not to have been operating since the last report.

22. On 25 October 2009, during the DIV at the Uranium Conversion Facility (UCF) at Esfahan, the Agency observed 600 50-litre drums said by Iran to contain heavy water. In a letter dated 10 November 2009, the Agency asked Iran to confirm the number of drums and their contents, and to provide information on the origin of the heavy water.

D. Other Implementation Issues

D.1. Uranium Conversion

23. In a letter dated 16 October 2009, the Agency requested Iran to provide information regarding the layout, equipment and installation schedule for an analytical laboratory which, in the updated DIQ for UCF submitted in August 2009, Iran had indicated would be installed in an underground location in one of the UCF storage areas.

24. On 25 October 2009, the Agency carried out a DIV at UCF. At that time, the plant was undergoing maintenance. No UF₆ has been produced since 10 August 2009. The total amount of uranium in the form of UF₆ produced at UCF since March 2004 therefore remains 366 tonnes, some of which was transferred to the FEP and PFEP, and which remains subject to Agency containment and surveillance (GOV/2009/55, para. 12). Between 11 August 2009 and 25 October 2009, 92 samples of ammonium diuranate (ADU) containing about a kilogram of uranium were received at UCF from the Bandar Abbas Uranium Production Plant.

D.2. Design Information

25. Iran has not yet resumed the implementation of the revised Code 3.1 of the Subsidiary Arrangements General Part on the early provision of design information, and remains the only State with significant nuclear activities which has a comprehensive safeguards agreement in force but is not implementing the provisions of the revised Code 3.1. It is important to note that the absence of such early information reduces the time available for the Agency to plan the necessary safeguards arrangements, especially for new facilities, and reduces the level of confidence in the absence of other nuclear facilities under construction, as indicated above.

26. In December 2007, the Agency requested preliminary design information for the nuclear power plant to be built in Darkhovin (GOV/2008/38, para. 11). In a letter dated 22 September 2009, Iran provided the Agency with preliminary design information for the plant, citing, as it had in its letter of 21 September 2009 concerning FFEP, its desire to cooperate rather than a legal obligation. In the preliminary design information, the Darkhovin plant is described as a 360 MWe pressurized water reactor, the construction of which is scheduled to start in 2011, with

commissioning to take place in 2015. The Agency has examined the design information and has requested Iran to provide additional clarifications regarding, inter alia, the design of the fuel assemblies and the facility layout.

27. For reasons set out in previous Board reports, the Agency is of the view that the revised Code 3.1 remains in force for Iran. Thus, as indicated above concerning the late submission of design information for FFEP, Iran's failure to submit design information for the Darkhovin facility until September of this year was inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement.

D.3. Other Matters

28. A PIV at the Bushehr Nuclear Power Plant is planned for 17 November 2009.

29. On 23 September 2009, the Agency performed a DIV at the Uranium Chemical Laboratory at Esfahan, and was able to confirm the decommissioned status of the facility (GOV/2009/55, para. 17).

30. Based on satellite imagery and supporting documentation relevant to the ADU samples received at UCF (see para. 23 above), the Agency assesses that uranium recovery activities are continuing in the area of the Bandar Abbas Uranium Production Plant.

E. Possible Military Dimensions

31. As detailed in the Director General's previous reports to the Board (most recently in GOV/2009/55, para. 18), there remain a number of outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme. As indicated in those reports, for the Agency to be able to address these concerns and make progress in its efforts to provide assurance about the absence of undeclared nuclear material and activities in Iran, it is essential that Iran, inter alia, implement the Additional Protocol and provide the information and access necessary to: resolve questions related to the alleged studies; clarify the circumstances of the acquisition of the uranium metal document; clarify procurement and R&D activities of military related institutes and companies that could be nuclear related; and clarify the production of nuclear related equipment and components by companies belonging to defence industries.

32. The Agency is still awaiting a reply from Iran to its request to meet relevant Iranian authorities in connection with these issues. The Agency is also still awaiting Iran's response to the Agency's repeated requests for access to persons, information and locations identified in the alleged studies documents in order to verify Iran's assertion that these documents are false and fabricated. Further analysis of the information available to the Agency underscores the importance of Iran engaging with the Agency in a substantive and comprehensive manner, and providing the requested access, so that the remaining outstanding issues may be resolved. In this context, it would be helpful if Member States which have provided documentation to the Agency would agree to share more of that documentation with Iran, as appropriate.

F. Summary

33. The Agency continues to verify the non-diversion of declared nuclear material in Iran. While Iran recently submitted preliminary design information on the Darkhovin reactor, it continues to assert that it is not bound by the revised Code 3.1 of the Subsidiary Arrangements General Part to which it agreed in 2003, and which it ceased to implement in March 2007.

34. Iran has informed the Agency about the construction of a new pilot enrichment plant at Qom, FFEP. Iran's failure to inform the Agency, in accordance with the provisions of the revised Code 3.1, of the decision to construct, or to authorize construction of, a new facility as soon as such a decision is taken, and to submit information as the design is developed, is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement. Moreover, Iran's delay in submitting such information to the Agency does not contribute to the building of confidence. While the Agency has confirmed that the plant corresponds to the design information provided by Iran, Iran's explanation about the purpose of the facility and the chronology of its design and construction requires further clarification.

35. Iran has not suspended its enrichment related activities or its work on heavy water related projects as required by the Security Council.

36. Contrary to the request of the Board of Governors and the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme. It is now well over a year since the Agency was last able to engage Iran in discussions about these outstanding issues. Unless Iran implements the Additional Protocol and, through substantive dialogue, clarifies the outstanding issues to the satisfaction of the Agency, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

37. The Director General will continue to report as appropriate.

**Implementation of the NPT safeguards
agreement and relevant provisions of Security
Council resolutions 1737 (2006), 1747 (2007),
1803 (2008) and 1835 (2008) in the Islamic
Republic of Iran**

[Resolution GOV/2009/82 adopted by the Board of
Governors on 27 November 2009]

The Board of Governors.

(a) Recalling the Resolutions adopted by the Board and the UNSC,
(b) Commending the Director General for his professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,

(c) Stressing the important role played by the IAEA in resolving the Iranian nuclear issue and reaffirming the Board's resolve to continue to work for a diplomatic solution to the Iranian nuclear issue,

(d) Reaffirming the inalienable rights of all the parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes in accordance with Article IV of the NPT,

(e) Commending the Director General for his proposal of an Agreement between the International Atomic Energy Agency and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor; appreciating the intensive efforts of the Director General to achieve an agreement on his proposal,

(f) Noting with serious concern that Iran continues to defy the requirements and obligations contained in the relevant IAEA Board of Governors and UN Security Council Resolutions,

(g) Also noting with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligation to suspend all enrichment related activities and that Iran's failure to notify the Agency of the new facility until September 2009 is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

(h) Affirming that Iran's failure to inform the Agency, in accordance with the provisions of the revised Code 3.1, of the decision to construct, or to authorize construction of, a new facility as soon as such a decision is taken, and to submit information as the design is developed, does not contribute to the building of confidence,

(i) Underlining that Iran's declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities and gives rise to questions about whether there are any other nuclear facilities under construction in Iran which have not been declared to the Agency,

(j) Noting with serious concern that, contrary to the request of the Board of Governors and the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection with the remaining

issues of concern, which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme,

(k) Emphasizing the Director General's assertion that unless Iran implements the Additional Protocol and, through substantive dialogue, clarifies the outstanding issues to the satisfaction of the Agency, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and

(l) Noting that the Director General has repeatedly declared that he is unable to verify that Iran's programme is for exclusively peaceful purposes,

1. Urges Iran to comply fully and without delay with its obligations under the above mentioned resolutions of the Security Council, and to meet the requirements of the Board of Governors, including by suspending immediately construction at Qom;

2. Urges Iran to engage with the Agency on the resolution of all outstanding issues concerning Iran's nuclear programme and, to this end, to cooperate fully with the IAEA by providing such access and information that the Agency requests to resolve these issues;

3. Urges Iran to comply fully and without qualification with its safeguards obligations, to apply the modified Code 3.1 and implement and ratify promptly the Additional Protocol;

4. Urges Iran specifically to provide the Agency with the requested clarifications regarding the purpose of the enrichment plant at Qom and the chronology of its design and construction;

5. Calls on Iran to confirm, as requested by the Agency, that Iran has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the Agency;

6. Requests the Director General to continue his efforts to implement the Safeguards Agreement in Iran, resolve the outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme, and to implement the relevant provisions of UNSC resolutions;

7. Further requests the Director General to report this resolution to the UNSC; and

8. Decides to remain seized of the matter.

**Annual Threat Assessment of the US
Intelligence Community for the Senate Select
Committee on Intelligence**

[Statement for the record: February 2 2010]

[Eds...]

Iranian WMD and Missile Program

The Iranian regime continues to flout UN Security Council restrictions on its nuclear program. There is a real risk that its nuclear program will prompt other countries in the Middle East to pursue nuclear options.

We continue to assess Iran is keeping open the option to develop nuclear weapons in part by developing various nuclear capabilities that bring it closer to being able to produce such weapons, should it choose to do so. We do not know, however, if Iran will eventually decide to build nuclear weapons.

I would like to draw your attention to two examples over the past year that illustrate some of the capabilities Iran is developing.

First, published information from the International Atomic Energy Agency indicates that the number of centrifuges installed at Iran's enrichment plant at Natanz has grown significantly from about 3,000 centrifuges in late 2007 to over 8,000 currently installed. Iran has also stockpiled in that same time period approximately 1,800 kilograms of low-enriched uranium. However, according to the IAEA information, Iran also appears to be experiencing some problems at Natanz and is only operating about half of the installed centrifuges, constraining its overall ability to produce larger quantities of low-enriched uranium.

Second, Iran has been constructing—in secret until last

September—a second uranium enrichment plant deep under a mountain near the city of Qom. It is unclear to us whether Iran's motivations for building this facility go beyond its publicly claimed intent to preserve enrichment know-how if attacked, but the existence of the facility and some of its design features raise our concerns. The facility is too small to produce regular fuel reloads for civilian nuclear power plants, but is large enough for weapons purposes if Iran opts configure it for highly enriched uranium production. It is worth noting that the small size of the facility and the security afforded the site by its construction under a mountain fit nicely with a strategy of keeping the option open to build a nuclear weapon at some future date, if Tehran ever decides to do so.

Iran's technical advancement, particularly in uranium enrichment, strengthens our 2007 NIE assessment that Iran has the scientific, technical and industrial capacity to eventually produce nuclear weapons, making the central issue its political will to do so. These advancements lead us to reaffirm our judgment from the 2007 NIE that Iran is technically capable of producing enough HEU for a weapon in the next few years, if it chooses to do so.

We judge Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and it continues to expand the scale, reach and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.

We continue to judge Iran's nuclear decision-making is guided by a cost-benefit approach, which offers the international community opportunities to influence Tehran. Iranian leaders undoubtedly consider Iran's security, prestige and influence, as well as the international political and security environment, when making decisions about its nuclear program.

That is as far as I can go in discussing Iran's nuclear program at the unclassified level. In my classified statement for the record, I have outlined in further detail the Intelligence Community's judgments regarding Iranian nuclear-related activities, as well as its chemical and biological weapons activities and refer you to that assessment.

Iran's growing inventory of ballistic missiles and its acquisition and indigenous production of anti-ship cruise missiles (ASCMs) provide capabilities to enhance its power projection. Tehran views its conventionally armed missiles as an integral part of its strategy to deter—and if necessary retaliate against—forces in the region, including US forces. Its ballistic missiles are inherently capable of delivering WMD, and if so armed, would fit into this same strategy.

[Eds...]

Iran plans to produce 20% enriched uranium at Natanz site

[Salehi, 7 February 2010]

Speaking to IRNA, [Salehi] said Iran is capable to produce 20 percent enriched uranium with Laser technology but it has no plans to do so.

He said that Iran will not produce 20% enriched uranium with laser technology adding that the news agencies have misquoted Iranian president about a decision to enrich 20 percent uranium with laser which is not right.

Iranian president has explained the capabilities of laser in various fields such as enrichment of uranium which does not mean that the country is to do it.

Iranian president has instructed the AEOL to initiate a plan to enrich uranium 20 percent, he said adding that currently negotiations are underway between Iranian president and some countries on swap deal.

Iranian president has underlined that the main focus has been the swap deal and that Iran never accepts any new precondition to this end.

Iranian president has instructed the AEOL to start production of 20 percent enriched uranium if talks on swap deal fail.

Production of 20 percent enriched uranium will be handled at

Natanz nuclear site in due course, he said.

As soon as the Iranian president declares that talks on swap deal is over, and upon direct order from president the operation will start at Natanz site, he added.

The fact is that the president aimed to help western countries get rid of the current stalemate created by themselves through fabricated documentations, Salehi said.

Iranian president has underlined that Iran still remains committed to the fuel swap deal, Salehi said.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran

[GOV/2010/10 18 February 2010]

[Editorial note: Footnotes not included]

Report by the Director General

1. On 16 November 2009, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of relevant Security Council resolutions in the Islamic Republic of Iran (Iran) (GOV/2009/74). The Director General issued two additional reports on 8 and 10 February 2010 (GOV/INF/2010/1 and GOV/INF/2010/2, respectively).

A. Current Enrichment Related Activities

A.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

2. In November 2003, Iran informed the Agency that it would suspend all enrichment related and reprocessing activities in Iran. Specifically, Iran announced that it would suspend all activities on the site of Natanz, not produce feed material for enrichment processes and not import enrichment related items. In February 2004, Iran expanded the scope of that suspension to include the assembly and testing of centrifuges, and the domestic manufacture of centrifuge components. In June 2004, Iran stopped implementing the expanded voluntary measures in connection with the manufacturing of centrifuge components and the assembling and testing of centrifuges. In November 2004, Iran notified the Agency that it had decided, "on a voluntary basis and as [a] further confidence building measure, to continue and extend its suspension to include all enrichment related and reprocessing activities". In January 2006, Iran informed the Agency that it had decided to resume "R&D activities on the peaceful nuclear energy programme which ha[d] been suspended as part of its expanded voluntary and non-legally binding suspension", which included the activities carried out at the Fuel Enrichment Plant (FEP) and the Pilot Fuel Enrichment Plant (PFEP) located at Natanz. Iran restarted enrichment tests at PFEP in February 2006; FEP was put into operation in February 2007.

3. There are two cascade halls at FEP: Production Hall A and Production Hall B. According to the design information submitted by Iran, eight units (Units A21 to A28) are planned for Production Hall A, with 18 cascades planned for each unit. No detailed design information has been provided for Production Hall B.

4. On 31 January 2010, Iran was feeding natural UF₆ into the 17 cascades of Unit A24, and 6 cascades of Unit A26, at FEP. One cascade of Unit A24 and one cascade of Unit A26 were under vacuum on that date. A number of centrifuges from the remaining 11 cascades of Unit A26 had been disconnected. Sixteen cascades of Unit A28 had been installed. Of the remaining 2 cascades of Unit A28, all centrifuges had been removed from one cascade and removal of the centrifuges from the other cascade was ongoing. Installation work in Units A25 and A27 was ongoing. All centrifuges installed to date are IR-1 machines with 164 machines per cascade. There has been no installation work on centrifuges in Production Hall B.

5. Between 21 November 2009 and 2 December 2009, the Agency conducted a physical inventory verification (PIV) at FEP and verified that, as of 22 November 2009, 21 140 kg of natural

UF₆ had been fed into the cascades since February 2007, and a total of 1808 kg of low enriched UF₆ had been produced. The enrichment level of the low enriched UF₆ product, as measured by the Agency, was 3.47% U-235. The Agency is continuing with its assessment of the PIV and is discussing the results with Iran. Iran has estimated that, between 23 November 2009 and 29 January 2010, it produced an additional 257 kg of low enriched UF₆, which would result in a total production of 2065 kg of low enriched UF₆ since the startup of FEP. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.

6. The results of the environmental samples taken at FEP as of 21 November 2009 indicate that the maximum enrichment level as declared by Iran in the relevant Design Information Questionnaire (DIQ) (i.e. less than 5.0% U-235 enrichment) has not been exceeded at that plant. Since the last report, the Agency has successfully conducted 4 unannounced inspections at FEP, making a total of 35 such inspections since March 2007.

7. Between 14 and 16 September 2009, the Agency conducted a PIV at the PFEP, the results of which confirmed the inventory as declared by Iran, within the measurement uncertainties normally associated with such a facility. Between 28 October 2009 and 2 February 2010, a total of approximately 113 kg of natural UF₆ was fed into a 10-machine IR-2m cascade, a 10-machine IR-4 cascade, a 20-machine IR-2m cascade and single IR-1, IR-2, IR-2m and IR-4 centrifuges at PFEP.

8. On 8 February 2010, the Agency received a letter from Iran dated 7 February 2010 referring to "the announcement made by H.E. the President of the Islamic Republic of Iran concerning the production of the required fuel for the Tehran Research Reactor", and in that regard, submitting revised version of the DIQ for PFEP. Iran informed the Agency that the "provision of production of less than 20% enriched uranium is being foreseen in this revised version of the DIQ". The DIQ provides for the "production of enriched UF₆ up to 20%".

9. On 8 February 2010 the Agency received a separate letter from Iran, dated 8 February 2010, informing the Agency that the operator of FEP intended to transfer low enriched UF₆ produced at FEP to the feed station of PFEP, and that these activities would be performed on 9 February 2010. Iran requested that the Agency be present on the site on that date.

10. On 9 February 2010, the Agency wrote to Iran seeking clarification regarding the starting date of the process for the production of UF₆ enriched up to 20% U-235 and other technical details, and requesting that, in light of Article 45 of the Safeguards Agreement, no low enriched uranium be fed into the process at PFEP for enriching the material up to 20% U-235 before the necessary additional safeguards procedures were in place.

11. On 10 February 2010, when the Agency inspectors arrived at PFEP, they were informed that Iran had already begun to feed the low enriched UF₆ into one cascade at PFEP the previous evening. They were also told that it was expected that the facility would begin to produce up to 20% enriched UF₆ within a few days. As the Board was previously informed, there is currently only one cascade installed in PFEP that is capable of enriching the UF₆ up to 20%.

12. On 14 February 2010, Iran, in the presence of Agency inspectors, moved approximately 1950 kg of low enriched UF₆ from FEP to the PFEP feed station. The Agency inspectors sealed the cylinder containing the material to the feed station. Iran provided the Agency with mass spectrometry results which indicate that enrichment levels of up to 19.8% U-235 were obtained at PFEP between 9 and 11 February 2010.

13. While the nuclear material at PFEP, as well as the cascade area and the feed and withdrawal stations, remain subject to Agency containment and surveillance, additional measures need to be put in place to ensure the Agency's continuing ability to verify the non-diversion of the nuclear material at PFEP. In a letter to Iran dated 9 February 2010, the Agency requested a meeting to discuss a revised safeguards approach for PFEP.

A.2. Qom: Fordow Fuel Enrichment Plant

14. On 21 September 2009, Iran informed the Agency that it had decided "to construct a new pilot fuel enrichment plant", the Fordow

Fuel Enrichment Plant (FFEP), located near the city of Qom. The Agency met with Iran between 25 and 28 October 2009, at which time it carried out design information verification (DIV) at FFEP, and held discussions with Iran on the chronology of the design and construction of FFEP, as well as its status and original purpose. The Agency verified that FFEP is being built to contain sixteen cascades, with a total of approximately 3000 centrifuges. Iran indicated that it currently planned to install only IR-1 centrifuges at FFEP, but that the facility could be reconfigured to contain centrifuges of more advanced types should Iran take a decision to use such centrifuges in the future. On 28 October 2009, Iran provided the Agency with an updated DIQ for FFEP.

15. In a letter dated 2 December 2009 responding to the Agency's questions in its letter dated 6 November 2009 regarding the timing of the decision to build a third enrichment plant in Iran, other than PFEP and FEP, Iran stated that "The location [near Qom] originally was considered as a general area for passive defence contingency shelters for various utilizations. Then this location was selected for the construction of [the] Fuel Enrichment Plant in the second half of 2007". On 16 December 2009, the Agency wrote to Iran, pointing out that some of its answers had not fully addressed the Agency's requests for clarifications regarding FFEP. In the letter, the Agency referred specifically to the Agency's request that Iran confirm when the decision to construct a third enrichment plant (other than PFEP and FEP) had been taken and reiterated the need for access to companies involved in the design and construction of FFEP to confirm Iran's statement regarding the chronology and purpose of the facility. The Agency informed Iran that it had received extensive information from a number of sources detailing the design of the facility, which was consistent with the design as verified by the Agency during the DIV, and that these sources alleged that design work on the facility started in 2006, i.e. at a time when Iran itself accepts that it was bound by the modified Code 3.1 to have informed the Agency.

16. In a letter dated 22 January 2010, the Agency asked Iran for a complete DIQ for FFEP, and again reiterated its request made in October 2009 for access to relevant design documents and to companies involved in the design of the third enrichment plant in Iran. Iran has not yet responded to these requests.

17. Since 26 October 2009, the Agency has conducted five DIVs at FFEP. During three of these, the Agency took environmental samples. The results of the analyses of the samples taken on 27 October 2009 from two passivation tanks at FFEP showed the presence of a small number of depleted uranium particles that were similar to particles found at Natanz. According to Iran, the tanks had been brought to FFEP from the Natanz site. The results of the analyses of the later environmental samples are pending. The Agency has verified that the construction of the facility is ongoing, but that no centrifuges had been introduced into the facility as of 16 February 2010.

B. Reprocessing Activities

18. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. The Agency carried out an inspection and a DIV at TRR on 11 November 2009, and on 23 January 2010 at the MIX Facility. There were no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related activities in Iran, the Agency can confirm this only with respect to these two facilities, as the measures of the Additional Protocol are not currently available to it for Iran.

C. Heavy Water Related Projects

19. In resolution 1737 (2006), the Security Council decided in operative paragraph 2 thereof that Iran was to suspend certain activities, including "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". In that resolution, the Council also decided, inter alia, that Iran "shall provide such access and cooperation as the IAEA requires to be able to verify the suspension outlined in paragraph 2 and to resolve all outstanding issues, as identified in IAEA reports".

20. As indicated in GOV/2009/74, during a DIV carried out at the Uranium Conversion Facility (UCF) at Esfahan on 25 October

2009, the Agency observed a large number of drums said by Iran to contain heavy water. In a letter dated 10 November 2009, the Agency asked Iran to confirm the number of drums and their contents, and to provide information on the origin of the heavy water. In its letter dated 18 November 2009 responding to the Agency, Iran stated that “the origin of the heavy water is the Islamic Republic of Iran”.

21. In light of the request of the Security Council that the Agency verify the suspension by Iran, *inter alia*, of all heavy water related projects, and to report on whether Iran has established full and sustained suspension thereof, the Agency needs to be able to confirm the contents of the drums, and the origin of the heavy water said to be contained in the drums. To that end, in a letter dated 7 January 2010, the Agency informed Iran that, during the DIV at UCF scheduled for 17 January 2010, it planned to take samples of the heavy water for destructive analysis. In a letter dated 14 January 2010, Iran objected to the taking of such samples, stating that there was no provision in the Safeguards Agreement for the sampling of non-nuclear material for destructive analysis. During the 17 January 2010 DIV, the Agency counted 756 50-litre drums said by Iran to contain heavy water, and weighed a small number of randomly selected drums, but was not permitted to take samples of the heavy water to confirm the contents of the drums.

22. On 13 January 2010, the Agency carried out a DIV at the Fuel Manufacturing Plant (FMP). It confirmed that no new process equipment had been installed at the facility and that no new assemblies, rods or pellets had been produced since May 2009. On 18 January 2010, the Agency received a revised DIQ for FMP which included information originally requested by the Agency in June 2009 on the design features of the fuel assembly verified by the Agency during its May 2009 inspection at FMP.

23. On 8 February 2010, the Agency carried out a DIV at the IR-40 reactor at Arak. The Agency verified that the construction of the facility was ongoing. However, as previously indicated to the Board, in light of Iran's refusal to permit the Agency access to the Heavy Water Production Plant (HWPP), the Agency has had to rely on satellite imagery to monitor the status of that plant. Based on recent images, the HWPP seems to be in operation again. However, it has to be noted that these images can only provide information on what was happening at the time the images were taken. In accordance with the Security Council's request that the Agency verify the suspension of heavy water related projects in Iran, and particularly in light of the presence at UCF of what Iran has described as Iranian origin heavy water, the Agency needs direct access to the HWPP.

24. In a letter dated 15 February 2010, the Agency reiterated its requests that Iran make the necessary arrangements to provide the Agency, at the earliest possible date, with access to: the HWPP; the heavy water stored at UCF for the purpose of taking samples for destructive analysis; and any other location in Iran where heavy water related projects are being carried out.

D. Other Implementation Issues

D.1. Uranium Conversion

25. According to the design information provided by Iran and revised as of 12 November 2009, UCF will eventually include the following process lines:

- production of natural UF_6 from uranium ore concentrate for further enrichment (completed and operational);
- production of natural UO_2 from uranium ore concentrate for the IR-40 reactor fuel (expected to be completed by March 2010);
- production of natural uranium metal ingots from UF_4 for research and development (R&D) purposes (completed but not yet in operation);
- production of low enriched UO_2 (maximum 5% U-235 enrichment) from UF_6 for light water reactor fuel (building under construction);
- production of low enriched uranium metal (maximum 19.7% U-235 enrichment) from UF_6 for R&D purposes (no equipment installed yet);
- production of depleted UF_4 powder from UF_6 for further

conversion process to uranium metal (building under construction);

- and production of depleted uranium metal from UF_4 for storage and shielding purposes (construction not yet started).

Under cover of a letter dated 11 February 2010, Iran submitted an updated DIQ for UCF which included a reference to an additional R&D activity on the conversion of depleted UF_6 to depleted U_3O_8 .

26. In October 2009, the Agency requested Iran to provide information regarding the layout, equipment and installation schedule for an analytical laboratory which Iran had indicated would be installed in an underground location in one of the storage areas of UCF. Under cover of a letter dated 13 December 2009, Iran submitted an updated DIQ for UCF which included, *inter alia*, the layout of the laboratory. On 9 February 2010, the Agency provided comments on the DIQ to Iran, reiterating its request that Iran include information related to the equipment and installation schedule for the laboratory.

27. On 17 January 2010, the Agency carried out an inspection and a DIV at UCF. At that time, the plant was undergoing maintenance. No UF_6 has been produced since 10 August 2009; however, since that date, five tonnes of uranium in the form of UF_6 which had been previously produced but were held up in the process were discharged from the process on 15 November 2009. The total amount of uranium in the form of UF_6 produced at UCF since March 2004 therefore is 371 tonnes (some of which has been transferred to FEP and PFEP), which remains subject to Agency containment and surveillance. Currently, there are 42 tonnes of uranium in the form of uranium ore concentrate (UOC) stored at UCF.

D.2. Design Information

28. In a letter dated 29 March 2007, Iran informed the Agency that it had decided to suspend the implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part, which Iran had accepted in 2003. On 30 March 2007, the Agency requested Iran to reconsider its decision. The Agency reiterated that request in a letter dated 16 October 2008.

29. The modified Code 3.1, to which Iran agreed in 2003, provides for submission to the Agency of design information for new facilities as soon as the decision to construct, or to authorize construction of, a new facility has been taken. The modified Code 3.1 also provides for the submission of further design information as the design is developed early in the project definition, preliminary design, construction and commissioning phases.

30. In accordance with Article 39 of Iran's Safeguards Agreement, agreed Subsidiary Arrangements cannot be changed unilaterally; nor is there a mechanism in the Safeguards Agreement for the suspension of a provision agreed to in Subsidiary Arrangements. Therefore, the modified Code 3.1, as agreed to by Iran in 2003, remains in force for Iran.

31. Both in the case of the Darkhovin facility and FFEP, Iran did not notify the Agency in a timely manner of the decision to construct or to authorize construction of the facilities, as required in the modified Code 3.1, and has provided only limited design information. Iran's actions in this regard are inconsistent with its obligation under the Subsidiary Arrangements to its Safeguards Agreement, and raise concerns about the completeness of its declarations.

32. In a letter to Iran dated 6 November 2009 referring to Iran's decision to build FFEP, the Agency asked Iran, *inter alia*, to confirm that it had not taken a decision to construct or to authorize construction of any other nuclear facilities, and that there were currently no such facilities in Iran which have not been declared to the Agency. In its reply dated 2 December 2009, Iran stated that, “The Islamic Republic of Iran will inform the Agency, as it has been done before, on the existence of any other nuclear facility in Iran in accordance to the Safeguards Agreement with the Agency (INFCIRC/214)”.

33. In a letter dated 2 December 2009, the Agency referred to Iran's public announcement of its intention to build ten new uranium enrichment facilities and to statements reportedly made by Iran that the location of five sites had already been decided and that five other plants would be built throughout the country, and asked Iran whether the information contained in these reports was

correct. The Agency further requested that, if a decision to construct new enrichment facilities has been taken by Iran, Iran provide the Agency with further information regarding the design and scheduling of the construction of such facilities. In its reply dated 17 December 2009, in which Iran referred to its letter of 29 March 2007 suspending the implementation of the modified Code 3.1 and reverting to the implementation of the version reflected in the Subsidiary Arrangements dated 12 February 1976, Iran stated that it would “provide the Agency with the required information if necessary”.

34. Article 45 of Iran's Safeguards Agreement requires that the Agency be provided with design information in respect of a modification relevant for safeguards purposes sufficiently in advance for the safeguards procedures to be adjusted when necessary. An increase in the maximum declared enrichment level from 5% U-235 to up to 20% U-235 is clearly relevant for safeguards purposes, and, accordingly, should have been notified to the Agency with sufficient time for the Agency to adjust the existing safeguards procedures at PFEP.

35. Iran has not yet resumed implementation of the modified Code 3.1. It remains the only State with significant nuclear activities which has a comprehensive safeguards agreement in force but is not implementing the provisions of the modified Code 3.1. It is important to note that the absence of such early information reduces the time available for the Agency to plan the necessary safeguards arrangements, especially for new facilities, and reduces the level of confidence in the absence of other nuclear facilities.

D.3. Other Matters

36. On 8 December 2009, at the request of Iran, seals were detached from 31 containers at the Bushehr Nuclear Power Plant (BNPP) so that a technical examination of the fuel assemblies imported from the Russian Federation for use at the BNPP could be carried out. Upon completion of the technical examination, the fuel assemblies will be re-verified by the Agency, and placed again under seal.

37. On 9 January 2010, the Agency conducted a DIV at the Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) in Tehran, during which the Agency was informed that pyroprocessing R&D activities had been initiated at JHL to study the electrochemical production of uranium metal. In a letter dated 3 February 2010, the Agency requested Iran to provide more information regarding these activities.

38. Based on satellite imagery, the Agency assesses that uranium recovery activities are continuing in the area of the Bandar Abbas Uranium Production Plant.

39. Since early 2008, the Agency has requested that Iran provide access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment and uranium mining and milling (GOV/2008/15, para. 13). Particularly in light of recent developments in, and statements by, Iran regarding the planned construction of new nuclear facilities, the Agency requests Iran to grant the Agency access to these locations as soon as possible.

E. Possible Military Dimensions

40. In order to confirm, as required by the Safeguards Agreement, that all nuclear material in Iran is in peaceful activities, the Agency needs to have confidence in the absence of possible military dimensions to Iran's nuclear programme. Previous reports by the Director General have detailed the outstanding issues and the actions required of Iran, including, inter alia, that Iran implement the Additional Protocol and provide the Agency with the information and access necessary to: resolve questions related to the alleged studies; clarify the circumstances of the acquisition of the uranium metal document; clarify procurement and R&D activities of military related institutes and companies that could be nuclear related; and clarify the production of nuclear related equipment and components by companies belonging to the defence industries.

41. The information available to the Agency in connection with these outstanding issues is extensive and has been collected from a variety of sources over time. It is also broadly consistent and credible in terms of the technical detail, the time frame in which the activities were conducted and the people and organizations involved. Altogether, this raises concerns about the possible

existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile. These alleged activities consist of a number of projects and sub-projects, covering nuclear and missile related aspects, run by military related organizations.

42. Among the activities which the Agency has attempted to discuss with Iran are: activities involving high precision detonators fired simultaneously; studies on the initiation of high explosives and missile re-entry body engineering; a project for the conversion of UO_2 to UF_4 , known as “the green salt project”; and various procurement related activities. Specifically, the Agency has, inter alia, sought clarification of the following: whether Iran was engaged in undeclared activities for the production of UF_4 (green salt) involving the Kimia Maadan company; whether Iran's exploding bridgewire detonator activities were solely for civil or conventional military purposes; whether Iran developed a spherical implosion system, possibly with the assistance of a foreign expert knowledgeable in explosives technology; whether the engineering design and computer modelling studies aimed at producing a new design for the payload chamber of a missile were for a nuclear payload; and the relationship between various attempts by senior Iranian officials with links to military organizations in Iran to obtain nuclear related technology and equipment.

43. The Agency would also like to discuss with Iran: the project and management structure of alleged activities related to nuclear explosives; nuclear related safety arrangements for a number of the alleged projects; details relating to the manufacture of components for high explosives initiation systems; and experiments concerning the generation and detection of neutrons. Addressing these issues is important for clarifying the Agency's concerns about these activities and those described above, which seem to have continued beyond 2004.

44. Since August 2008, Iran has declined to discuss the above issues with the Agency or to provide any further information and access (to locations and/or people) to address these concerns, asserting that the allegations relating to possible military dimensions to its nuclear programme are baseless and that the information to which the Agency is referring is based on forgeries.

45. With the passage of time and the possible deterioration in the availability of information, it is important that Iran engage with the Agency on these issues, and that the Agency be permitted to visit all relevant sites, have access to all relevant equipment and documentation, and be allowed to interview relevant persons, without further delay. Iran's substantive engagement would enable the Agency to make progress in its work. Through Iran's active cooperation, progress has been made in the past in certain other areas where questions have been raised; this should also be possible in connection with questions about military related dimensions.

F. Summary

46. While the Agency continues to verify the non-diversion of declared nuclear material in Iran, Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran is in peaceful activities.

47. Iran is not implementing the requirements contained in the relevant resolutions of the Board of Governors and the Security Council, including implementation of the Additional Protocol, which are essential to building confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions. In particular, Iran needs to cooperate in clarifying outstanding issue which give rise to concerns about possible military dimensions to Iran's nuclear programme, and to implement the modified text of Code 3.1 of the Subsidiary Arrangements General Part on the early provision of design information.

48. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has continued with the operation of PFEP and FEP at Natanz, and the construction of a new enrichment plant at Fordow. Iran has also announced the intention to build ten new enrichment plants. Iran recently began feeding low enriched UF_6 produced at FEP into one cascade of PFEP with the aim of enriching it up to 20% in U-235. The period of notice provided by Iran regarding related changes made to PFEP was insufficient for the Agency to adjust the existing safeguards procedures before Iran started to feed the material into PFEP. The

Agency's work to verify FFEP and to understand the original purpose of the facility and the chronology of its design and construction remain ongoing. Iran is not providing access to information such as the original design documentation for FFEP or access to companies involved in the design and construction of the plant.

49. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has also continued with the

construction of the IR-40 reactor and related heavy water activities. The Agency has not been permitted to take samples of the heavy water which is stored at UCF, and has not been provided with access to the Heavy Water Production Plant.

50. The Director General requests Iran to take steps towards the full implementation of its Safeguards Agreement and its other obligations, including the implementation of its Additional Protocol.

51. The Director General will continue to report as appropriate.

R – Documents Related to the Syrian Arab Republic

Extract from Interview of IAEA Director General Mohamed ElBaradei

[by Wolf Blitzer, CNN, aired 28 October 2007]

[Eds...]

BLITZER: As you know, the Israelis, in early September, bombed some sort of facility in Syria that was suspected of being a nuclear reactor, maybe a nuclear reactor built on a North Korean model. I know you've seen these pictures. You've seen the before and the after. What's your conclusion? Was this a nuclear reactor that the Syrians were building in their country based on a North Korean model?

ELBARADEI: Wolf, I'm very distressed, frankly, about this Syrian bombing because nobody - there had been chatter for the last few years. John Bolton three years ago went to testify before Congress and said there is concern about Syria. And yet, until today, we have not received information about any nuclear-related activities, clandestine nuclear-related activities in Syria. The bombing, again, happened, and we never, until today, received any piece of information. That to me is very distressful because we have a system. If countries have information that the country is working on a nuclear-related program, they should come to us. We have the authority to go out and investigate. But to bomb first and then ask questions later, I think it undermines the system and it doesn't lead to any solution to any suspicion, because we are the eyes and ears of the international community. It's only the agencies and inspectors who can go and verify the information.

If Syria were working on a nuclear program, a clandestine program, then we'd obviously be able to draw the consequences. But today I don't know where to go. I didn't get any information. I contacted the Syrians. They said this is a military facility, has nothing to do with nuclear. And I would hope if anybody has information before they take the law into their own hands, to come and pass the information on.

BLITZER: So what you're suggesting, Dr. ElBaradei, is neither the Israelis nor the U.S. government - or for that matter, any other government - gave you any hard evidence to back up this claim that this was a North Korean modeled nuclear reactor.

ELBARADEI: Or any evidence at all. Not only hard evidence, Wolf.

BLITZER: I know you've seen some commercial satellite photos though of the before and after. Are there any conclusions you can draw based on what you've seen in those satellite photos?

ELBARADEI: These are commercial satellite photos that we procured ourselves, has not been providing to us. And we're still investigating them. We're still comparing the pre and after. But in addition to us buying commercial photos, I would very much hope that countries will come forward if they have information so we'll do - go through a due process.

BLITZER: We're almost out of time, but based on the commercial photos that you've seen from these satellite reconnaissance, are there any conclusions that you and your team have been able to come up with?

ELBARADEI: Not at this stage, Wolf. Not at all.

BLITZER: All right, and so it would be premature to allege that North Korea was proliferating in cooperation with the Syrians? Is that what you're saying as well?

ELBARADEI: That's correct.

BLITZER: Because I want to play a little clip of what the ranking Republican on the House Intelligence Committee, Peter Hoekstra, told me here on "Late Edition" last Sunday. Listen to this.

[Eds...]

BLITZER: Because he certainly seemed to be concerned, and he's among a handful of members of the U.S. Congress who have been briefed by the Bush administration on what the Israelis did in Syria. He seems to suggest that you can't trust the North Koreans at all because they've been cheating on their promises. I take it

you're not willing to go that far by a long shot.

ELBARADEI: I can't because I don't have any evidence to support that assumption, Wolf.

BLITZER: Would you like the Israelis to brief you on what they know?

ELBARADEI: Absolutely, or anybody who has information. But you can't trust anybody. We don't work on the base of trust. But we - as President Reagan said, "trust and verify." And what I want very much is to be able to verify whether Syria, in fact, were working on a nuclear power program in a clandestine way or not. And the only way to do that is get information and to go out and verify.

BLITZER: You have a lot of credibility in these areas, Dr. ElBaradei, because before the war started with Iraq and the removal of Saddam Hussein, you were contradicting the Bush administration, insisting there was absolutely no evidence that Iraq under Saddam Hussein was reconstituting its nuclear weapons program. Do you feel vindicated as a result of that, as you go into this next round of fears that Iran may be developing some sort of nuclear weapons program?

ELBARADEI: Well, Wolf, I don't necessarily feel vindicated. I feel relieved that we discovered that Iraq did not have nuclear weapons. I feel also that people now should listen to us, because we have no hidden agenda. All we want to do is bring the facts out. We should not take decisions that has to do - that crucial to war around peace before we are able 100 percent to make sure that the information on the basis we are working are accurate and professional.

BLITZER: Dr. Mohamed ElBaradei is the Director General of the International Atomic Energy Agency. Dr. ElBaradei, thanks very much for joining us. Good luck to you and your entire team.

ELBARADEI: Thank you very much, Wolf. Keep well.

BLITZER: Thank you.

Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[2 June 2008, Vienna]

Implementation of Safeguards in the Syrian Arab Republic

In April of this year, the Agency was provided with information claiming that an installation destroyed by Israel in Syria last September was a nuclear reactor. According to this information, the reactor was not yet operational and no nuclear material had been introduced into it.

It is deeply regrettable that information concerning this installation was not provided to the Agency in a timely manner and that force was resorted to unilaterally before the Agency was given an opportunity to establish the facts, in accordance with its responsibilities under the NPT and Syria's Safeguards Agreement. I should like to remind everybody that NPT States Parties have unanimously reaffirmed that the Agency is the competent authority responsible for verifying and assuring, in accordance with its Statute and the Agency's safeguards system, compliance by States with their safeguards agreements.

Nonetheless, I should emphasize that Syria, like all States with comprehensive safeguards agreements, has an obligation to report the planning and construction of any nuclear facility to the Agency. We are therefore treating this information with the seriousness it deserves and have been in discussions with the Syrian authorities since this information was provided to the Agency with a view to arranging a visit to Syria at an early date to verify, to the extent possible at this stage, the veracity of the information available to the Agency. It has now been agreed that an Agency team will visit Syria during the period 22-24 June. I look forward to Syria's full cooperation in this matter.

**Extract from Introductory Statement to the
Board of Governors by IAEA Director General
Dr Mohamed ElBaradei**

[22 September 2008, Vienna]

Implementation of Safeguards in the Syrian Arab Republic

In April this year, the Agency received information claiming that an installation destroyed by Israel in September 2007 at Al Kibar in Syria was a nuclear reactor. The Syrian authorities have repeatedly stated that the alleged site was not involved in any nuclear activities.

With Syria's cooperation, the Agency was able to visit Al Kibar in June 2008. Samples taken from the site are still being analysed and evaluated by the Agency, but so far we have found no indication of any nuclear material.

In order to assess the veracity of information available to the Agency, we asked the Syrian authorities in July to provide access to additional information and locations. Syria has not yet responded to this request but has indicated that any further developments would depend on the results of the samples taken during the first visit.

I trust that Syria will show maximum cooperation and transparency and provide all the information needed by the Agency to complete its assessment.

**Extract from Statement of the Syrian Arab
Republic to the 52nd Session of the General
Conference of the IAEA**

[29 September – 4 October 2008]

[Eds...]

We regrettably listened to the statements of some states requesting more transparency and cooperation with the Agency from our side. I would like here to recall that the Director General and the Deputy Director General for Safeguards have indicated in the September meeting of the Board of Governors that Syria was cooperative and complied with the procedures agreed upon with the agency.

We confirm that the government of my country is and will continue to be totally cooperative and transparent with the agency. However, this cooperation will under no circumstances be on the account of exposing our military positions and threatening our national security.

[Eds...]

**Extract from Introductory Statement to the
Board of Governors by IAEA Director General
Dr. Mohamed ElBaradei**

[27 November 2008, Vienna]

Implementation of Safeguards in the Syrian Arab Republic

In June this year, I informed the Board that the Agency had been provided with information alleging that an installation destroyed by Israel in Syria in September 2007 was a nuclear reactor. Syria has stated that the Dair Alzour site was a military site and was not involved in any nuclear activities.

The Agency has, in accordance with its responsibility under comprehensive safeguards agreements, conducted a thorough analysis of all information available to it. As I mentioned in my report, the Agency was severely hampered in its assessment by the unilateral use of force and by the late provision of information about the destroyed building. The destruction of the building and the subsequent removal of the debris made the Agency's verification work quite difficult and complex, rendering the results so far inconclusive.

For its assessment of the site immediately after the bombing, the Agency was unable to obtain commercial satellite imagery. It is regrettable, and indeed baffling, that imagery for this critical period, which would have been most valuable in helping to clarify the

nature of the building that was destroyed, was not available. The Agency has recently been able to secure agreement to show Syria imagery from Member State satellites of the site shortly after the bombing, and will do so at the earliest opportunity.

Analysis of environmental samples from the Dair Alzour site revealed a significant number of natural uranium particles, which had been produced as a result of chemical processing. Syria stated that the only explanation for these particles was that they were contained in the missiles used to destroy the building. The Agency is assessing Syria's claim. We have asked Syria to permit the Agency to visit the locations of debris and equipment removed from the site in order to take samples that would help us to assess the origin of the uranium and also to ascertain the possible existence of any nuclear grade graphite that is normally associated with the type of alleged reactor. The Agency has also asked Israel to provide detailed information concerning Syria's claims regarding the origin of the uranium particles.

As stated in the report, while it cannot be excluded that the building in question was intended for non-nuclear use, the features of the building, along with the availability of adequate pumping capacity of cooling water, are similar to what may be found in connection with a reactor site. In light of this, it is important that Syria provide the Agency with documentation in support of its statements concerning the nature and function of the destroyed building.

Syria should also agree, as a transparency measure, to let the Agency visit other locations. As I mentioned in the case of Iran, I am confident that modalities can be developed which will protect the confidentiality of military information while enabling the Agency to continue with its assessment.

For the Agency to complete its assessment, maximum transparency by Syria and the full sharing with the Agency of all relevant information which other States may have are essential.

**Implementation of the NPT Safeguards
Agreement in the Syrian Arab Republic**

[GOV/2009/9 19 February 2009]

Report by the Director General

1. On 19 November 2008, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement in the Syrian Arab Republic (Syria) (GOV/2008/60). The Board requested the Director General to keep it informed of developments, as appropriate. This report covers relevant developments since that date.

A. Chronology of Events

2. As indicated in the Director General's previous report, analysis of the environmental samples taken from the Dair Alzour site revealed a significant number of anthropogenic natural uranium particles (i.e. produced as a result of chemical processing). Syria has stated that the origin of the uranium particles was the missiles used to destroy the building (GOV/2008/60, para. 8).

3. In order to confirm Syria's assertion about the possible source of uranium particles found at Dair Alzour, the Agency requested Syria, in a letter dated 26 November 2008, to provide access to the site (including the water treatment plant at the site), and any other locations where the debris from the building and equipment, and any salvaged equipment removed from Dair Alzour, had been and/or was currently located, so that the Agency could take samples of, and environmental samples from, these items and materials. In that letter, the Agency also:

requested that Syria share the results of any assessments that it may have performed regarding the materials used during, or resulting from, the bombing;

requested, as a transparency measure, that the Agency be permitted to visit additional locations;

reminded Syria that the requests for information and documentation referred to in the Agency's letter of 3 July 2008, which related, inter alia, to information concerning the destroyed building, remained unanswered; and

stated that it stood ready to discuss these matters and to conduct the activities referred to above as soon as possible.

4. In a letter dated 17 February 2009, Syria reiterated its statement that the destroyed facility, and the current facility, on the Dair Alzour site were military installations. Syria provided information in response to some of the questions raised in the Agency's letter of 3 July 2008 concerning the purpose of the water pumping station and the water purification station found on the site and procurement efforts in connection with certain equipment and material. However, the responses Syria provided were only partial and included information already provided to the Agency, and did not address most of the questions raised in the Agency's communications. The Agency is now assessing the information provided by Syria.

5. In a letter to Israel dated 26 November 2008, referring to the claims made by Syria about the origin of the uranium particles found at Dair Alzour, the Agency requested Israel to provide information which would enable the Agency to determine whether munitions alleged to have been used by it could have been the source of the uranium particles (GOV/2008/60, paras 8 and 18). With respect to the Agency's request, Israel, in a letter dated 24 December 2008, stated only that "it rejects Syrian claims on the matter" and that "Israel could not have been the source of the uranium particles found on the site of the nuclear reactor".

B. Agency Verification

6. The Agency has continued its analysis of all information available to it as a result of the 23 June 2008 visit to the Dair Alzour site, as well as information from other sources. Additional analyses of the environmental samples taken from the Dair Alzour site have also been carried out by a

number of laboratories participating in the Agency's Network of Analytical Laboratories. These analyses have revealed additional particles of anthropogenic uranium. These uranium particles, and those identified as a result of the previous analyses, are of a type not included in Syria's declared inventory of nuclear material.

7. The Agency's current assessment is that there is a low probability that the uranium was introduced by the use of missiles as the isotopic and chemical composition and the morphology of the particles are all inconsistent with what would be expected from the use of uranium based munitions.

8. As indicated in the Director General's previous report (GOV/2008/60, paras 5–7), the Agency has requested from Syria clarification of efforts by Syrian entities to procure materials and equipment which could support the construction and operation of a nuclear reactor. The Agency is continuing to assess the information related to these procurement efforts, including that provided by Syria in its letter of 17 February 2009.

C. Summary

9. The presence of the uranium particles at the Dair Alzour site, the imagery of the site available to the Agency and information about certain procurement activities need to be fully understood. Syria therefore needs to provide additional information and supporting documentation about the past use and nature of the building at the Dair Alzour site, and information about the procurement activities. Syria needs to be transparent by providing additional access to other locations alleged to be related to Dair Alzour. These measures, together with the sampling of destroyed and salvaged equipment and debris, are essential for the Agency to complete its assessment.

10. The Director General calls upon Syria to take the above measures as soon as possible. The Director General also calls on Israel and other States that may possess relevant information to make the information available to the Agency, including satellite imagery, and to agree to the Agency's sharing of such information with Syria.

11. The Director General will continue to report as appropriate.

Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[2 March 2009, Vienna]

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

The Agency has continued its analysis of all information available to it, including from the 23 June 2008 visit to the Dair Alzour site. Further analysis of the environmental samples taken from the Dair Alzour site has been carried out, revealing additional particles of uranium which had been produced as a result of chemical processing. These particles, and those identified as a result of the previous analyses, are of a type not included in Syria's declared inventory of nuclear material. Syria has stated that the origin of the uranium particles was the missiles used to destroy the building. In response to a letter from the Agency, Israel denied that the uranium particles originated in Israel. The Agency's current assessment is that there is a low probability that the uranium was introduced by the use of missiles.

In a letter dated 15 February 2009, Syria reiterated that the destroyed facility, and the current facility, on the Dair Alzour site were military installations and not involved in any nuclear activities. The letter did not address many of the questions raised by the Agency. Syria's responses to some of the Agency's questions were only partial and included information already provided to the Agency.

The Agency expects Syria to provide additional information and supporting documentation about the past use and nature of the building at the Dair Alzour site, and information about procurement activities. Providing additional access to other locations alleged to be related to Dair Alzour would be a welcome sign of Syria's transparency. Such access, together with the sampling of destroyed and salvaged equipment and debris, is essential for the Agency to complete its assessment. I urge Syria to take these measures at the earliest possible date. I also urge Israel and other States that may possess relevant information - including satellite imagery - to make it available to the Agency and to agree to the Agency's sharing of such information with Syria.

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/36 5 June 2009]

Report by the Director General

[Eds...]

A. Chronology of Events

2. On 2 June 2008, the Director General informed the Board of Governors that the Agency had been provided with information alleging that an installation at the Dair Alzour site in Syria destroyed by Israel in September 2007 had been a nuclear reactor.

3. As indicated in the Director General's previous report, analysis of the environmental samples taken from the Dair Alzour site during the visit of Agency inspectors revealed a significant number of anthropogenic natural uranium particles (i.e. produced as a result of chemical processing) which indicated that the uranium was of a type not included in Syria's declared inventory of nuclear material. Syria has stated that the origin of the uranium particles was the missiles used to destroy the building (GOV/2008/60, para. 8; GOV/2009/9, para. 2).

4. As part of its efforts to confirm Syria's assertions about the possible source of uranium particles found at Dair Alzour, the Agency, in a letter dated 13 March 2009, provided Syria with the results of additional analyses of the environmental samples. The Agency also reiterated its request that Syria provide further access to the Dair Alzour site (including the water treatment plant at the site), and any other locations where the debris from the building and equipment, and any salvaged equipment removed from Dair Alzour, had been and/or was currently located, so that the Agency could take samples of, and environmental samples from, these items and materials. The Agency also reiterated its earlier request that Syria share the results of any assessments that it may have

performed regarding the materials used during, or resulting from, the bombing.

5. In a letter dated 21 April 2009, the Agency provided comments to Syria on the statements made by Syria in its letter of 15 February 2009 regarding alleged efforts by Syrian entities to procure materials and equipment which could support the construction of a nuclear reactor. While expressing appreciation for Syria's efforts to answer some of the issues raised in earlier correspondence, the Agency informed Syria that its responses were only partial and did not address most of the questions. The Agency requested further clarification and supporting documentation in relation to the functions of the destroyed and currently existing installations at the Dair Alzour site, as well as the other locations alleged to be related to Dair Alzour, and in relation to procurement activities. The Agency reiterated its 13 March 2009 request for information related to Syria's assertion about the origin of the uranium particles found at Dair Alzour.

6. In a letter dated 18 May 2009, the Agency informed Syria that anthropogenic natural uranium particles had been found in environmental samples taken in 2008 from the hot cells of the Miniature Neutron Source Reactor (MNSR) facility in Damascus. In a letter dated 1 June 2009, Syria responded to the Agency's request for an explanation concerning the presence and origin of the anthropogenic natural uranium particles found at the MNSR. In a letter to Syria dated 5 June 2009, the Agency followed up on Syria's explanation.

7. In a letter to Israel dated 20 May 2009, following up on Israel's letter of 24 December 2008, the Agency requested that Israel provide specific information concerning its statements about whether the

munitions used in the destruction of the building at Dair Alzour could have been the source of the uranium particles found on the site.

8. In letters to the Agency, one dated 12 May 2009 and one dated 17 April 2009, received on 19 and 20 May 2009, respectively, Syria, *inter alia*, questioned the correctness of certain statements contained in reports, technical briefings and communications of the Agency.

9. In a letter dated 24 May 2009, Syria responded to the Agency's letter of 21 April 2009. Syria, *inter alia*, reiterated its earlier statements concerning the nature of the Dair Alzour installations, the water pumping infrastructure and procurement activities, and its statements regarding cooperation with entities from the Democratic People's Republic of Korea (DPRK). The letter did not include any of the supporting documentation requested by the Agency.

10. In a letter dated 4 June 2009, the Agency responded to the concerns expressed by Syria in the three letters received by the Agency in May 2009. The Agency also reaffirmed the correctness of its statements and communications and provided comments on the points raised by Syria. The Agency reiterated its request that Syria provide, as a matter of transparency, information and supporting documentation about the past use and nature of the building at the Dair Alzour site, and information about the procurement activities, as well as access to other locations alleged to be related to Dair Alzour.

B. Agency Verification

11. The Agency has continued to investigate the allegations concerning the destroyed building on the Dair Alzour site. The information provided by Syria to date does not enable the Agency to determine the nature of the facility.

12. Since May 2008, the Agency has requested to have substantive discussions with Syria on this matter and has offered to share all of its satellite imagery, and imagery provided by other Member States. Syria has thus far declined to accept this offer.

13. As indicated in the Director General's last report (GOV/2009/9, para. 7), the Agency has assessed that there is a low probability that the uranium particles found at the Dair Alzour site were introduced by use of the missiles used to destroy the building on that site. Since that report, no progress has been made in substantiating Syria's explanation. The Agency is continuing with its assessment of the origin of the uranium.

14. In a letter dated 15 February 2009 responding to the Agency's

letter of 3 July 2008, Syria provided information regarding the procurement of certain equipment and materials, specifically the water pumping equipment observed at the Dair Alzour site, a large quantity of graphite and large quantities of barium sulphate (GOV/2009/9, para. 4). Syria indicated that the procurement efforts were civilian and non-nuclear in nature and related, respectively, to civil water purification, the domestic Syrian steel industry and shielding material for radiation therapy centres. Syria provided further clarifications in its letter dated 24 May 2009. Based on the information currently available to the Agency, it is not in a position to confirm these explanations and, in its letter of 4 June 2009, requested further clarification from Syria.

15. In its letters dated 3 July 2008 and 21 April 2009, the Agency had requested information and clarification regarding allegations of activities of an import/export company from the DPRK with an office in Syria, and regarding cooperation between nuclear scientists from Syria and the DPRK. Syria provided explanations in its letters of 15 February 2009 and 24 May 2009 and denied the allegations. The Agency is assessing Syria's response.

16. The Agency has reiterated its request for information concerning three other locations allegedly functionally related to the Dair Alzour site (GOV/2008/60, para. 7). Syria has not yet responded to the Agency's requests for access to these sites as a transparency measure.

17. In May 2009, the Agency received the results of the analysis of routine environmental samples taken in August 2008 at the MNSR in Damascus. The results showed the presence of particles of anthropogenic natural uranium, of a type not declared at the facility, inside the hot cells and from associated equipment. On 1 June 2009, Syria provided a response to the Agency's request for an explanation concerning the presence and origin of these particles. In its response, Syria provided information about the use of the hot cells and the presence of natural uranium, but did not address the presence and origin of the anthropogenic uranium. In its letter of 5 June 2009, the Agency wrote to Syria following up on its response. The existence of a possible connection between these particles and those found at the Dair Alzour site requires further analysis by the Agency.

C. Summary

18. The presence of the uranium particles at the Dair Alzour site, the imagery of the site available to the Agency and certain procurement activities remain to be clarified. The information provided by Syria to date does not adequately support its assertions about the nature of the site. In order for the Agency to complete its assessment, Syria needs to be more cooperative and transparent.

19. The anthropogenic natural uranium particles found at the MNSR facility are of a type not included in Syria's declared inventory of nuclear material. The presence and origin of such particles, as well as those found at the Dair Alzour site, needs to be understood by the Agency.

20. The Director General urges Syria to provide at an early date additional information and supporting documentation, access to other locations alleged to be related to the Dair Alzour site and access to relevant locations for the sampling of destroyed and salvaged equipment and debris. As has previously been indicated to Syria, the Agency expresses its readiness to work out with Syria modalities for managed access that would enable Syria to protect sensitive and confidential information that is not relevant to the Agency's mandate, while enabling the Agency to perform its verification mission. It is clearly in Syria's interest to render to the Agency the necessary cooperation and transparency if it wishes the Agency to be able to corroborate its assertion about the nature of the Dair Alzour site. The Director General equally calls on Israel to cooperate with the Agency in its investigation. The Director General also calls on other States that may possess relevant information to make such information available to the Agency and to agree to the Agency's sharing of such information with Syria. These measures would assist the Agency in establishing the facts and making progress in its verification mandate.

21. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/56 28 August 2009]

Report by the Director General

[Eds...]

8. In its letter dated 13 August 2009, Syria also stated that the destroyed building had been under construction at the time of the bombing and, hence, could not have been the source of the anthropogenic natural uranium particles collected in the environmental samples. Syria also added that due to the disposal of the debris from the site, it was impossible to meet the Agency's request for access to the debris as the Agency's request had been made more than a year after the destruction of the building by Israel.

9. In that same letter, Syria stated that it had provided all the information it had regarding the questions raised by the Agency concerning the Dair Alzour site and that it did not accept that the anthropogenic natural uranium particles found in the environmental samples could be considered undeclared nuclear material. Syria also reiterated that, due to the military and non-nuclear nature of the Dair Alzour site and the three other locations, it had no obligation to provide more information under its Safeguards Agreement with the Agency. Syria emphasised its resolve to continue its cooperation with the Agency in accordance with its Safeguards Agreement and the Agency's Statute, provided that "this cooperation never infringes on the confidentiality of its defence capabilities, its sovereignty and its national security". The Agency is continuing its assessment of the information provided by Syria.

10. In relation to the presence of anthropogenic natural uranium particles at the Miniature Neutron Source Reactor (MNSR) in Damascus (GOV/2009/36, para. 17), Syria provided additional explanations about the possible origin of the particles in a letter dated 8 June 2009. In that letter, Syria stated its view that the natural uranium particles had resulted from the accumulation of sample and reference materials used in neutron activation analysis. In support of its statement, Syria provided a list of standard reference materials used in those activities and some information on a related shielded transport container.

11. On 8 July 2009, the Agency performed a physical inventory verification (PIV) at the MNSR during which environmental samples were taken, as well as samples from the materials which Syria stated were the source of the anthropogenic natural uranium particles. The Agency is awaiting the results of the analyses of the samples.

Summary

12. Syria has cooperated with the Agency in its verification activities at the MNSR. The Agency is currently analysing samples taken at the MNSR.

13. Syria has not yet provided the necessary cooperation to permit the Agency to determine the origin of the anthropogenic natural uranium particles found in samples taken at the Dair Alzour site. Syria also did not cooperate with the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building on the Dair Alzour site and to determine what, if any, functional relationship existed between the Dair Alzour site and three other locations, or to substantiate Syria's claims regarding certain procurement efforts and its alleged foreign nuclear cooperation.

14. Syria has asserted that, in accordance with its Safeguards Agreement, it is under no obligation to provide further information concerning the Dair Alzour site or the other locations because of their military nature not related to any nuclear activities. However, as the Agency has previously explained to Syria, there is no limitation in comprehensive Safeguards Agreements on Agency access to information, activities or locations simply because they may be military related. The fact that the Agency has found particles of nuclear material of a type which is not in the declared inventory of Syria underscores the need to pursue this matter.

15. The Director General urges Syria to cooperate with the Agency in its verification activities so that, in accordance with its mandate under Syria's Safeguards Agreement, the Agency is able to ensure

that safeguards are applied to all source and special fissionable material in all peaceful nuclear activities. Recognizing Syria's concerns about the sensitivity of certain information and locations, the Director General urges Syria to engage with the Agency to establish the necessary modalities for managed access to such information and locations to enable the Agency to establish the facts and make progress in its verification, while protecting Syria's sensitive military and other information at relevant locations. The Director General also calls on other States, including Israel, which may possess information relevant to the Agency's verification, including information which may have led them to conclude that the installation in question at the Dair Alzour site had been a nuclear reactor, to make such information available to the Agency.

16. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/75 16 November 2009]

[Editorial note – Footnote not included]

Report by the Director General

1. On 28 August 2009, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement in the Syrian Arab Republic (Syria) (GOV/2009/56). This report covers relevant developments since that date.

[Eds...]

4. [Eds...] The Agency has assessed, based on the isotopic and chemical composition and the morphology of the particles, that there is a low probability that the source of the anthropogenic natural uranium particles was the use of missiles (GOV/2009/9, para. 7). In its 23 October 2009 letter, the Agency once more reiterated its request that Syria share any information it may have to support its statement. To date, Syria has not provided any information to this effect. In this context, Israel has not responded to the Agency's request of 20 May 2009 for specific information on the contents of the munitions used to destroy the building (GOV/2009/36, para. 7).

5. In its 23 October 2009 letter, the Agency also responded to Syria's assertions that, due to the military and non-nuclear nature of the Dair Alzour site and the other three locations, it had no obligation to provide more information under its Safeguards Agreement, and that the anthropogenic natural uranium particles found at the Dair Alzour site do not constitute undeclared nuclear material. The Agency indicated that the Safeguards Agreement between Syria and the Agency places no limitation on Agency access to information, activities or locations simply because they may be military related. The Agency also indicated that the presence at the Dair Alzour site of particles of anthropogenic natural uranium of a type not included in Syria's declared inventory gives rise to questions about the correctness and completeness of Syria's declaration, which the Agency is obliged to pursue.

6. In relation to the presence of anthropogenic natural uranium particles at the Miniature Neutron Source Reactor (MNSR) in samples taken there in August 2008 (GOV/2009/36, para. 17), Syria has stated that the presence of natural uranium particles resulted from the accumulation of samples and reference materials used in neutron activation analysis (GOV/2009/56, para. 10). In a letter dated 13 October 2009, the Agency provided Syria with the results from additional samples it had taken during the July 2009 physical inventory verification at the MNSR. The results also showed the presence of anthropogenic natural uranium particles at a number of locations and on certain equipment. However, the results did not indicate the presence of anthropogenic natural uranium particles in either the standard reference materials or on the shielded transport container which Syria had indicated as possible sources of the uranium particles. In light of these results, the Agency requested to meet with Syria to discuss the matter further.

7. In a meeting held on 2 November 2009 in Vienna, Syria was provided with further detailed information concerning the results of the analysis of the environmental samples from the MNSR. At that meeting, Syria identified other possible sources of the anthropogenic natural uranium particles, including domestically

produced yellowcake and small quantities of imported, but previously undeclared, commercial uranyl nitrate. Syria also provided a document to support its explanation for the presence of the uranyl nitrate at the MNSR.

8. In a letter to Syria dated 5 November 2009, the Agency announced its intention to carry out an inspection at the MNSR on 17 November 2009 for the purposes of taking samples of the yellowcake and the uranyl nitrate and taking environmental samples at the locations where the materials are stored and where they were used. The Agency also requested that Syria provide information concerning the yellowcake, the uranyl nitrate and any other uranium-containing materials which may have been the source of the anthropogenic natural uranium particles.

Summary

9. Essentially, no progress has been made since the last report to clarify any of the outstanding issues relevant to the implementation of safeguards.

10. Syria has not yet provided the cooperation necessary to permit the Agency to determine the origin of the anthropogenic natural uranium particles found in samples taken at the Dair Alzour site. Syria has also not provided information or access that would allow the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building on the Dair Alzour site, or to determine if, as alleged, any functional relationship existed between that site and three other locations. Nor has Syria substantiated its claims regarding certain procurement efforts that, in the Agency's view, could support the construction of a reactor. The Agency will continue its verification activities to confirm Syria's statements within the authority available to it and subject to the cooperation provided by Syria.

11. The results of the environmental sampling at the MNSR confirm the presence of particles of anthropogenic natural uranium of a type not in Syria's declared inventory. The results do not support Syria's earlier explanation for the origin and presence of the particles. The Agency is investigating Syria's explanation discussed at the 2 November 2009 meeting for the presence of the particles and has announced its intention to carry out an inspection at the MNSR on 17 November 2009.

12. The Director General urges Syria to cooperate with the Agency in its verification activities so that, in accordance with its mandate under Syria's Safeguards Agreement, the Agency is able to ensure that safeguards are applied to all source and special fissionable material subject to that Agreement. Recognizing Syria's concerns about the sensitivity of certain information and locations, the Director General also urges Syria to engage with the Agency to establish the necessary modalities for managed access to such information and locations that will enable the Agency to establish the facts and make progress in its verification, while protecting military and other information considered by Syria as sensitive. The Director General also calls on other States, including Israel, which may possess information relevant to the Agency's verification, including information which may have led them to conclude that the installation in question at the Dair Alzour site had been a nuclear reactor, to make such information available to the Agency.

13. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2010/11 18 February 2010]

[Editorial note: Footnotes not included]

Report by the Director General

A. Introduction

1. On 2 June 2008, the Director General informed the Board of Governors that in April of that year the Agency had been provided with information alleging that an installation at the Dair Alzour site in the Syrian Arab Republic (Syria), destroyed by Israel in September 2007, had been a nuclear reactor. Satellite imagery available to the Agency showed that, by the end of October 2007, large scale clearing and levelling operations had taken place at the site which had removed or obscured the remains of the destroyed building.

2. The Agency was provided with access to the site on 23 June 2008, at which time it was permitted to take environmental samples. While it cannot be excluded that the destroyed building was intended for non-nuclear use, the Agency has assessed that the features of the building and the connectivity of the site to adequate pumping capacity of cooling water are similar to what may be found at nuclear reactor sites. The Agency has also assessed that the water pumping equipment seen by it at the Dair Alzour site, and the procurement by Syria of large quantities of graphite and barium sulphate, all of which Syria has stated were acquired for civilian and non-nuclear related uses, could support the construction of a reactor (GOV/2009/36, para. 14).

3. Syria has maintained that the destroyed building was a military non-nuclear installation. The information and access provided by Syria to date has not allowed the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building or to substantiate Syria's claims regarding the procurement efforts for civilian, non-nuclear uses.

4. Analysis of the samples taken in June 2008 at the Dair Alzour site indicated the presence of particles of anthropogenic natural uranium of a type not included in Syria's declared inventory of nuclear material. Syria has stated that the origin of these particles was the missiles used to destroy the building. The Agency has assessed that there is a low probability that the source of these particles was the use of missiles. The presence of such particles points to the possibility of nuclear related activities at the site and adds to questions concerning the nature of the destroyed building. Syria has yet to provide a satisfactory explanation for the origin and presence of these particles. In this context, information yet to be provided by Israel might be helpful in clarifying the matter.

5. The Agency has repeatedly requested Syria to have substantive discussions with it on the nature of the destroyed building, and to discuss relevant satellite imagery and other information available to the Agency. In a letter dated 7 January 2010, the Agency reminded Syria of its repeated requests for:

- information concerning the Dair Alzour site, the infrastructure observed at the site and certain procurement efforts which Syria has stated were related to civilian non-nuclear activities;
- access to technical documentation and any other information related to the construction of the destroyed building;
- access to locations where the debris from the destroyed building, the remains of munitions, the debris from equipment and any salvaged equipment had been and/or is now situated; and
- further access to the Dair Alzour site itself and access to three other locations allegedly functionally related to the Dair Alzour site.

6. The Agency has, on several occasions, offered to engage with Syria to establish the necessary modalities for managed access to sensitive information and locations, including the Dair Alzour site and the three other locations. Such access would enable the Agency to establish the facts and make progress in its verification, while protecting military and other information which Syria considers to be sensitive.

7. Since the time of the Agency's visit to the Dair Alzour site in June 2008, Syria has declined to have substantive discussions with the Agency, has not provided any detailed information in response to the Agency's requests and has not agreed to the Agency's requests for further access to the Dair Alzour site and access to the three other locations of interest to the Agency in connection with its investigation.

8. Syria has also maintained its position that, due to the disposal of the debris from the Dair Alzour site, it was impossible to grant the Agency's request for access to it as the Agency's request had been made more than a year after the destruction of the building. Based on the discussions held in June 2008 in Damascus and other information available to the Agency, the Agency has continued to request access to the debris from the destroyed building and any salvaged equipment from the Dair Alzour site.

9. In relation to the anthropogenic natural uranium particles found at the Miniature Neutron Source Reactor (MNSR) (GOV/2009/36, para. 17), Syria's initial explanations for the presence of the

particles were that they had originated either from standard reference materials used in neutron activation analysis or from a shielded transport container. These explanations were not supported by the results of subsequent sampling carried out by the Agency at the MNSR (GOV/2009/75, para. 6). In a meeting held on 2 November 2009 in Vienna, Syria suggested that the particles may have originated from other materials present at the MNSR, specifically quantities of yellowcake produced at a pilot phosphoric acid purification plant at Homs, previously undeclared uranyl nitrate compounds derived from the yellowcake and/or small quantities of previously undeclared imported uranyl nitrate materials (GOV/2009/75, para. 7).

10. The possibility of a link between the particles found at the MNSR and those found at the Dair Alzour site requires further sampling and analysis by the Agency. The Agency also needs to determine whether the use of the natural uranium compounds at the MNSR may be relevant to allegations concerning one of the three other locations and whether experiments may have been performed with the larger quantities of yellowcake produced at the Homs plant.

B. Verification Activities

11. On 17 November 2009, during an inspection at the MNSR, the Agency provided Syria with a letter, dated 13 November 2009, in which it listed experimental activities carried out with nuclear material which, according to open sources, had been performed in Syria and which could be of relevance in determining the origin of the particles found at the MNSR. In the letter, the Agency requested access to the persons involved in those activities and to detailed information regarding the nuclear material and equipment used in the experiments. Syria made one of the requested persons available during the inspection and discussions were held on the experimental activities. Following up on Syria's statements concerning nuclear material at the MNSR (para. 9), samples were taken from yellowcake and uranyl nitrate compounds present at the MNSR. Environmental samples were also taken from equipment and locations at the MNSR associated with experimentation involving uranium-containing materials. In a letter to the Agency dated 6 December 2009, Syria provided limited information about some of the nuclear material observed at the MNSR. However, Syria did not address the Agency's concerns regarding the origin and presence of the anthropogenic natural uranium particles found there.

12. In a letter dated 7 January 2010, the Agency requested confirmation of the quantities of nuclear material observed at the MNSR, the complete reporting of all nuclear material, detailed information regarding the use of uranium-containing nuclear material and updates to the design information.

13. In a letter dated 21 January 2010, the Agency provided Syria with the results of the samples taken during the 17 November 2009 inspection. While the results confirmed the characteristics of the material as declared by Syria, the Agency informed Syria that further clarification regarding the presence and use of anthropogenic natural uranium at the MNSR was necessary, and proposed that a meeting be held in Damascus on 8 and 9 February 2010 to discuss these issues.

14. In a letter dated 10 February 2010, Syria declined the Agency's

request for the meeting, indicating that, in the light of the information provided in the same letter, it could be planned for a later stage. The information Syria provided does not clarify the presence and use of anthropogenic natural uranium at the MNSR. The Agency is planning an inspection at the MNSR to be performed on 23 February 2010 to verify nuclear material at the MNSR and examine relevant source documents related to the experiments indicated above.

C. Assessment and Next Steps

15. Syria has not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the other three locations allegedly functionally related to it. As a consequence, the Agency has not been able to make progress towards resolving the outstanding issues related to those sites since the previous report to the Board of Governors.

16. Syria has provided some additional information concerning the presence and use of the anthropogenic natural uranium at the MNSR. However, Syria has not yet provided a full explanation of the activities and experiments involving nuclear material conducted at the MNSR that may have been the source of the particles found there. Therefore, further clarification from Syria is necessary in order to resolve this issue and to help exclude any possible link between the particles found at the MNSR and those found at the Dair Alzour site. Additionally, Syria is required to provide complete reporting of all nuclear material in Syria and to provide the Agency with access to all relevant documentation. The Agency has requested Syria's cooperation in these respects.

17. Since the November 2009 inspection, Syria has not fully cooperated with the Agency to facilitate the resolution of the issues concerning the MNSR. Syria has also not provided design information concerning the irradiation of uranium at the MNSR or met its nuclear material reporting obligations under the Safeguards Agreement (INFCIRC/407).

18. At both the Dair Alzour and MNSR sites, the Agency has found particles of anthropogenic natural uranium. Given that Syria has no reported inventory of natural uranium, this calls into question the completeness and correctness of Syria's declarations concerning nuclear material and facilities.

19. The Director General urges Syria to engage with the Agency on the above issues so that, in accordance with its mandate under Syria's Safeguards Agreement, the Agency is able to confirm that all nuclear material in Syria is in peaceful activities. For both the Dair Alzour and the MNSR sites, given the passage of time and the possible degradation of information, the Agency requests Syria to provide prompt access to all relevant information for the verification of Syria's declarations. The Director General is ready to agree with Syria on the necessary modalities for managed access to information and locations that will enable the Agency to establish the facts and make progress in its verification, while protecting military and other information considered by Syria as sensitive.

20. The Director General also urges Syria to bring into force an Additional Protocol to its Safeguards Agreement which will facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

21. The Director General will continue to report as appropriate.

S – Documents Related to India

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. It will enhance our ability to work together to provide global leadership in areas of mutual concern and interest.

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 expeditious 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.)

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)

[Released 8 August 2007]

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 with 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; and
- k. Other areas of mutual interest as may be agreed by the Parties.

3. Transfer of nuclear material, non-nuclear material, equipment, components and information under this Agreement may be undertaken directly between the Parties or through authorized persons. Such transfers shall be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties. Nuclear material, non-nuclear material, equipment, components and information transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, will be regarded as having been transferred pursuant to this Agreement only upon confirmation, by the appropriate authority of the recipient Party to the appropriate authority of the supplier Party that such items both will be subject to the Agreement and have been received by the recipient Party.

4. The Parties affirm that the purpose of this Agreement is to provide for peaceful nuclear cooperation and not to affect the unsafeguarded nuclear activities of either Party. Accordingly, nothing in this Agreement shall be interpreted as affecting the rights of the Parties to use for their own purposes nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by them independent of any nuclear material, non-nuclear material, equipment, components, information or technology transferred to them pursuant to this Agreement. This Agreement shall be implemented in a manner so as not to hinder or otherwise interfere with any other activities involving the use of nuclear material, non-nuclear material, equipment, components, information or technology and military nuclear facilities produced, acquired or developed by them independent of this Agreement for their own purposes.

ARTICLE 3 - TRANSFER OF INFORMATION

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred between the Parties. Transfers of information may be accomplished through reports, data banks and computer programs and any other means mutually agreed to by the Parties. Fields that may be covered include, but shall not be limited to, the following:

- a. Research, development, design, construction, operation, maintenance and use of reactors, reactor experiments, and decommissioning;
- b. The use of nuclear material in physical, chemical, radiological and biological research, medicine, agriculture and industry;
- c. Fuel cycle activities to meet future world-wide civil nuclear energy needs, including multilateral approaches to which they

are parties for ensuring nuclear fuel supply and appropriate techniques for management of nuclear wastes;

- d. Advanced research and development in nuclear science and technology;
- e. Health, safety, and environmental considerations related to the foregoing;
- f. Assessments of the role nuclear power may play in national energy plans;
- g. Codes, regulations and standards for the nuclear industry;
- h. Research on controlled thermonuclear fusion including bilateral activities and contributions toward multilateral projects such as the International Thermonuclear Experimental Reactor (ITER); and
- i. Any other field mutually agreed to by the Parties.

2. Cooperation pursuant to this Article may include, but is not limited to, training, exchange of personnel, meetings, exchange of samples, materials and instruments for experimental purposes and a balanced participation in joint studies and projects.

3. This Agreement does not require the transfer of any information regarding matters outside the scope of this Agreement, or information that the Parties are not permitted under their respective treaties, national laws, or regulations to transfer.

4. Restricted Data, as defined by each Party, shall not be transferred under this Agreement.

ARTICLE 4 - NUCLEAR TRADE

1. The Parties shall facilitate nuclear trade between themselves in the mutual interests of their respective industry, utilities and consumers and also, where appropriate, trade between third countries and either Party of items obligated to the other Party. The Parties recognize that reliability of supplies is essential to ensure smooth and uninterrupted operation of nuclear facilities and that industry in both the Parties needs continuing reassurance that deliveries can be made on time in order to plan for the efficient operation of nuclear installations.

2. Authorizations, including export and import licenses as well as authorizations or consents to third parties, relating to trade, industrial operations or nuclear material movement should be consistent with the sound and efficient administration of this Agreement and should not be used to restrict trade. It is further agreed that if the relevant authority of the concerned Party considers that an application cannot be processed within a twomonth period it shall immediately, upon request, provide reasoned information to the submitting Party. In the event of a refusal to authorize an application or a delay exceeding four months from the date of the first application the Party of the submitting persons or undertakings may call for urgent consultations under Article 13 of this Agreement, which shall take place at the earliest opportunity and in any case not later than 30 days after such a request.

ARTICLE 5 - TRANSFER OF NUCLEAR MATERIAL, NON-NUCLEAR MATERIAL, EQUIPMENT, COMPONENTS AND RELATED TECHNOLOGY

1. Nuclear material, non-nuclear material, equipment and components may be transferred for applications consistent with this Agreement. Any special fissionable material transferred under this Agreement shall be low enriched uranium, except as provided in paragraph 5.

2. Sensitive nuclear technology, heavy water production technology, sensitive nuclear facilities, heavy water production facilities and major critical components of such facilities may be transferred under this Agreement pursuant to an amendment to this Agreement. Transfers of dual-use items that could be used in enrichment, reprocessing or heavy water production facilities will be subject to the Parties' respective applicable laws, regulations and license policies.

3. Natural or low enriched uranium may be transferred for use as fuel in reactor experiments and in reactors, for conversion or fabrication, or for such other purposes as may be agreed to by the Parties.

4. The quantity of nuclear material transferred under this Agreement shall be consistent with any of the following purposes: use in reactor experiments or the loading of reactors, the efficient

and continuous conduct of such reactor experiments or operation of reactors for their lifetime, use as samples, standards, detectors, and targets, and the accomplishment of other purposes as may be agreed by the Parties.

5. Small quantities of special fissionable material may be transferred for use as samples, standards, detectors, and targets, and for such other purposes as the Parties may agree.

6.

(a) The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations.

(b) To further guard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:

- i) The United States will be willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 of the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.
- ii) The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.
- iii) The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.
- iv) If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

(c) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

ARTICLE 6 - NUCLEAR FUEL CYCLE ACTIVITIES

In keeping with their commitment to full civil nuclear cooperation, both Parties, as they do with other states with advanced nuclear technology, may carry out the following nuclear fuel cycle activities:

- i) Within the territorial jurisdiction of either Party, enrichment up to twenty percent in the isotope 235 of uranium transferred pursuant to this Agreement, as well as of uranium used in or produced through the use of equipment so transferred, may be carried out.
- ii) Irradiation within the territorial jurisdiction of either Party of plutonium, uranium-233, high enriched uranium and irradiated nuclear material transferred pursuant to this Agreement or used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.
- iii) With a view to implementing full civil nuclear cooperation as envisioned in the Joint Statement of the Parties of July 18, 2005, the Parties grant each other consent to reprocess or otherwise alter in form or content nuclear material transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment so transferred. To bring these rights into effect, India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards and the Parties will agree on arrangements and procedures under which such reprocessing or other alteration in form or content will take place in this new facility. Consultations on

arrangements and procedures will begin within six months of a request by either Party and will be concluded within one year. The Parties agree on the application of IAEA safeguards to all facilities concerned with the above activities. These arrangements and procedures shall include provisions with respect to physical protection standards set out in Article 8, storage standards set out in Article 7, and environmental protections set forth in Article 11 of this Agreement, and such other provisions as may be agreed by the Parties. Any special fissionable material that may be separated may only be utilized in national facilities under IAEA safeguards.

iv) Post-irradiation examination involving chemical dissolution or separation of irradiated nuclear material transferred pursuant to this Agreement or irradiated nuclear material used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.

ARTICLE 7 - STORAGE AND RETRANSFERS

1. Plutonium and uranium 233 (except as either may be contained in irradiated fuel elements), and high enriched uranium, transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred, may be stored in facilities that are at all times subject, as a minimum, to the levels of physical protection that are set out in IAEA document INFCIRC 225/REV 4 as it may be revised and accepted by the Parties. Each Party shall record such facilities on a list, made available to the other Party. A Party's list shall be held confidential if that Party so requests. Either Party may make changes to its list by notifying the other Party in writing and receiving a written acknowledgement. Such acknowledgement shall be given no later than thirty days after the receipt of the notification and shall be limited to a statement that the notification has been received. If there are grounds to believe that the provisions of this sub-Article are not being fully complied with, immediate consultations may be called for. Following upon such consultations, each Party shall ensure by means of such consultations that necessary remedial measures are taken immediately. Such measures shall be sufficient to restore the levels of physical protection referred to above at the facility in question. However, if the Party on whose territory the nuclear material in question is stored determines that such measures are not feasible, it will shift the nuclear material to another appropriate, listed facility it identifies.

2. Nuclear material, non-nuclear material, equipment, components, and information transferred pursuant to this Agreement and any special fissionable material produced through the use of nuclear material, non-nuclear material or equipment so transferred shall not be transferred or re-transferred to unauthorized persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

ARTICLE 8 - PHYSICAL PROTECTION

1. Adequate physical protection shall be maintained with respect to nuclear material and equipment transferred pursuant to this Agreement and nuclear material used in or produced through the use of nuclear material, non-nuclear material or equipment so transferred.

2. To fulfill the requirement in paragraph 1, each Party shall apply measures in accordance with (i) levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC/225/Rev.4 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities," and in any subsequent revisions of that document agreed to by the Parties, and (ii) the provisions of the 1980 Convention on the Physical Protection of Nuclear Material and any amendments to the Convention that enter into force for both Parties.

3. The Parties will keep each other informed through diplomatic channels of those agencies or authorities having responsibility for ensuring that levels of physical protection for nuclear material in their territory or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this Article. The Parties will also keep each other informed through diplomatic channels of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.

4. The provisions of this Article shall be implemented in such a

manner as to avoid undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

ARTICLE 9 - PEACEFUL USE

Nuclear material, equipment and components transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of any nuclear material, equipment, and components so transferred shall not be used by the recipient Party for any nuclear explosive device, for research on or development of any nuclear explosive device or for any military purpose.

ARTICLE 10 - IAEA SAFEGUARDS

1. Safeguards will be maintained with respect to all nuclear materials and equipment transferred pursuant to this Agreement, and with respect to all special fissionable material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating Party.

2. Taking into account Article 5.6 of this Agreement, India agrees that nuclear material and equipment transferred to India by the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of nuclear material, non-nuclear material, equipment or components so transferred shall be subject to safeguards in perpetuity in accordance with the India-specific Safeguards Agreement between India and the IAEA [*identifying data*] and an Additional Protocol, when in force.

3. Nuclear material and equipment transferred to the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of any nuclear material, non-nuclear material, equipment, or components so transferred shall be subject to the Agreement between the United States of America and the IAEA for the application of safeguards in the United States of America, done at Vienna November 18, 1977, which entered into force on December 9, 1980, and an Additional Protocol, when in force.

4. If the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should consult and agree on appropriate verification measures.

5. Each Party shall take such measures as are necessary to maintain and facilitate the application of IAEA safeguards in its respective territory provided for under this Article.

6. Each Party shall establish and maintain a system of accounting for and control of nuclear material transferred pursuant to this Agreement and nuclear material used in or produced through the use of any material, equipment, or components so transferred. The procedures applicable to India shall be those set forth in the India-specific Safeguards Agreement referred to in Paragraph 2 of this Article.

7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.

8. The provisions of this Article shall be implemented in such a manner as to avoid hampering, delay, or undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

ARTICLE 11 - ENVIRONMENTAL PROTECTION

The Parties shall cooperate in following the best practices for minimizing the impact on the environment from any radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.

ARTICLE 12 - IMPLEMENTATION OF THE AGREEMENT

1. This Agreement shall be implemented in a manner designed:

- a) to avoid hampering or delaying the nuclear activities in the territory of either Party;
- b) to avoid interference in such activities;
- c) to be consistent with prudent management practices

required for the safe conduct of such activities; and

- d) to take full account of the long term requirements of the nuclear energy programs of the Parties.

2. The provisions of this Agreement shall not be used to:

- a) secure unfair commercial or industrial advantages or to restrict trade to the disadvantage of persons and undertakings of either Party or hamper their commercial or industrial interests, whether international or domestic;
- b) interfere with the nuclear policy or programs for the promotion of the peaceful uses of nuclear energy including research and development; or
- c) impede the free movement of nuclear material, non nuclear material and equipment supplied under this Agreement within the territory of the Parties.

3. When execution of an agreement or contract pursuant to this Agreement between Indian and United States organizations requires exchanges of experts, the Parties shall facilitate entry of the experts to their territories and their stay therein consistent with national laws, regulations and practices. When other cooperation pursuant to this Agreement requires visits of experts, the Parties shall facilitate entry of the experts to their territory and their stay therein consistent with national laws, regulations and practices.

ARTICLE 13 - CONSULTATIONS

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy on a stable, reliable and predictable basis. The Parties recognize that such consultations are between two States with advanced nuclear technology, which have agreed to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology.

2. Each Party shall endeavor to avoid taking any action that adversely affects cooperation envisaged under Article 2 of this Agreement. If either Party at any time following the entry into force of this Agreement does not comply with the provisions of this Agreement, the Parties shall promptly hold consultations with a view to resolving the matter in a way that protects the legitimate interests of both Parties, it being understood that rights of either Party under Article 16.2 remain unaffected.

3. Consultations under this Article may be carried out by a Joint Committee specifically established for this purpose. A Joint Technical Working Group reporting to the Joint Committee will be set up to ensure the fulfillment of the requirements of the Administrative Arrangements referred to in Article 17.

ARTICLE 14 - TERMINATION AND CESSATION OF COOPERATION

1. Either Party shall have the right to terminate this Agreement prior to its expiration on one year's written notice to the other Party. A Party giving notice of termination shall provide the reasons for seeking such termination. The Agreement shall terminate one year from the date of the written notice, unless the notice has been withdrawn by the providing Party in writing prior to the date of termination.

2. Before this Agreement is terminated pursuant to paragraph 1 of this Article, the Parties shall consider the relevant circumstances and promptly hold consultations, as provided in Article 13, to address the reasons cited by the Party seeking termination. The Party seeking termination has the right to cease further cooperation under this Agreement if it determines that a mutually acceptable resolution of outstanding issues has not been possible or cannot be achieved through consultations. The Parties agree to consider carefully the circumstances that may lead to termination or cessation of cooperation. They further agree to take into account whether the circumstances that may lead to termination or cessation resulted from a Party's serious concern about a changed security environment or as a response to similar actions by other States which could impact national security.

3. If a Party seeking termination cites a violation of this Agreement as the reason for notice for seeking termination, the Parties shall consider whether the action was caused inadvertently or otherwise and whether the violation could be considered as material. No violation may be considered as being material unless

corresponding to the definition of material violation or breach in the Vienna Convention on the Law of Treaties. If a Party seeking termination cites a violation of an IAEA safeguards agreement as the reason for notice for seeking termination, a crucial factor will be whether the IAEA Board of Governors has made a finding of non-compliance.

4. Following the cessation of cooperation under this Agreement, either Party shall have the right to require the return by the other Party of any nuclear material, equipment, non-nuclear material or components transferred under this Agreement and any special fissionable material produced through their use. A notice by a Party that is invoking the right of return shall be delivered to the other Party on or before the date of termination of this Agreement. The notice shall contain a statement of the items subject to this Agreement as to which the Party is requesting return. Except as provided in provisions of Article 16.3, all other legal obligations pertaining to this Agreement shall cease to apply with respect to the nuclear items remaining on the territory of the Party concerned upon termination of this Agreement.

5. The two Parties recognize that exercising the right of return would have profound implications for their relations. If either Party seeks to exercise its right pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party of any nuclear items mentioned in paragraph 4, undertake consultations with the other Party. Such consultations shall give special consideration to the importance of uninterrupted operation of nuclear reactors of the Party concerned with respect to the availability of nuclear energy for peaceful purposes as a means of achieving energy security. Both Parties shall take into account the potential negative consequences of such termination on the ongoing contracts and projects initiated under this Agreement of significance for the respective nuclear programmes of either Party.

6. If either Party exercises its right of return pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party, compensate promptly that Party for the fair market value thereof and for the costs incurred as a consequence of such removal. If the return of nuclear items is required, the Parties shall agree on methods and arrangements for the return of the items, the relevant quantity of the items to be returned, and the amount of compensation that would have to be paid by the Party exercising the right to the other Party.

7. Prior to return of nuclear items, the Parties shall satisfy themselves that full safety, radiological and physical protection measures have been ensured in accordance with their existing national regulations and that the transfers pose no unreasonable risk to either Party, countries through which the nuclear items may transit and to the global environment and are in accordance with existing international regulations.

8. The Party seeking the return of nuclear items shall ensure that the timing, methods and arrangements for return of nuclear items are in accordance with paragraphs 5, 6 and 7. Accordingly, the consultations between the Parties shall address mutual commitments as contained in Article 5.6. It is not the purpose of the provisions of this Article regarding cessation of cooperation and right of return to derogate from the rights of the Parties under Article 5.6.

9. The arrangements and procedures concluded pursuant to Article 6(iii) shall be subject to suspension by either Party in exceptional circumstances, as defined by the Parties, after consultations have been held between the Parties aimed at reaching mutually acceptable resolution of outstanding issues, while taking into account the effects of such suspension on other aspects of cooperation under this Agreement.

ARTICLE 15 - SETTLEMENT OF DISPUTES

Any dispute concerning the interpretation or implementation of the provisions of this Agreement shall be promptly negotiated by the Parties with a view to resolving that dispute.

ARTICLE 16 - ENTRY INTO FORCE AND DURATION

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that they have completed all applicable requirements for its entry into force.

2. This Agreement shall remain in force for a period of 40 years. It shall continue in force thereafter for additional periods of 10 years each. Each Party may, by giving 6 months written notice to the other Party, terminate this Agreement at the end of the initial 40 year period or at the end of any subsequent 10 year period.

3. Notwithstanding the termination or expiration of this Agreement or withdrawal of a Party from this Agreement, Articles 5.6(c), 6, 7, 8, 9, 10 and 15 shall continue in effect so long as any nuclear material, non-nuclear material, by-product material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards.

4. This Agreement shall be implemented in good faith and in accordance with the principles of international law.

5. The Parties may consult, at the request of either Party, on possible amendments to this Agreement. This Agreement may be amended if the Parties so agree. Any amendment shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal legal procedures necessary for the entry into force have been completed.

ARTICLE 17 - ADMINISTRATIVE ARRANGEMENT

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:

FOR THE GOVERNMENT OF INDIA:

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 GOVERNMENT OF INDIA:

Released on August 3, 2007

Communication received from the Permanent Mission of India concerning a document entitled "Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan"

[INFCIRC/731, 25 July 2008]

The Secretariat has received a communication dated 25 July 2008 from the Permanent Mission of India to the Agency, attaching a document entitled "Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan".

As requested by the Permanent Mission of India to the Agency, the communication and its attachment are herewith circulated for information.

25th July 2008

The Permanent Mission of India in Vienna presents its compliments to the Director-General of the International Atomic Energy Agency (IAEA) and has the honour to enclose a document entitled "Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan".

It is the Government of India's intention to move forward in accordance with the provisions of the "Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities" reproduces as an attachment to the agenda item GOV/2008/30 dated 9 July 2008, after its entry into force.

The Permanent Mission of India in Vienna requests the Agency to distribute this letter along with the enclosed document to all member-States of the Agency for information.

The Permanent Mission of India in Vienna avails itself of this opportunity to renew to the International Atomic Energy Agency the assurances of its highest consideration.

[Kind Attn: H.E. Dr. Mohamed ElBaradei, Director General]

Attachment:

Implementation of the India-United States joint Statement of July 18, 2005: India's Separation Plan

The resumption of full civilian, nuclear energy cooperation between India and the United States, arose in the context of India's requirement for adequate and affordable energy supplies to sustain its accelerating economic growth rate and as recognition of its growing technological prowess. It was preceded by discussions between the two governments, particularly between President Bush and Prime Minister Manmohan Singh of the global energy scenario and the long-term implications of increasing pressure on hydrocarbon resources, and rising oil prices. These developments led to the announcement in April 2005 of an Indo-U.S Energy Dialogue that encompassed the entire spectrum of energy options ranging from oil and gas to coal, alternative fuels and civilian nuclear energy. Through the initiation of a sustained dialogue to address energy security concerns, the two countries sought to promote stable, efficient, predictable and cost effective solutions for India's growing requirements. At the same time, they also agreed on the need to develop and deploy cleaner, more efficient, affordable and diversified energy technologies to deal with the environmental implications of energy consumption. India had developed proven and wide ranging capabilities in the nuclear sector, including over the entire nuclear fuel cycle. It is internationally recognized that India has unique contributions to make to international efforts towards meeting these objectives. India has become a full partner in ITER, with the full support of the US and other partners. India also accepted the US invitation to join the initiative on Clean Development Partnership.

2. Noting the centrality of civilian nuclear energy to the twin challenges of energy security and safeguarding the environment, the two Governments agreed on 18 July 2005 to undertake reciprocal commitments and responsibilities that would create a

framework for the resumption of full cooperation in this field. On its part, the United States undertook to:

- Seek agreement from the Congress to adjust US laws and policies to achieve full civil nuclear energy cooperation.
- Work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur.
- In the meantime, encourage its partners to consider fuel supply to Tapur expeditiously
- To consult with its partners to consider India's participation ITER.
- To consult with other participants in the Generation IV International Forum with a view towards India's inclusion.

3. India had conveyed its readiness to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States. Accordingly, India for its part undertook the following commitments:

- Identifying and separating, civilian and military nuclear facilities and programmes in a phased manner.
- Filing a declaration regarding its civilian facilities with the IAEA.
- Taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards, and
- Signing and adhering to an Additional protocol respect to civilian nuclear facilities.

4. Other commitments undertaken by India have already been fulfilled in the last year. Among them are:

- India's responsible non-proliferation. record, recognized by the US, continues and is reflected in its policies and actions.
- The harmonization of India's export controls with NSG and MTCR Guidelines even though India is not a member of either group. These guidelines and control lists have been notified and are being implemented.
- A significant upgrading of India's non-proliferation regulations export controls has taken place as a result of Weapons of Mass Destruction Act of May 2005. Inter-Ministerial consultations are ongoing to examine and amend other relevant Acts as well as framing appropriate rules and regulations.
- Refrain from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread. This has guided our policy on non-proliferation.
- Continued unilateral moratorium on nuclear testing, and
- Willingness to work with the United States for the conclusion of a multilateral Fissile Material Cut-Off Treaty.

5. The Joint Statement of 18 July 2005, recognized that India is ready to assume the same responsibilities and practices as other leading countries with advanced nuclear technology, such as the United States. India has an impeccable record in nonproliferation. The Joint Statement acknowledges that India's nuclear programme has both a military and a civilian component. Both sides had agreed that the purpose. was not to constrain India's strategic programme but to enable resumption of full civil nuclear energy cooperation in order to enhance global energy and environmental security. Such cooperation was predicated on the assumption that any international civil nuclear energy cooperation (including by the US) offered to India in the civilian sector should, firstly, not be diverted away from India to third countries without safeguards. These concepts will be reflected in the Safeguards Agreement to be negotiated by India with IAEA.

6. India's nuclear programme is unique as it is the only state with nuclear weapons not to have begun with a dedicated military programme. It must be appreciated that the strategic programme is an offshoot of research on nuclear power programme and consequently, it is embedded in a larger undifferentiated programme. Identification of purely civilian facilities and programmes that have no strategic implications poses a particular challenge. Therefore, facilities identified as civilian in the Separation Plan will be offered for safeguards in phases to decided by India. The nature of the facility concerned, the activities undertaken in it, the national security significance of materials and the location of the facilities are factors taken into account in undertaking the

separation process. This is solely an Indian determination.

7. The nuclear establishment in India not only built nuclear reactors but promoted the growth of a national industrial infrastructure. Nuclear power generation was envisaged as a three-stage programme with PHWRs chosen for deployment in the first stage. As indigenous reactors were set up, several innovative design improvements were carried out based on Indian R&D and a standardized design was evolved. The research and development spanned the entire spectrum of the nuclear fuel cycle including the front end and the back end. Success in the technologies for the back end of the fuel cycle allowed us to launch the second stage of the programme by constructing a Fast Breeder Test Reactor. This reactor has operated for 20 years based on a unique carbide fuel and has achieved all technology objectives. We have now proceeded further and are constructing a 500 MWe Prototype Fast Breeder Reactor. Simultaneously, we have launched design and development of reactors aimed at thorium utilization and incorporating inherent safety features.

8. Concepts such as grid connectivity are not relevant to the separation exercise. Issues related to fuel resource sustainability, technical design and economic viability, as well as smooth operation of reactors are relevant factors. This would necessitate grid connectivity irrespective of whether the reactor concerned is civilian or not civilian.

9. It must be recognized that the Indian nuclear programme still has a relatively narrow base and cannot be expected to adopt solutions that might be deemed viable by much larger programmes. A comparison of the number of reactors and the total installed capacity between India and the P-5 brings this out graphically:

Country	Num of Reactors	Total Installed Capacity
India	15	3.04 GWe (2.8% of the total production)
USA	104 (103 operational)	99.21 GWe (19.9% of the total production)
France	59	63.36 GWe (78.1% of the total production)
UK	23	11.85 GWe (19.4% of the total production)
Russia	31	21.74 GWe (15.6% of the total production)
China	9	6.602 GWe (2.2% of the total production)

Source: Nuclear Energy Institute, Washington DC

10. Another factor to be taken into account is the small capacity of the reactors produced indigenously by India, some of which would remain outside safeguards. Therefore, in assessing the extent of safeguards coverage, it would be important to look at both the number of reactors and the percentage of installed capacity covered. An average Indian reactor is of 220 MW and its output is significantly smaller than the standard reactor in a P-5 economy. The chart below illustrates, this aspect:

Country	Most Common Reactor	Number of such reactors
India	PHWRs 220 MWe	12
USA	69 PWRs and 34 BWRs	Most plants are in the range of 1000-1250 MWe. 51 Reactors in the range of 1000 MWe to 1250 MWe
France	PWRs of 900 MWe and 1300 MWe size	34 PWRs of 900 MWe and 20 PWRs of 1300 MWe
UK	No standard size. AGR is the most common in the range 600-700 MWe	14 AGRs
Russia	3 rd generation VVER-1000 PWRs and RBMK 1000 Light Water Graphite Reactors	9 third Generation VVER1000 PWRs and 11 RBMK 1000 Light Water Graphite Reactors
China	PWRs 984 MWe	Four

Source: Uranium Information Centre, Melbourne

11. The complexity of the separation process is further enhanced by the limited resources that India has devoted to its nuclear programme as compared to P-5 nations. Moreover, as India expands international cooperation, the percentage of its thermal power reactor installed capacity under safeguards would rise

significantly as fresh capacity, is added through such, cooperation

12. India's approach to the separation civilian nuclear facilities is guided by the following principles:

- Credible, feasible, and implementable in a transparent manner;
- Consistent with the understandings of the 18 July Statement;
- Consistent with India's national security and R&D requirements as well as not prejudicial to the three-stage nuclear programme in India;
- Must be cost effective in its implementation; and
- Must be acceptable to Parliament and public opinion.

13. Based on these principles, India will:

- Include in the civilian list only those facilities offered for safeguards that, after separation, will no longer be engaged in activities of strategic significance.
- The overarching criterion would be a judgement whether subjecting a facility to IAEA safeguards would impact adversely on India's national security.
- However, a facility will be excluded from the civilian list if it is located in a larger hub of strategic significance, notwithstanding the fact that it may not be normally engaged in activities of strategic significance.
- A civilian facility would, therefore, be one that India has determined not to be relevant to its strategic programme.

14. Taking the above into account, India, on the basis of reciprocal actions by the US, will adopt the following, approach:

i) **Thermal Power Reactors:** India will identify and offer for safeguards 14 thermal power reactors between 2006 and 2014. This will include the 4 presently safeguarded reactors (TAPS 1&2, RAPS 1&2) and in addition KK 1&2, that are under construction. 8 other PHWRs, each of a capacity of 220MWe, will be offered. The overall plan will be as follows:

S.No.	Facility	Year offered for safeguards
1.	TAPS 1	2006
2.	TAPS 2	2006
3.	RAPS 1	2006
4.	RAPS 2	2006
5.	KK 1	2006
6.	KK 2	2006
7.	RAPS 5	2007
8.	RAPS 6	2008
9.	RAPS 3	2010
10.	RAPS 4	2010
11.	KAPS 1	2012
12.	KAPS 2	2012
13.	NAPS 1	2014
14.	NAPS 2	2014

The above offer would, in effect, cover 14 out of the 22 thermal power reactors in operation or currently under construction to be placed under safeguards, and would raise total installed Thermal Power capacity by MWe under safeguards from the present 19% to 65% by 2014.

ii) **Fast Breeder Reactors:** India is not in a position to accept safeguards on the Prototype Fast Breeder Reactors (PFBR) and the Fast Breeder Reactor (FBTR), both located at Kalpakkam. The Fast Breeder Programme is at the R&D stage and its technology will take time to mature and reach an advanced stage of development.

iii) **Future Reactors:** India has decided to place under safeguards all future civilian thermal power reactors and civilian breeder reactors, and the Government of India retains the sole right to determine such reactors as civilian.

iv) **Research Reactors:** India will permanently shut down the CIRUS reactor, in 2010. It will also be prepared to shift the fuel core of the APSARA reactor that was purchased from France outside BARC and make the fuel core available to be placed under safeguards in 2010.

v) **Upstream facilities:** The following upstream facilities would be identified and separated as civilian:

List of specific facilities in the Nuclear Fuel Complex,

Hyderabad, which will be offered for safeguards by 2008 is give below:

- o Uranium Oxide Plant (Block A)
- o Ceramic Fuel Fabrication Plant (Palletizing) (Block A)
- o Ceramic Fuel Fabrication Plant (Assembly) (Block A)
- o Enriched Uranium Oxide Plant
- o Enriched Fuel Fabrication Plant
- o Gadolinia Facility

The Heavy Water Production plants at Thal, Tuticorin and Hazira are proposed to be designated for civilian use between 2006-2009. We do not consider these plants as relevant for safeguards purposes.

vi) **Downstream facilities:** The following downstream facilities would be identified and separated as civilian:

- o India is willing to accept safeguards in the 'campaign' mode after 2010 in respect of the Tarapur Power Reactor Fuel Reprocessing Plant.
- o The Tarapur and Rajasthan 'Away From Reactors' spent an fuel storage pools would be made available for safeguards: with appropriate phasing between 2006-2009.

vii) **Research Facilities:** India will declare the following facilities as civilian:

- a) Tata Institute of Fundamental research
- b) Variable Energy Cyclotron Centre
- c) Saha Institute of Nuclear Physics
- d) Institute for Plasma Research
- e) Institute of Mathematics Science
- f) Institute of Physics
- g) Tata Memorial Centre
- h) Board of Radiation and Isotope Technology
- i) Harish Chandra Research Institute

These facilities are safeguards-irrelevant. It is our expectation that they will play a prominent role in international cooperation.

15. Safeguards:

a) The United States has conveyed, its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States, is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted, and continual access to fuel supplies from firms in several nations.

b) to further safeguard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:

- i) The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.
- ii) The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.
- iii) The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.
- iv) If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of Friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

c) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors

in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

16. This plan is in conformity with the commitments made to Parliament by the Government.

(Tabled in Parliament on May 11, 2006)

Extract from Introductory Statement to the Board of Governors - Draft Safeguards Agreement with India

[1 August 2008, Vienna]

I am pleased to put before you the draft *Agreement with the Government of India for the Application of Safeguards to Civilian Nuclear Facilities*. As the Secretariat has already provided an extensive briefing on this, I will emphasize just a few points.

The text before you is an INFCIRC/66-type safeguards agreement based on the Agency's standard safeguards practices and procedures. These 66-type agreements are not comprehensive or full-scope safeguards agreements. They are concluded in accordance with Article III.A.5 of the Agency's Statute and provide for the application of safeguards to specific facilities or other relevant items. In the case of the draft before you, it is an "umbrella agreement", which provides for any facility notified by India to the Agency in the future to become subject to safeguards. The draft also envisages the possibility of applying current Agency safeguards in India under this new agreement by suspending, subject to agreement by the relevant parties, the application of safeguards under existing agreements. The "umbrella" nature of this agreement provides a more efficient mechanism for ensuring that safeguards requirements can be met. It satisfies India's needs while maintaining all the Agency's legal requirements. Such an "umbrella" approach could also be used for the conclusion of other 66-type safeguards agreements. As you can see from *India's Plan*, which has been circulated for the information of all IAEA Member States, a total of 14 reactors are envisaged to come under Agency safeguards by 2014. I should note that the Agency already applies safeguards to six of these 14 reactors under existing 66 type agreements with India. We expect to start implementing the agreement at new facilities in 2009. Facilities will be notified by India to the Agency in stages and the Secretariat will keep you informed when facilities are submitted for safeguards.

As with other safeguards agreements between the Agency and Member States, the agreement is of indefinite duration. There are no conditions for the discontinuation of safeguards other than those provided by the safeguards agreement itself. The termination provisions contained in the agreement are the same as for other 66-type agreements. Naturally - as with all safeguards agreements - this agreement is subject to the general rules of international law. Therefore, the agreement should be read as an integral whole. The preamble provides for contextual background and safeguards are implemented in accordance with the terms of the agreement.

Finally, I should note that India and the IAEA have already begun discussions on an additional protocol to the draft safeguards agreement.

Communication Received from the Permanent Mission of Germany Regarding a "Statement on Civil Nuclear Cooperation with India"

[Reproduced from INFCIRC/734 (Corrected)
19 September 2008]

Statement on Civil Nuclear Cooperation with India

1. At the Extraordinary Plenary Meeting on 6 September 2008, the Participating Governments of the Nuclear suppliers Group decided that they:

- a. Desire to contribute to the effectiveness and integrity of the global non-proliferation regime, and to the widest possible implementation of the provisions and objectives of the Treaty on the Non-Proliferation of Nuclear Weapons;
- b. Seek to avert the further spread of nuclear weapons;
- c. Wish to pursue mechanisms to affect positively the nonproliferation commitments and actions of all states;

- d. Seek to promote fundamental principles of safeguards and export controls for nuclear transfers for peaceful purposes; and
 - e. Note the energy needs of India.
2. Participating Governments have taken note of steps that India has voluntarily taken with respect to the following commitments and actions:

- a. Deciding to separate civilian nuclear facilities in a phased manner and to file a declaration regarding its civilian nuclear facilities with the IAEA, in accordance with its Separation Plan (circulated as INFCIRC/731);
- b. Concluding negotiations with the IAEA and obtaining approval by the Board of Governors on 1 August 2008 for an "Agreement between the Government of India and the IAEA for the Application of Safeguards to Civilian Nuclear Facilities," in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors, Document GOV/1621);
- c. Committing to sign and adhere to an Additional Protocol with respect to India's civil nuclear facilities;
- d. Refraining, from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread;
- e. Instituting a national export control system capable effectively, controlling transfers of multilaterally controlled nuclear and nuclear-related material, equipment and technology;
- f. Harmonizing its export control lists and guidelines with those of the Nuclear Suppliers Group and committing to adhere to the Nuclear Suppliers Group Guidelines; and
- g. Continuing its unilateral moratorium on nuclear testing, and its readiness to work with others towards the conclusion of a multilateral Fissile Material Cutoff Treaty.

3. Based on the commitments and actions mentioned above, as reiterated by India on September 5, 2008, and without prejudice to national positions thereon

Participating governments have adopted and will implement the following policy on civil nuclear cooperation by Participating Governments, with the IAEA-safeguarded Indian civil nuclear program:

- a. Notwithstanding paragraphs 4(a), 4(b) and 4(c) of INFCIRC/254/Rev.9/Part 1, Participating Governments may transfer trigger list items and/or related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all outer provisions of INFCIRC/254/Part 1, as revised, and provided that transfers of sensitive exports remain subject to paragraphs

6 and 7 of the Guidelines.

- b. Notwithstanding paragraphs 4(a) and 4(b) of INFCIRC/154/Rev.7/part 2, Participating Governments may transfer nuclear-related dual-use equipment, materials, software, and related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of INFCIRC/254/Part 2, as revised.

- c. At each Plenary, Participating Governments shall notify each other of approved transfers to India of Annex A and B items listed in INFCIRC/254/Part 1, as revised. Participating Governments are also invited to exchange information, including about their own bilateral agreements with India.

- d. With a view to intensification of dialogue and cooperation with India, Chairman is requested to confer and consult with India and keep Plenary informed of these consultations.

- e. Participating Governments will maintain contact and consult through regular channels, including the Consultative Group and Plenary, for the purpose of considering matters connected with the implementation of all aspects of this Statement taking into account relevant international commitments or bilateral agreements with India. In the event that one or more Participating Governments consider that circumstances have arisen which require consultations, Participating Governments will meet, and then act in accordance with paragraph 16 of the Guidelines.

4. In order to facilitate India's adherence to INFCIRC/254/Parts 1 and 2 and to remain current in its implementation of the Guidelines, the NSG Chair is requested to consult with India regarding changes to and implementation of the Guidelines and inform the Plenary of the outcome of the dialogue with India. Consultations with India regarding proposed amendments will facilitate their effective implementation by India.

5. Upon request by Participating Governments, the Chairman is requested to submit this statement to the IAEA Director General with a request that it be circulated to all Member States.

Communication of 1 October 2009 received from the Resident Representative of Hungary to the Agency on behalf of the Participating Governments of the Nuclear Suppliers Group

[INFCIRC/539/Rev.4: 5 November 2009]

See Section M

T – Resolutions Adopted by the UN General Assembly

[Editorial Note: This section includes relevant resolutions from 64th General Assembly.
Earlier relevant resolutions may be downloaded via <http://www.un.org/documents/resga.htm>

Report of the International Atomic Energy Agency

[Resolution A/RES/64/8, adopted by the General Assembly at its 64th Session, 2 November 2009]

[Editorial note: Footnotes not included]

Having received the report of the International Atomic Energy Agency for 2008,

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 2009,

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(53)/RES/3 approving the appointment of Mr. Yukiya Amano as the next Director General; GC(53)/RES/4 paying tribute to Dr. Mohamed ElBaradei; GC(53)/RES/10 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety; GC(53)/RES/11 on nuclear security, including measures to protect against nuclear and radiological terrorism; GC(53)/RES/12 on strengthening the Agency's technical cooperation activities; GC(53)/RES/13 on strengthening the Agency's activities related to nuclear science, technology and applications, comprising GC(53)/RES/13 A on non-power nuclear applications and GC(53)/RES/13 B on nuclear power applications; GC(53)/RES/14 on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol; GC(53)/RES/15 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(53)/RES/16 on the application of Agency safeguards in the Middle East; GC(53)/RES/17 on Israeli nuclear capabilities; GC(53)/RES/18 on personnel, comprising GC(53)/RES/18 A on staffing of the Agency's secretariat and GC(53)/RES/18 B on women in the secretariat; and decisions GC(53)/DEC/11 on the amendment to article XIV.A of the Statute, GC(53)/DEC/12 on the amendment to article VI of the Statute and GC(53)/DEC/13 on prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction, adopted by the General Conference of the Agency at its fifty-third regular session, held from 14 to 18 September 2009;

3. *Expresses its appreciation* for the twelve years of distinguished service by Dr. Mohamed ElBaradei as Director General of the Agency, during which, in 2005, the Agency and its Director General were jointly awarded the Nobel Peace Prize, and extends its best wishes to Mr. Yukiya Amano, the incoming Director General of the Agency;

4. *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;

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

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

African Nuclear-Weapon-Free Zone Treaty

[Resolution A/RES/64/24, adopted by the General Assembly at its 64th Session, December 2009]

[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. *Notes with satisfaction* the entry into force of the African Nuclear-Weapon-Free-Zone Treaty (Treaty of Pelindaba) on 15 July 2009;

2. *Calls upon* African States that have not yet done so to sign and ratify the Treaty as soon as possible;

3. *Expresses its appreciation* to the nuclear-weapon States that have signed the Protocols to the Treaty that concern them, and calls upon those that have not yet ratified the Protocols concerning them to do so as soon as possible;

4. *Calls upon* the States contemplated in Protocol III to the Treaty that have not yet done so to take all necessary measures to ensure the speedy application of the Treaty to territories for which they are, de jure or de facto, internationally responsible and that lie within the limits of the geographical zone established in the Treaty;

5. *Calls upon* the African States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that have not yet done so to conclude comprehensive safeguards agreements with the International Atomic Energy Agency pursuant to the Treaty, thereby satisfying the requirements of article 9 (b) of and annex II to the Treaty of Pelindaba, and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol approved by the Board of Governors of the Agency on 15 May 1997;

6. *Expresses its gratitude* to the Secretary-General, the Chairperson of the African Union Commission and the Director General of the International Atomic Energy Agency for the diligence with which they have rendered effective assistance to the signatories to the Treaty;

7. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

Establishment of a nuclear-weapon-free zone in the region of the Middle East

[Resolution A/RES/64/26, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolutions 3263 (XXIX) of 9 December 1974, 3474

(XXX) of 11 December 1975, 31/71 of 10 December 1976, 32/82 of 12 December 1977, 33/64 of 14 December 1978, 34/77 of 11 December 1979, 35/147 of 12 December 1980, 36/87 A and B of 9 December 1981, 37/75 of 9 December 1982, 38/64 of 15 December 1983, 39/54 of 12 December 1984, 40/82 of 12 December 1985, 41/48 of 3 December 1986, 42/28 of 30 November 1987, 43/65 of 7 December 1988, 44/108 of 15 December 1989, 45/52 of 4 December 1990, 46/30 of 6 December 1991, 47/48 of 9 December 1992, 48/71 of 16 December 1993, 49/71 of 15 December 1994, 50/66 of 12 December 1995, 51/41 of 10 December 1996, 52/34 of 9 December 1997, 53/74 of 4 December 1998, 54/51 of 1 December 1999, 55/30 of 20 November 2000, 56/21 of 29 November 2001, 57/55 of 22 November 2002, 58/34 of 8 December 2003, 59/63 of 3 December 2004, 60/52 of 8 December 2005, 61/56 of 6 December 2006, 62/18 of 5 December 2007 and 63/38 of 2 December 2008 on the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Recalling also the recommendations for the establishment of a nuclear-weapon-free zone in the region of the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d), 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 region of the Middle East would greatly enhance international peace and security,

Desirous of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the region of 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 63/38,

1. *Urges* all parties directly concerned seriously to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Calls upon* all countries of the region that have not yet done so,

pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. *Takes note* of resolution GC(53)/RES/16, adopted on 17 September 2009 by the General Conference of the International Atomic Energy Agency at its fiftythird 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 region of the Middle East;

11. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the implementation of the present resolution;

12. *Decides* to include in the provisional agenda of its sixty-fifth 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/64/27, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Noting that the renewed interest in nuclear disarmament should be translated into concrete actions for the achievement of general and complete disarmament under effective international control,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined to abide strictly by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures and arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament submitted to the General Assembly at its twelfth special session, the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, the third special session devoted to disarmament, as well as the report of the Conference on its 1992 session,

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that 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 and Fifteenth Conferences of Heads of State or Government of Non-Aligned Countries, held at Havana and Sharm el-Sheik, Egypt, on 15 and 16 September 2006, and 15 and 16 July 2009, respectively, 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,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 December 1994, 50/68 of 12 December 1995, 51/43 of 10 December 1996, 52/36 of 9 December 1997, 53/75 of 4 December 1998, 54/52 of 1 December

1999, 55/31 of 20 November 2000, 56/22 of 29 November 2001, 57/56 of 22 November 2002, 58/35 of 8 December 2003, 59/64 of 3 December 2004, 60/53 of 8 December 2005, 61/57 of 6 December 2006, 62/19 of 5 December 2007 and 63/39 of 2 December 2008,

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 objective;

6. *Decides* to include in the provisional agenda of its sixty-fifth 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/64/28, adopted by the General Assembly at its 64th Session, December 2009]

[*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 for the prevention of 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 confidencebuilding 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 Conference on Disarmament 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 2009,

Taking note of the introduction by China and the Russian Federation at the Conference on Disarmament of the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects,

Taking note also of the decision of the Conference on Disarmament to establish for its 2009 session a working group to discuss, substantially, without limitation, all issues related to the prevention of an arms race in outer space,

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 establish a working group under its agenda item entitled "Prevention of an arms race in outer space" as early as possible during its 2010 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-fifth session the item entitled "Prevention of an arms race in outer space".

Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

[Resolution A/RES/64/29, adopted by the General Assembly at its 64th Session, December 2009]

The General Assembly,

Recalling its resolutions 48/75 L of 16 December 1993, 53/77 I of 4 December 1998, 55/33 Y of 20 November 2000, 56/24 J of 29 November 2001, 57/80 of 22 November 2002, 58/57 of 8 December 2003 and 59/81 of 3 December 2004 on the subject of banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and noting in this regard the support for the Conference on Disarmament expressed by the Security Council summit on nuclear disarmament and nuclear non-proliferation, held on 24 September 2009,

Convinced that a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices would be a significant contribution to nuclear disarmament and non-proliferation,

Welcoming, after years of stalemate, the consensus adoption by the Conference on Disarmament of its decision (CD/1864) of 29 May 2009 on the establishment of a programme of work for its 2009 session, by which the Conference, inter alia, and without prejudice to any past, present or future position, established a Working Group to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of document CD/1299 of 24 March 1995 and the mandate contained therein,

1. *Urges* the Conference on Disarmament to agree early in 2010 on a programme of work that includes the immediate commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

2. *Decides* to include in the provisional agenda of its sixty-fifth session an item entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices".

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

[Resolution A/RES/64/31, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its various resolutions in the field of nuclear disarmament, including its most recent, resolutions 62/24 of 5 December 2007, and 63/46, 63/49 and 63/75 of 2 December 2008,

Bearing in mind 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 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 with satisfaction that the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty finalized the procedural arrangements for the Review Conference,

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, which would lead to nuclear disarmament in a way that promotes international stability and, based on the principle of undiminished

security for all:

(a) Further efforts to be made by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

(b) Increased transparency by the nuclear-weapon States with regard to nuclear weapons capabilities and the implementation of agreements pursuant to article VI of the Treaty and as a voluntary confidence-building measure to support further progress in nuclear disarmament;

(c) The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

(d) Concrete agreed measures to reduce further the operational status of nuclear weapons systems;

(e) A diminishing role for nuclear weapons in security policies so as to

minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

(f) The engagement, as soon as appropriate, of all the nuclear-weapon States

in the process leading to the total elimination of their nuclear weapons;

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 nuclear 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 Review Conferences of the Parties to the Treaty and their Preparatory Committees;

5. *Decides* to include in the provisional agenda of its sixty-sixth session the 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".

Relationship between disarmament and development

[Resolution A/RES/64/32, adopted by the General Assembly at its 64th Session, December 2009]

[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,

Recalling further its resolutions 49/75 J of 15 December 1994, 50/70 G of 12 December 1995, 51/45 D of 10 December 1996, 52/38 D of 9 December 1997, 53/77 K of 4 December 1998, 54/54 T of 1 December 1999, 55/33 L of 20 November 2000, 56/24 E of 29 November 2001, 57/65 of 22 November 2002, 59/78 of 3 December 2004, 60/61 of 8 December 2005, 61/64 of 6 December 2006, 62/48 of 5 December 2007 and 63/52 of 2 December 2008, and its decision 58/520 of 8 December 2003,

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,

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 could provide in meeting them when it reviews its progress towards this purpose in 2010, 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. *Reiterates its invitation* to Member States to provide the Secretary-General with information regarding measures and efforts to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever widening gap between developed and developing countries;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-fifth 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-fifth session the item entitled "Relationship between disarmament and development".

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

[Resolution A/RES/64/33, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnote not included]

The General Assembly,

Recalling its resolutions 50/70 M of 12 December 1995, 51/45 E of 10 December 1996, 52/38 E of 9 December 1997, 53/77 J of 4 December 1998, 54/54 S of 1 December 1999, 55/33 K of 20 November 2000, 56/24 F of 29 November 2001, 57/64 of 22 November 2002, 58/45 of 8 December 2003, 59/68 of 3 December 2004, 60/60 of 8 December 2005, 61/63 of 6 December 2006, 62/28 of 5 December 2007 and 63/51 of 2 December 2008,

Emphasizing the importance of the observance of environmental norms in the preparation and implementation of disarmament and arms limitation agreements,

Recognizing that it is necessary to take duly into account the agreements adopted at the United Nations Conference on Environment and Development, as well as prior relevant agreements, in the drafting and implementation of agreements on disarmament and arms limitation,

Taking note of the report of the Secretary-General submitted pursuant to resolution 63/51,

Noting that the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, welcomed the adoption of resolution 63/51, the first resolution adopted without a vote by the General Assembly on the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control,

Mindful of the detrimental environmental effects of the use of nuclear weapons,

1. *Reaffirms* that international disarmament forums should take fully into account the relevant environmental norms in negotiating treaties and agreements on disarmament and arms limitation and that all States, through their actions, should contribute fully to ensuring compliance with the aforementioned norms in the implementation of treaties and conventions to which they are parties;

2. *Calls upon* States to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress within the framework of international security, disarmament and other related spheres, without detriment to the environment or to its effective contribution to attaining sustainable development;

3. *Welcomes* the information provided by Member States on the implementation of the measures they have adopted to promote the objectives envisaged in the present resolution;

4. *Invites* all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the present resolution, and requests the Secretary-General to submit a report containing that information to the General Assembly at its sixty-fifth session;

5. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control".

Promotion of multilateralism in the area of disarmament and non-proliferation

[Resolution A/RES/64/34, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnote 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, 61/62 of 6 December 2006, 62/27 of 5 December 2007 and 63/50 of 2 December 2008 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 Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, welcomed the adoption of resolution 63/50 on the promotion of multilateralism in the area of disarmament and non-proliferation, 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 63/50;

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-fifth session;

9. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Promotion of multilateralism in the area of disarmament and non-proliferation".

International Day against Nuclear Tests

[Resolution A/RES/64/35, adopted by the General Assembly at its 64th Session, December 2009]

The General Assembly,

Recalling that the promotion of peace and security is among the main purposes and principles of the United Nations embodied in the Charter,

Convinced that every effort should be made to end nuclear tests in order to avert devastating and harmful effects on the lives and health of people and the environment,

Convinced also that the end of nuclear tests is one of the key means of achieving the goal of a nuclear-weapon-free world,

Welcoming the recent positive momentum in the international community to work towards this goal,

Emphasizing in this context the essential role of Governments, intergovernmental organizations, civil society, academia and mass media,

Acknowledging the related importance of education as a tool for peace, security, disarmament and non-proliferation,

1. *Declares* 29 August as the International Day against Nuclear Tests, devoted to enhancing public awareness and education about the effects of nuclear weapon test explosions or any other nuclear explosions and the need for their cessation as one of the means of achieving the goal of a nuclear-weapon-free world;

2. *Invites* Member States, the United Nations system, civil society, academia, the mass media and individuals to commemorate the International Day against Nuclear Tests in an appropriate manner, including through all means of educational and public awareness-raising activities.

Reducing nuclear danger

[Resolution A/RES/64/37, adopted by the General Assembly at its 64th Session, December 2009]

[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 the de-alerting and de-targeting of nuclear weapons;

2. *Requests* the five nuclear-weapon States to take measures towards the implementation of paragraph 1 above;

3. *Calls upon* Member States to take the necessary measures to prevent the proliferation of nuclear weapons in all its aspects and to promote nuclear disarmament, with the objective of eliminating nuclear weapons;

4. *Takes note of* the report of the Secretary-General submitted pursuant to paragraph 5 of resolution 63/47 of 2 December 2008;

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-fifth session;

6. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Reducing nuclear danger".

Measures to prevent terrorists from acquiring weapons of mass destruction

[Resolution A/RES/64/38, adopted by the General Assembly at its 64th Session, December 2009]

See Section N

Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)

[Resolution A/RES/64/39, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 62/31 of 5 December 2007, entitled "Treaty on the South-East Asia Nuclear-Weapon-Free-Zone (Bangkok Treaty)",

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,

Noting the entry into force of the Charter of the Association of Southeast Asian Nations on 15 December 2008, which states, inter alia, that one of the purposes of the Association is to preserve South-East Asia as a nuclear-weapon-free zone, free of all other weapons of mass destruction,

Noting also the convening of the second Conference of States Parties and

Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia,

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 and efforts of the Commission for the Treaty on the South-East Asia Nuclear-Weapon-Free Zone to further enhance and strengthen the implementation of the Bangkok Treaty by implementing the Plan of Action for the period 2007–2012, adopted in Manila on 29 July 2007, and the recent decision of the Association of Southeast Asian Nations Political-Security Community Council, established under the Charter of the Association, to give priority to the implementation of the Plan of Action;

2. *Encourages* States parties to the Treaty to resume direct consultations with the five nuclear-weapon States to resolve comprehensively, in accordance with the objectives and principles of the Treaty, existing outstanding issues on a number of provisions of the Treaty and the Protocol thereto;

3. *Encourages* nuclear-weapon States and States parties to the Treaty to work constructively with a view to ensuring the early accession of the nuclear-weapon States to the Protocol to the Treaty;

4. *Underlines* the value of enhancing and implementing further ways and means of cooperation among nuclear-weapon-free zones;

5. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled “Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)”.

National legislation on transfer of arms, military equipment and dual-use goods and technology

[Resolution A/RES/64/40, adopted by the General Assembly at its 64th Session, December 2009]

[*Editorial note:* Footnote not included]

The General Assembly,

Recognizing that disarmament, arms control and non-proliferation are essential for the maintenance of international peace and security,

Recalling that effective national control of the transfer of arms, military equipment and dual-use goods and technology, including those transfers that could contribute to proliferation activities, is an important tool for achieving those objectives,

Recalling also that the States parties to the international disarmament and non-proliferation treaties have undertaken to facilitate the fullest possible exchange of materials, equipment and technological information for peaceful purposes, in accordance with the provisions of those treaties,

Considering that the exchange of national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology contributes to mutual understanding and confidence among Member States,

Convinced that such an exchange would be beneficial to Member States that are in the process of developing such legislation,

Welcoming the electronic database established by the Office for Disarmament Affairs, in which all information exchanged pursuant to General Assembly resolutions 57/66 of 22 November 2002, 58/42 of 8 December 2003, 59/66 of 3 December 2004, 60/69 of 8 December 2005 and 62/26 of 5 December 2007, entitled “National legislation on transfer of arms, military equipment and dual-use goods and technology”, can be consulted,

Reaffirming the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

1. *Invites* Member States that are in a position to do so, without

prejudice to the provisions contained in Security Council resolution 1540 (2004) of 28 April 2004 and subsequent relevant Council resolutions, to enact or improve national legislation, regulations and procedures to exercise effective control over the transfer of arms, military equipment and dual-use goods and technology, while ensuring that such legislation, regulations and procedures are consistent with the obligations of States parties under international treaties;

2. *Encourages* Member States to provide, on a voluntary basis, information to the Secretary-General on their national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology, as well as the changes therein, and requests the Secretary-General to make that information accessible to Member States;

3. *Decides* to remain attentive to the matter.

Regional disarmament

[Resolution A/RES/64/41, adopted by the General Assembly at its 64th Session, December 2009]

[*Editorial note:* Footnotes not included]

The General Assembly,

Recalling its resolutions 45/58 P of 4 December 1990, 46/36 I of 6 December 1991, 47/52 J of 9 December 1992, 48/75 I of 16 December 1993, 49/75 N of 15 December 1994, 50/70 K of 12 December 1995, 51/45 K of 10 December 1996, 52/38 P of 9 December 1997, 53/77 O of 4 December 1998, 54/54 N of 1 December 1999, 55/33 O of 20 November 2000, 56/24 H of 29 November 2001, 57/76 of 22 November 2002, 58/38 of 8 December 2003, 59/89 of 3 December 2004, 60/63 of 8 December 2005, 61/80 of 6 December 2006, 62/38 of 5 December 2007 and 63/43 of 2 December 2008 on regional disarmament,

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-fifth session the item entitled "Regional disarmament".

Nuclear-weapon-free southern hemisphere and adjacent Areas

[Resolution A/RES/64/44, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolutions 51/45 B of 10 December 1996, 52/38 N of 9 December 1997, 53/77 Q of 4 December 1998, 54/54 L of 1 December 1999, 55/33 I of 20 November 2000, 56/24 G of 29 November 2001, 57/73 of 22 November 2002, 58/49 of 8 December 2003, 59/85 of 3 December 2004, 60/58 of 8 December 2005, 61/69 of 6 December 2006, 62/35 of 5 December 2007 and 63/65 of 2 December 2008,

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,

Noting the adoption of the Declaration 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, where nuclear-weapon-free-zone States met for the purpose of strengthening the nuclear-weapon-free zone regime and contributing to the disarmament and the non-proliferation processes, and in particular to analyse ways of cooperating that could contribute to achieving the universal goal of a nuclear-weapon-free world,

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, and in that regard, notes with satisfaction the meeting of focal points of nuclear-weapon-free zones and Mongolia, held in Ulaanbaatar on 27 and 28 April 2009,

Reaffirming 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. *Notes with satisfaction* that all nuclear-weapon-free zones in the

southern hemisphere and adjacent areas are now in force;

3. *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;

4. *Also welcomes* the entry into force, on 15 July 2009, of the Treaty of Pelindaba, which establishes a nuclear-weapon-free zone in Africa;

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. *Urges* all relevant States to cooperate in resolving outstanding issues with a view to the full implementation of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, which entered into force on 21 March 2009;

7. *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;

8. *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;

9. *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 28 April 2005, at which States reaffirmed their need to cooperate in order to achieve their common objectives, and looks forward to the second Conference planned for 2010, which aims to further develop this collaboration;

10. *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;

11. *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;

12. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Nuclear-weapon-free southern hemisphere and adjacent areas".

Renewed determination towards the total elimination of nuclear weapons

[Resolution A/RES/64/47, adopted by the General Assembly at its 64th Session, December 2009]

[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 safe world, without 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 63/73 of 2 December 2008, *Convinced* 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 non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy, welcoming the results of the third session of the Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in 2010, the year of the sixtieth anniversary of the atomic bombings in Hiroshima and Nagasaki, Japan, and noting the importance of achieving the success of the Review Conference,

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, which is, inter alia, essential to international peace and security,

Welcoming the recent global momentum of nuclear disarmament towards a world without nuclear weapons, which has been strengthened by concrete proposals and initiatives from political leaders of Member States, in particular by the Russian Federation and the United States of America, which currently together hold most of the nuclear weapons in the world,

Welcoming also the United Nations Security Council Summit on Nuclear Non-proliferation and Nuclear Disarmament, held on 24 September 2009, which confirmed the vision for a world without nuclear weapons,

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 and Council resolution 1874 (2009) of 12 June 2009 with regard to the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, while calling upon the Democratic People's Republic of Korea to return immediately and without preconditions to the Six-Party Talks, and reiterating strong support for the early resumption of the 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, and calls upon all States parties to the Treaty to work together so that the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons can successfully strengthen the Treaty regime and can establish effective and practical measures in all the Treaty's three pillars;

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 the Treaty, to adhere to its terms as well as to take practical steps in support of the Treaty;

4. *Encourages* further steps leading to nuclear disarmament, in accordance with article VI of the Treaty, including deeper reductions in all types of nuclear weapons, and emphasizes the importance of applying the principles of 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. *Calls upon* all nuclear-weapon States to undertake reductions of nuclear weapons in a transparent manner, and invites all nuclear-weapon States to agree on transparency and confidence-building measures, while noting in this regard the increased transparency demonstrated by nuclear-weapon States on their nuclear arsenals, including the current number of their nuclear warheads;

6. *Encourages* the Russian Federation and the United States of

America to fully implement the obligations under the Treaty on Strategic Offensive Reductions and to undertake further steps in nuclear disarmament with greater transparency, including the conclusion of a legally binding successor to the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), which is due to expire in December 2009, while welcoming the progress that has been made recently;

7. *Encourages* States to continue to pursue efforts, within the framework of international cooperation, contributing to the reduction of nuclear-weapons-related materials;

8. *Calls upon* the nuclear-weapon States to take measures to reduce the risk of an accidental or unauthorized launch of nuclear weapons and to also consider further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;

9. *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;

10. *Urges* all States that have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty at the earliest opportunity with a view to its early entry into force and universalization, stresses the importance of maintaining existing moratoriums on nuclear-weapon test explosions or any other nuclear explosions pending the entry into force of the Treaty, and reaffirms the importance of the continued development of the Treaty verification regime, including the international monitoring system, which will be required to provide assurance of compliance with the Treaty;

11. *Welcomes* the adoption by the Conference on Disarmament of a programme of work for its 2009 session, and calls upon the Conference to start its substantive work when it convenes in January 2010, while taking into due consideration the increasing global momentum in favour of nuclear disarmament as well as progress and active engagement in deliberations at the Conference;

12. *Calls for* the immediate commencement of negotiations on a fissile material cut-off treaty at the 2010 session of the Conference on Disarmament 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 and maintain moratoriums on the production of fissile material for any nuclear weapons or other nuclear explosive devices pending the entry into force of the treaty;

13. *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;

14. *Stresses* the importance of preventing nuclear terrorism, and encourages every effort to secure all vulnerable nuclear and radiological material;

15. *Also stresses* the importance of further efforts for non-proliferation, including the universalization of the comprehensive safeguards agreements of the International Atomic Energy Agency to include States which have not yet adopted and implemented such an agreement, while also strongly encouraging further works for achieving the universalization of the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the Agency on 15 May 1997, and the full implementation of relevant Security Council resolutions, including resolution 1540 (2004) of 28 April 2004;

16. *Encourages* 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;

17. *Commends and further encourages* the constructive role played by civil society, including the International Commission on Nuclear Non-Proliferation and Disarmament, in promoting nuclear

non-proliferation and nuclear disarmament;

18. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Renewed determination towards the total elimination of nuclear weapons".

Second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia

[Resolution A/RES/64/52, adopted by the General Assembly at its 64th Session, December 2009]

[*Editorial note:* Footnotes not included]

The General Assembly,

Recognizing the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories, under article VII of the Treaty on the Non-Proliferation of Nuclear Weapons,

Recognizing also the important contribution of the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and Central Asia, as well as the Antarctic Treaty, to the achievement of the objectives of nuclear non-proliferation and nuclear disarmament,

Recalling its resolution 63/56 of 2 December 2008 on Mongolia's international security and nuclear-weapon-free status,

Urging regions that have not yet established nuclear-weapon-free zone treaties to accelerate efforts in this direction, particularly in the Middle East, through agreements freely arrived at among the States of the region concerned, in accordance with the provisions of the Final Document of the First Special Session of the General Assembly devoted to disarmament and the principles adopted by the United Nations Disarmament Commission in 1999,

Taking note of paragraph 122 of the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, in which the Heads of State and Government stated their belief that those nuclear-weapon-free zones were positive steps and important measures towards strengthening global nuclear disarmament and nuclear non-proliferation,

Recognizing 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 28 April 2005, at which States reaffirmed their need to cooperate in order to achieve their common objectives,

Recalling 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 also the support for nuclear-weapon-free zones expressed by the Security Council summit on nuclear non-proliferation and nuclear disarmament, held on 24 September 2009, and for the convening of the second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, to be held in New York on 30 April 2010,

1. *Decides* to convene the second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia in New York on 30 April 2010;

2. *Notes* that the objective of the Conference will be to consider ways and means to enhance consultations and cooperation among States parties and signatories, the treaty agencies and other interested States, with the purpose of promoting coordination and convergence in the implementation of the provisions of the treaties and in strengthening the regime of nuclear disarmament and non-proliferation;

3. *Urges* the States parties and signatories to treaties that have established nuclear-weapon-free zones to develop activities of cooperation and coordination in order to promote their common

objectives in the framework of the Conference;

4. *Requests* the Secretary-General to provide the necessary assistance and services as may be required for the second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia.

Nuclear disarmament

[Resolution A/RES/64/53, adopted by the General Assembly at its 64th Session, December 2009]

[*Editorial note:* Footnotes not included]

The General Assembly,

Recalling its resolution 49/75 E of 15 December 1994 on a step-by-step reduction of the nuclear threat, and its resolutions 50/70 P of 12 December 1995, 51/45 O of 10 December 1996, 52/38 L of 9 December 1997, 53/77 X of 4 December 1998, 54/54 P of 1 December 1999, 55/33 T of 20 November 2000, 56/24 R of 29 November 2001, 57/79 of 22 November 2002, 58/56 of 8 December 2003, 59/77 of 3 December 2004, 60/70 of 8 December 2005, 61/78 of 6 December 2006, 62/42 of 5 December 2007 and 63/46 of 2 December 2008 on nuclear disarmament,

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, which called 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 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,

Taking note of the positive signals by the Russian Federation and the United

States of America regarding their negotiations on the replacement for the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), which is due to expire by the end of 2009,

Urging the Russian Federation and the United States of America to conclude such negotiations urgently in order to achieve further deep cuts in their strategic and tactical nuclear weapons, and stressing that such cuts should be irreversible, verifiable and transparent,

Recalling 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 the recent positive statements by nuclear-weapon States regarding their intention to pursue actions to achieve a world free of nuclear weapons, while reaffirming the need for urgent concrete actions by nuclear-weapon States to achieve this goal within a specified framework of time, and urging them to take further measures for progress on nuclear disarmament,

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 102 of the Final Document of the Coordinating Bureau of the Non-Aligned Movement at its Ministerial Meeting, held in Havana from 27 to 30 April 2009,

Recalling paragraph 112 and other relevant recommendations in the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, on 15 and 16 July 2009, which called 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 within a specified framework of time, including a nuclear weapons convention,

Noting the adoption of the programme of work for the 2009 session by the Conference on Disarmament on 29 May 2009, after years of stalemate, while reaffirming the importance of the Conference as the sole multilateral negotiating forum on disarmament,

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 to achieve the total elimination of these weapons at the earliest possible time;

2. *Reaffirms* that nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing, that the two processes must go hand in hand and that there is a genuine need for a systematic and progressive process of nuclear disarmament;

3. *Welcomes and encourages* the efforts to establish new nuclear-weapon-free zones in different parts of the world 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, while stressing that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons;

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 within a specified framework of time;

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 plurilateral 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 principles of transparency, irreversibility and verifiability to the process of nuclear disarmament and to 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 practical 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 non-strategic 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 commence as early as possible its substantive work during its 2010 session, on the basis of a comprehensive and balanced programme of work that takes into consideration all the real and existing priorities in the field of disarmament and arms control, including the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years;

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 2009, as called for by the General Assembly in its resolution 63/46;

20. *Reiterates its call upon* the Conference on Disarmament to establish, as soon as possible and as the highest priority, an ad hoc committee on nuclear disarmament early in 2010, and to commence negotiations on a phased programme of nuclear disarmament leading to the total elimination of nuclear weapons within a specified framework of time;

21. *Calls for* the convening 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-fifth session a report on the implementation of the present resolution;

23. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Nuclear disarmament".

**Follow-up to the advisory opinion of the
International Court of Justice on the *Legality of
the Threat or Use of Nuclear Weapons***

[Resolution A/RES/64/55, adopted by the General
Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/85 of 22 November 2002, 58/46 of 8 December 2003, 59/83 of 3 December 2004, 60/76 of 8 December 2005, 61/83 of 6 December 2006, 62/39 of 5 December 2007 and 63/49 of 2 December 2008,

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 Central Asia, 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,

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 63/49,

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-fifth session;

4. *Decides* to include in the provisional agenda of its sixty-fifth 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*".

**Towards a nuclear-weapon-free world:
accelerating the implementation of nuclear
disarmament commitments**

[Resolution A/RES/64/57, adopted by the General
Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Recalling its resolution 63/58 of 2 December 2008,

Reiterating its grave concern at the danger to humanity posed by the possibility that nuclear weapons could be used,

Noting with satisfaction the renewed interest in nuclear disarmament on the part of international leaders expressed, inter alia, during the Security Council summit on nuclear non-proliferation and nuclear disarmament held on 24 September 2009, and underlining in this regard the urgent need for concrete, transparent, verifiable and irreversible steps to realize the goal of a world free of nuclear weapons,

Reaffirming that nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes requiring urgent irreversible progress on both fronts,

Recognizing the continued vital importance of the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty to the advancement of nuclear disarmament and nuclear non-proliferation objectives, and welcoming the recent ratifications of the Treaty by Lebanon, Liberia, Malawi, Mozambique and Saint Vincent and the Grenadines,

Recalling that the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in its final document, inter alia, reaffirmed the conviction that the establishment of nuclear-weapon-free zones enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament,

Welcoming the entry into force, on 21 March 2009, of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia and the entry into force, on 15 July 2009, of the Treaty of Pelindaba, which establishes a nuclear-weapon-free zone in Africa, and expressing the hope that these important steps will be followed by concerted international efforts to create nuclear-weapon-free zones in other areas in the world, especially in the Middle East,

Recalling the decisions entitled “Strengthening the review process for the Treaty”, “Principles and objectives for nuclear non-proliferation and disarmament” and “Extension of the Treaty on the Non-Proliferation of Nuclear Weapons” and the resolution on the Middle East, all of which were adopted at 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,

Welcoming the progress towards a follow-up agreement to the Strategic Arms Reduction Treaty, as reflected in recent statements made by the Presidents of the Russian Federation and of the United States of America,

Welcoming also the outcome of the third session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, at which the Committee adopted the provisional agenda and decisions relating to the organization of the work of the Review Conference,

Welcoming further the recent positive developments in the Conference on

Disarmament, which led to the adoption of a programme of work on 29 May 2009,

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. *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;

3. *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, and in this regard renews 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. *Reiterates its call* upon all States parties to spare no effort to achieve the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and in this regard urges India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States promptly and without conditions;

5. *Urges* the Democratic People's Republic of Korea to rescind its announced withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons, to re-establish cooperation with the International Atomic Energy Agency and to rejoin the Six-Party Talks, with a view to achieving the denuclearization of the Korean Peninsula in a peaceful manner;

6. *Calls upon* all Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to spare no effort to ensure a successful and constructive outcome of the 2010 Review Conference;

7. *Stresses* that the outcome of the 2010 Review Conference should build upon the positive results reached at the 1995 and 2000 Conferences, contribute significantly to the concrete implementation of the outcomes of both Conferences, advance the objective of a nuclear-weapon-free world, strengthen the Treaty on the Non-Proliferation of Nuclear Weapons in all its aspects and contribute to achieving its full implementation and universality;

8. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to work towards the full implementation of the resolution on the Middle East adopted at the 1995 Review Conference;

9. *Calls upon* the States members of the Conference on Disarmament to pursue continued positive developments in that forum, in order to maintain the momentum that led to the adoption of a programme of work on 29 May 2009, and spare no efforts to ensure an early start to the substantive work of the Conference at the beginning of its 2010 session;

10. *Decides* to include in the provisional agenda of its sixty-fifth 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.

Convention on the Prohibition of the Use of Nuclear Weapons

[Resolution A/RES/64/59, adopted by the General Assembly at its 64th Session, December 2009]

[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,

Reaffirming that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

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 2009 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 63/75 of 2 December 2008,

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances;

2. *Requests* the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

Report of the Conference on Disarmament

[Resolution A/RES/64/64, adopted by the General Assembly at its 64th Session, December 2009]

[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 address by the Secretary-General of the United Nations, as well as the addresses by Ministers for Foreign Affairs and other high-level officials in the Conference on Disarmament, as expressions of support for the endeavours of the Conference and its role as the sole multilateral disarmament negotiating forum,

Recognizing also the need to conduct multilateral negotiations with the aim of reaching agreement on concrete issues,

Recalling, in this respect, that the Conference on Disarmament has a number of urgent and important issues for negotiation,

Considering that the present international climate should give additional impetus to multilateral negotiations with the aim of reaching concrete agreements,

Acknowledging the support of the United Nations Security Council summit on nuclear non-proliferation and nuclear disarmament, held on 24 September 2009, for the work of the Conference on Disarmament,

Bearing in mind the decision of the Conference on Disarmament of 29 May 2009 to establish four working groups and appoint three special coordinators, including one working group under agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament", which shall negotiate a 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 of 1995 and the mandate contained therein, without prescribing or precluding any outcome of discussions in the other three working groups, with a view to enabling future compromise and including the possibility of future negotiations under any agenda item, thus upholding the nature of the Conference,

Appreciating the continued cooperation among the States members of the Conference on Disarmament as well as the six

successive Presidents of the Conference at its 2009 session,

Recognizing the importance of continuing consultations on the question of the expansion of the membership of the Conference on Disarmament,

Taking note of significant contributions made during the 2009 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,

Welcoming the enhanced engagement between civil society and the Conference on Disarmament at its 2009 session according to decisions taken by the Conference,

Stressing the urgent need for the Conference on Disarmament to commence its substantive work at the beginning of its 2010 session,

1. *Reaffirms* the role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum of the international community;

2. *Welcomes* the consensus adoption of a programme of work for the 2009 session of the Conference on Disarmament, including the establishment of four working groups and the appointment of three special coordinators;

3. *Takes note* of the active discussions held on the implementation of the programme of work at the 2009 session of the Conference on Disarmament, as duly reflected in the report and the records of the plenary meetings;

4. *Welcomes* the decision of the Conference on Disarmament to request the current President and the incoming President to conduct consultations during the intersessional period and, if possible, make recommendations, taking into account all relevant proposals, past, present and future, including those submitted as documents of the Conference on Disarmament, views presented and discussions held, and to endeavour to keep the membership of the Conference informed, as appropriate, of their consultations;

5. *Requests* all States members of the Conference on Disarmament to cooperate with the current President and successive Presidents in their efforts to guide the Conference to the early commencement of substantive work, including negotiations, in its 2010 session;

6. *Requests* the Secretary-General to continue to ensure and strengthen, if needed, the provision to the Conference on Disarmament of all necessary administrative, substantive and conference support services;

7. *Requests* the Conference on Disarmament to submit a report on its work to the General Assembly at its sixty-fifth session;

8. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Report of the Conference on Disarmament".

Report of the Disarmament Commission

[Resolution A/RES/64/65, adopted by the General Assembly at its 64th Session, December 2009]

[Editorial note: Footnotes not included]

The General Assembly,

Having considered the report of the Disarmament Commission,

Recalling its resolutions 47/54 A of 9 December 1992, 47/54 G of 8 April 1993, 48/77 A of 16 December 1993, 49/77 A of 15 December 1994, 50/72 D of 12 December 1995, 51/47 B of 10 December 1996, 52/40 B of 9 December 1997, 53/79 A of 4 December 1998, 54/56 A of 1 December 1999, 55/35 C of 20 November 2000, 56/26 A of 29 November 2001, 57/95 of 22 November 2002, 58/67 of 8 December 2003, 59/105 of 3 December 2004, 60/91 of 8 December 2005, 61/98 of 6 December 2006, 62/54 of 5 December 2007 and 63/83 of 2 December 2008,

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. *Recalls* its resolution 61/98, by which it adopted additional measures for improving the effectiveness of the Commission's methods of work;
4. *Reaffirms* the mandate of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;
5. *Also reaffirms* the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;
6. *Requests* the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items on its agenda, taking into account the adopted "Ways and means to enhance the functioning of the Disarmament Commission";
7. *Recommends* that the Disarmament Commission continue the consideration of the following items at its substantive session of 2010:
 - (a) Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons;
 - (b) Elements of a draft declaration of the 2010s as the fourth disarmament decade;
 - (c) Practical confidence-building measures in the field of conventional weapons. This item will be taken up upon the conclusion of the preparation of the elements of a draft declaration of the 2010s as the fourth disarmament decade, preferably by 2010 and in any case no later than 2011;
8. *Requests* the Disarmament Commission to meet for a period not exceeding three weeks during 2010, namely from 29 March to 16 April, and to submit a substantive report to the General Assembly at its sixty-fifth 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-fourth 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-fifth session the item entitled "Report of the Disarmament Commission".

The risk of nuclear proliferation in the Middle East

[Resolution A/RES/64/66, adopted by the General Assembly at its 64th Session, December 2009]

[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 are resolutions GC(53)/RES/16, adopted on 17 September 2009 and GC(53)/RES/17, adopted on 18 September 2009,

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 seriously consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting this objective, 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 eighty-one 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-fifth session on the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled “The risk of nuclear proliferation in the Middle East”.

Comprehensive Nuclear-Test-Ban Treaty

[Resolution A/RES/64/69, adopted by the General Assembly at its 64th Session, December 2009]

[*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 twelve years, its entry into force is more urgent than ever before,

Encouraged by the signing of the Treaty by one hundred and eighty-two States, including forty-one of the forty-four needed for its entry into force, and welcoming the ratification of one hundred and fifty States, including thirty-five of the forty-four needed for its entry into force, among which there are three nuclear-weapon States,

Recalling its resolution 63/87 of 2 December 2008,

Welcoming the Joint Ministerial Statement on the Comprehensive Nuclear-Test-Ban Treaty, adopted at the Ministerial Meeting held in New York on 24 September 2008,

Welcoming also the Final Declaration of the Sixth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held in New York on 24 and 25 September 2009, pursuant to article XIV of the Treaty, and noting the improved prospects for ratification in several Annex 2 countries,

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;

2. *Welcomes* the contributions by the States signatories to the work of the Preparatory Commission for the Comprehensive Nuclear-

Test-Ban Treaty Organization, in particular its efforts to ensure that the Treaty's verification regime will be capable of meeting the verification requirements of the Treaty upon its entry into force, in accordance with article IV of the Treaty;

3. *Underlines* the need to maintain momentum towards completion of all elements of the verification regime;

4. *Urges* all States not to carry out nuclear-weapon test explosions or any other nuclear explosions, to maintain their moratoriums in this regard and to refrain from acts that would defeat the object and purpose of the Treaty, while stressing that these measures do not have the same permanent and legally binding effect as the entry into force of the Treaty;

5. *Recalls* Security Council resolutions 1718 (2006) of 14 October 2006 and 1874 (2009) of 12 June 2009, calls for their early implementation, and calls for early resumption of the Six-Party Talks;

6. *Urges* all States that have not yet signed the Treaty to sign and ratify it as soon as possible;

7. *Urges* all States that have signed but not yet ratified the Treaty, in particular those whose ratification is needed for its entry into force, to accelerate their ratification processes with a view to ensuring their earliest successful conclusion;

8. *Welcomes*, since the last session of the General Assembly, the ratification of the Treaty by Lebanon, Liberia, Malawi, Mozambique and Saint Vincent and the Grenadines, as well as the signature by Trinidad and Tobago, as significant steps towards the early entry into force of the Treaty;

9. *Urges* all States to remain seized of the issue at the highest political level and, where in a position to do so, to promote adherence to the Treaty through bilateral and joint outreach, seminars and other means;

10. *Requests* the Secretary-General, in consultation with the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, to prepare a report on the efforts of States that have ratified the Treaty towards its universalization and possibilities for providing assistance on ratification procedures to States that so request it, and to submit such a report to the General Assembly at its sixty-fifth session;

11. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled “Comprehensive Nuclear-Test-Ban Treaty”.

U – 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 Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices

[Reproduced from CD/1299, 24 March, 1995]

At the beginning of last year's session, I was tasked with seeking the views of members on the most appropriate arrangement to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

As you know I held numerous consultations, both bilaterally and with groups and reported formally to this plenary on five occasions in 1994.

Mid-way through the last session, consensus was reached that the CD was the appropriate forum to negotiate a treaty on this issue. At the end of the session in September, while there was no agreement on a mandate for an Ad Hoc Committee, there was agreement in principle, that an Ad Hoc Committee be established on this issue as soon as a mandate had been agreed. At that time, the CD asked me to continue consultations on an appropriate mandate for an Ad Hoc Committee in order to enable the convening of this Ad Hoc Committee as soon as possible.

At the beginning of this year's session, the Conference decided to continue consultations on a mandate.

I have since held numerous consultations, and am pleased to report that delegations have agreed that the mandate for such a Committee should be based on Resolution 48/75L of the UN General Assembly, and reads as follows:

1. The Conference on Disarmament decides to establish an Ad Hoc Committee on a "Ban on the production of fissile material for nuclear weapons or other nuclear explosive devices".
2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.
3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1995 session.

During the course of my consultation, many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the convention. Some delegations expressed the view that this mandate would permit consideration in the Committee only of the future production of fissile material. Other delegations were of the view that the mandate would permit consideration not only of future but also of past production. Still others were of the view that consideration should not only relate to production of fissile materials (past or future) but also to other issues, such as the management of such material.

Mr. President, it has been agreed by delegations that the mandate for the establishment of the Ad Hoc Committee does not preclude any delegation from raising for consideration in the Ad Hoc Committee any of the above noted issues.

Delegations with strong views were able to join consensus so we could all move forward on this issue. This means that an Ad Hoc Committee on Cut-Off can be established and negotiations can begin on this important topic. This has for some time been the common objective of all delegations of this Conference.

I have appreciated that the productive contribution and support of all delegations in arriving at this result.

The Formation of the Ad Hoc Committee on Fissile Materials in the Conference on Disarmament

[Extracted from the CD Report to the UNGA for 1998, CD/1557, 8 September, 1998]

10. At the 802nd plenary meeting on 11 August 1998, the Conference adopted the decision on the establishment of an ad hoc committee under item 1 of the agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament' (CD/1547), which reads as follows:

"The Conference on Disarmament decides to establish, under item 1 of its agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament', an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 1998 session."

Following the adoption of this decision, the President made the following statement (CD/1548):

"In connection with the decision we have just taken, I should like, in my capacity as President of the Conference, to state that the adoption of this decision is without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 which may result from the provisions of paragraph 1 of decision CD/1501, and that the presidency will continue to pursue intensive consultations and to seek the views of the members of the Conference on appropriate methods and approaches for dealing with agenda item 1, entitled 'Cessation of the nuclear arms race and nuclear disarmament', taking into consideration all proposals and views in this respect."

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

fissile material for nuclear weapons or other nuclear explosive devices.

3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before (DATE).

Treaty on the Cessation of Production of Fissile Material for Use in Nuclear Weapons or Other Nuclear Explosive Devices
(DRAFT TEXT)

The States Parties to this Treaty (hereinafter referred to as the "Parties"), have agreed as follows: **Article I** No Party shall, after the entry into force of the Treaty for that Party, produce fissile material for use in nuclear weapons or other nuclear explosive devices, or use any fissile material produced thereafter in nuclear weapons or other nuclear explosive devices. **Article II** For the purposes of this Treaty:

1. "Fissile material" means

- (a) Plutonium except plutonium whose isotopic composition includes 80 percent or greater plutonium-238.
- (b) Uranium containing a 20 percent or greater enrichment in the isotopes uranium-233 or uranium-235, separately or in combination; or
- (c) Any material that contains the material defined in (a) or (b) above.

2. "Produce fissile material" means:

- (a) To separate any fissile material from fission products in irradiated nuclear material;
- (b) To enrich plutonium-239 in plutonium by any isotopic separation process; or
- (c) To enrich uranium-233 or uranium-235 in uranium to an enrichment of 20 percent or greater in those isotopes, separately or in combination, by any isotopic separation process.

3. The term "produce fissile material" does not include activities involving fissile material produced prior to entry into force of the Treaty, provided that such activities do not increase the total quantity of plutonium, uranium-233, or uranium-235 in such fissile material.

Article III

1. Each Party shall take the necessary measures to ensure that all persons and entities anywhere on its territory or in any other place under its jurisdiction or control do not produce fissile material for use in nuclear weapons or other nuclear explosive devices, and do not use fissile material produced after entry into force of this Treaty for that Party in nuclear weapons or other nuclear explosive devices.

2. For the purposes of this Treaty, no Party shall be precluded from using information obtained by national means and methods in a manner consistent with generally recognized principles of international law, including that of respect for the sovereignty of States.

3. Any questions that arise regarding the implementation by a Party of the provisions of this Treaty shall be addressed through consultations between that Party and the Party or Parties seeking clarification.

4. In addition, any Party may bring to the attention of the Parties to this Treaty concerns regarding compliance with the provisions of this Treaty by another Party or Parties and may request the depositary to convene the Parties to this Treaty to consider the matter.

5. If, in connection with the implementation of this Treaty, any Party believes that questions have arisen that are within the competence of the Security Council of the United Nations as the organ bearing the main responsibility for the maintenance of international peace and security, that Party may request consideration of such questions by the Security Council. The requesting Party should provide evidence related to the matter.

Article IV

1. This Treaty shall be open to all States for signature until its entry into force in accordance with paragraph 1 of Article VI.

2. After its entry into force, this Treaty shall remain open for

accession by States that have not signed it.

3. This Treaty shall be subject to ratification by States Signatories in accordance with their respective constitutional processes.

Article V

1. Instruments of ratification and accession shall be deposited with [_____].

2. The depositary shall inform all States Signatories and acceding States promptly of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.

Article VI

1. This Treaty shall enter into force on the date on which an instrument of ratification has been deposited by all of the following States: the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

2. For a State that deposits an instrument of ratification or accession after the conditions set out in paragraph 1 above for entry into force have been fulfilled, the Treaty shall enter into force on the date of the deposit by that State of its instrument of ratification or accession.

Article VII

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized its supreme interests. A Party shall deliver notice of such withdrawal in writing to the depositary no less than three months in advance of the date of withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events that the notifying Party regards as having jeopardized its supreme interests.

2. This Treaty shall remain in force for a period of 15 years from the date of its entry into force. No later than six months before the expiration of the Treaty, the Parties shall meet to consider whether it will be extended. By consensus of the Parties, this Treaty may be extended.

Article VIII

This Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish language texts are equally authentic, shall be registered by the depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty opened for signature at [_____] on [date].

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

V – Other Documents and Declarations (in chronological order)

[Editorial Note: Earlier documents of relevance may be downloaded from <http://www.mcis.soton.ac.uk/>]

UN Security Council Declaration on Disarmament, Arms Control and Weapons of Mass Destruction

[Reproduced from S/PV.3046, 31 January 1992]

The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilizing accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the START and CFE Treaties.

The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by the IAEA.

On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

International Court of Justice: *Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict* (Request for Advisory Opinion by the General Assembly of the United Nations)

[Reproduced from Communiqué No. 96/23, 8 July 1996]

Advisory Opinion

The Hague, July 8 1996. The International Court of Justice today handed down its Advisory Opinion on the request made by the General Assembly of the United Nations in the above case. The final paragraph of the Opinion reads as follows:

For these reasons,
THE COURT

- (1) By thirteen votes to one,
Decides to comply with the request for an advisory opinion:
IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins;
AGAINST: *Judge* Oda.
- (2) Replies in the following manner to the question put by the General Assembly:
 - A. Unanimously,
There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;
 - B. By eleven votes to three,
There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such, IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume,

Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: *Judges* Shahabuddeen, Weeramantry, Koroma.

C. Unanimously,

A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful;

D. Unanimously,

A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;

E. By seven votes to seven [see corrigendum below – ed.], It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law; However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;

IN FAVOUR: *President* Bedjaoui; *Judges* Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo; AGAINST: *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Koroma, Higgins.

F. Unanimously,

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control'.

The Court was composed as follows: *President* Bedjaoui, *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins; *Registrar* Valencia-Ospina.

President Bedjaoui, *Judges* Herczegh, Shi, Vereshchetin and Ferrari Bravo appended declarations to the Advisory Opinion of the Court; *Judges* Guillaume, Ranjeva and Fleischhauer appended separate opinions; *Vice-President* Schwebel, *Judges* Oda, Shahabuddeen, Weeramantry, Koroma and Higgins appended dissenting opinions.

...

Corrigendum to Press Communiqué No. 96/23

On page 2 of Press Communiqué No. 96/23, the first line of point (2) E. of the final paragraph of the Opinion should read as follows:

E. By seven votes to seven, by the President's casting vote,

Annex to Press Communiqué No. 96/23

Declaration of President Bedjaoui

After having pointed out that paragraph E. of the operative part was adopted by seven votes to seven, with his own casting vote, President Bedjaoui began by stressing that the Court had been extremely meticulous and had shown an acute sense of its responsibilities when proceeding to consider all the aspects of the complex question put to it by the General Assembly. He indicated that the Court had, however, had to find that in the current state of international law, the question was one to which it was unfortunately not in a position to give a clear answer. In his view, the Advisory Opinion thus rendered does at least have the merit of pointing to the imperfections of international law and inviting the States to correct them.

President Bedjaoui indicated that the fact that the Court was unable to go any further should not 'in any way be interpreted as leaving the way open to the recognition of the lawfulness of the threat or use of nuclear weapons'. According to him, the Court does no more than place on record the existence of a legal uncertainty. After having observed that the voting of the Members of the Court on paragraph E. of the operative part is not the reflection of any geographical dividing line, he gives the reasons that led him to approve the pronouncement of the Court.

To that end, he began by emphasizing the particularly exacting nature of international law and the way in which it is designed to be applied in all circumstances. More specifically, he concluded that *'the very nature of this blind weapon therefore has a destabilizing effect on humanitarian law which regulates discernment in the type of weapon used. Nuclear weapons, the ultimate evil, destabilize humanitarian law which is the law of the lesser evil. The existence of nuclear weapons is therefore a challenge to the very existence of humanitarian law'*, not to mention their long-term effects of damage to the human environment, in respect to which the *right to life* can be exercised'.

President Bedjaoui considered that 'self-defence — if exercised under extreme circumstances in which the very survival of a State is in question — cannot engender a situation in which a State would exonerate itself from compliance with the 'intransgressible' norms of international humanitarian law'. According to him it would be very rash to accord, without any hesitation, a higher priority to the survival of a State than to the survival of humanity itself.

As the ultimate objective of any action in the field of nuclear weapons is nuclear disarmament, President Bedjaoui concludes by stressing the importance of the obligation to negotiate in good faith for nuclear disarmament — which the Court has moreover recognized. He considers for his part that it is possible to go beyond the conclusions of the Court in this regard and to assert 'that there in fact exists a twofold *general obligation*, opposable *erga omnes*, to negotiate in good faith and to achieve a specified result'; in other words, given the at least formally unanimous support for that object, that obligation has now — in his view — assumed customary force.

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 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-weapon 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 plurilateral 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-weapon 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-weapon states and as regards non-use or threat of use of nuclear weapons against non-nuclear-weapon 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-weapon states among themselves; and by the nuclear-weapon states together with the non-nuclear-weapon states, thus providing a road map towards a nuclear-weapon-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 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]

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, initially 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-all and brokering 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.

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,² constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while

goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,² which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;
2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;
3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

- (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
- (b) Develop and maintain appropriate effective physical protection measures;
- (c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
- (d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would

contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

* Definitions for the purpose of this resolution only:

– Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

– Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

– Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

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 multifaceted approaches.

Determined to prevent, contain, and roll back proliferation, today, at Sea Island, we announce an action plan to reinforce the global nonproliferation regime. We will work together with other concerned states to realize this plan.

All states must fulfill their arms control, disarmament, and nonproliferation commitments, which we reaffirm, and we strongly support universal adherence to and compliance with these commitments under the relevant multilateral treaties. We will help and encourage states in effectively implementing their obligations under the multilateral treaty regimes, in particular implementing domestically their obligations under such treaties, building law enforcement capacity, and establishing effective export controls. We call on all states that have not already done so to subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation.

We strongly support UN Security Council Resolution 1540, calling on all states to establish effective national export controls, to adopt and enforce effective laws to criminalize proliferation, to take cooperative action to prevent non-state actors from acquiring weapons of mass destruction, and to end illicit trafficking in such weapons, their means of delivery, and related materials. We call on all states to implement this resolution promptly and fully, and we are prepared to assist them in so doing, thereby helping to fight the nexus between terrorism and proliferation, and black markets in these weapons and related materials.

1. Nuclear Nonproliferation

The trafficking and indiscriminate spread of sensitive nuclear materials, equipment, and technology that may be used for weapons purposes are a threat to us all. Some states seek uranium enrichment and plutonium reprocessing capabilities for weapons programs contrary to their commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We reaffirm our commitment to the NPT and to the declarations made at Kananaskis and Evian, and we will work to prevent the illicit diversion of nuclear materials and technology. We announce the following new actions to reduce the risk of nuclear weapons proliferation and the acquisition of nuclear materials and technology by terrorists, while allowing the world to enjoy safely the benefits of peaceful nuclear technology.

- To allow the world to safely enjoy the benefits of peaceful nuclear energy without adding to the danger of weapons proliferation, we have agreed to work to establish new measures so that sensitive nuclear items with proliferation potential will not be exported to states that may seek to use them for weapons purposes, or allow them to fall into terrorist hands. The export of such items should only occur pursuant to criteria consistent with global nonproliferation norms and to states rigorously committed to those norms. We shall work to amend appropriately the Nuclear Suppliers Group (NSG) guidelines, and to gain the widest possible support for such measures in the future. We aim to have appropriate measures in place by the next G-8 Summit. In aid of this process, for the intervening year, we agree that it would be prudent not to inaugurate new initiatives involving transfer of enrichment and reprocessing equipment and technologies to additional states. We call on all states to adopt this strategy of prudence. We will also develop new measures to ensure reliable access to nuclear materials, equipment, and technology, including nuclear fuel and related services, at market conditions, for all states, consistent with maintaining nonproliferation commitments and standards.
- We seek universal adherence to IAEA comprehensive safeguards and the Additional Protocol and urge all states to ratify and implement these agreements promptly. We are actively engaged in outreach efforts toward this goal, and ready to offer necessary support.

- The Additional Protocol must become an essential new standard in the field of nuclear supply arrangements. We will work to strengthen NSG guidelines accordingly. We aim to achieve this by the end of 2005.
- We support the suspension of nuclear fuel cycle cooperation with states that violate their nuclear nonproliferation and safeguards obligations, recognizing that the responsibility and authority for such decisions rests with national governments or the Security Council.
- To enhance the IAEA's integrity and effectiveness, and strengthen its ability to ensure that nations comply with their NPT obligations and safeguards agreements, we will work together to establish a new Special Committee of the IAEA Board of Governors. This committee would be responsible for preparing a comprehensive plan for strengthened safeguards and verification. We believe this committee should be made up of member states in compliance with their NPT and IAEA commitments.
- Likewise, we believe that countries under investigation for non-technical violations of their nuclear nonproliferation and safeguards obligations should elect not to participate in decisions by the IAEA Board of Governors or the Special Committee regarding their own cases.

2. Proliferation Security Initiative

We reiterate our strong commitment to and support for the Proliferation Security Initiative (PSI) and the Statement of Interdiction Principles, which is a global response to a global problem. We will continue our efforts to build effective PSI partnerships to interdict trafficking in weapons of mass destruction, their delivery systems, and related materials. We also will prevent those that facilitate proliferation from engaging in such trafficking and work to broaden and strengthen domestic and international laws supporting PSI. We welcome the increasing level of support worldwide for PSI, which now includes all G-8 members. The Krakow meeting commemorating PSI's first anniversary, attended by 62 countries, evidences growing global support.

We will further cooperate to defeat proliferation networks and coordinate, where appropriate, enforcement efforts, including by stopping illicit financial flows and shutting down illicit plants, laboratories, and brokers, in accordance with national legal authorities and legislation and consistent with international law. Several of us are already developing mechanisms to deny access to our ports and airports for companies and impose visa bans on individuals involved in illicit trade.

We encourage all states to strengthen and expand national and international measures to respond to clandestine procurement activities. Directly, and through the relevant international mechanisms, we will work actively with states requiring assistance in improving their national capabilities to meet international norms.

3. The Global Partnership Against Weapons and Materials of Mass Destruction

Since its launch by G-8 Leaders two years ago at Kananaskis, the Global Partnership has become a significant force worldwide to enhance international safety and security. Global Partnership member states, including the six new donors that joined at Evian, have in the past year launched new cooperative projects in Russia and accelerated progress on those already underway. While much has been accomplished, significant challenges remain. We recommit ourselves to our Kananaskis Statement, Principles, and Guidelines as the basis for Global Partnership cooperation.

- We recommit ourselves to raising up to \$20 billion for the Global Partnership through 2012.
- Expanding the Partnership to include additional donor countries is essential to raise the necessary resources and to ensure the effort is truly global. Today we welcome the decisions of Australia, Belgium, the Czech Republic, Denmark, Ireland, the Republic of Korea, and New Zealand to join.
- We will continue to work with other former Soviet states to discuss their participation in the Partnership. We reaffirm that Partnership states will participate in projects according to their national interests and resources.
- We reaffirm that we will address proliferation challenges worldwide. We will, for example, pursue the retraining of Iraqi and Libyan scientists involved in past WMD programs. We

also support projects to eliminate over time the use of highly-enriched uranium fuel in research reactors worldwide, secure and remove fresh and spent HEU fuel, control and secure radiation sources, strengthen export control and border security, and reinforce biosecurity. We will use the Global Partnership to coordinate our efforts in these areas.

4. Nonproliferation Challenges

- The DPRK's announced withdrawal from the NPT, which is unprecedented; its continued pursuit of nuclear weapons, including through both its plutonium reprocessing and its uranium enrichment programs, in violation of its international obligations; and its established history of missile proliferation are serious concerns to us all. We strongly support the Six-Party Process, and strongly urge the DPRK to dismantle all of its nuclear weapons-related programs in a complete, verifiable, and irreversible manner, a fundamental step to facilitate a comprehensive and peaceful solution.
- We remain united in our determination to see the proliferation implications of Iran's advanced nuclear program resolved. Iran must be in full compliance with its NPT obligations and safeguards agreement. To this end, we reaffirm our support for the IAEA Board of Governors' three Iran resolutions. We note that since Evian, Iran has signed the Additional Protocol and has committed itself to cooperate with the Agency, and to suspend its enrichment and reprocessing related activities. While we acknowledge the areas of progress reported by the Director General, we are, however, deeply concerned that Iran's suspension of enrichment-related activity is not yet comprehensive. We deplore Iran's delays, deficiencies in cooperation, and inadequate disclosures, as detailed in IAEA Director General reports. We therefore urge Iran promptly and fully to comply with its commitments and all IAEA Board requirements, including ratification and full implementation of the Additional Protocol, leading to resolution of all outstanding issues related to its nuclear program.
- We welcome Libya's strategic decision to rid itself of its weapons of mass destruction and longer-range missiles, to fully comply with the NPT, the Additional Protocol, the Biological and Toxin Weapons Convention (BWC), and the Chemical Weapons Convention (CWC), and to commit not to possess missiles subject to the Missile Technology Control Regime. We note Libya has cooperated in the removal of nuclear equipment and materials and taken steps to eliminate chemical weapons. We call on Libya to continue to cooperate fully with the IAEA and the Organization for the Prohibition of Chemical Weapons.

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 biosurveillance capabilities to detect bioterror 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 penal 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 nonproliferation 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 Chernobyl, 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 Chernobyl 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.

Executive Summary of 'Multilateral Approaches to the Nuclear Fuel Cycle': Expert Group Report Submitted to the Director General of the International Atomic Energy Agency

[Reproduced from INFCIRC 640, 22 February 2005]

[Editorial note: The Expert group Report is available in its entirety on the IAEA website]

<http://www.iaea.org/Publications/Documents/infircs/2005/infirc640.pdf>]

Multilateral Nuclear Approaches (MNAs)

Executive Summary

1. The global nuclear non-proliferation regime has been successful in limiting, albeit not entirely preventing, the further spread of nuclear weapons. The vast majority of States have legally pledged to forego the manufacture and acquisition of nuclear weapons and have abided by that commitment. Nonetheless, the past few years have been a tumultuous and difficult period.

2. The decades long nuclear non-proliferation effort is under threat: from regional arms races; from actions by non-nuclear weapon States (NNWS) that have been found to be in fundamental breach of, or in non-compliance with their safeguards agreement, and which have not taken full corrective measures; from the incomplete manner in which export controls required by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) have been applied; from burgeoning and alarmingly well-organised nuclear supply networks; and from the increasing risk of acquisition of nuclear or other radioactive materials by terrorist and other non-State entities.

3. A different significant factor is that the civilian nuclear industry appears to be poised for worldwide expansion. Rapidly growing global demand for electricity, the uncertainty of supply and price of natural gas, soaring prices for oil, concerns about air pollution and the immense challenge of lowering greenhouse gas emissions, are all forcing a fresh look at nuclear power. As the technical and organisational foundations of nuclear safety improve, there is increasing confidence in the safety of nuclear power plants. In light of existing, new and reawakened interest in many regions of the world, the prospect of new nuclear power stations on a large scale is therefore real. A greater number of States will consider developing their own fuel cycle facilities and nuclear know-how, and will seek assurances of supply in materials, services and technologies.

4. In response to the growing emphasis being placed on international cooperation to cope with non-proliferation and security concerns, the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, appointed in June 2004 an international group of experts (participating in their personal capacity) to consider possible multilateral approaches to the civilian nuclear fuel cycle.

5. The mandate of the Expert Group was three-fold:

- To identify and provide an analysis of issues and options relevant to multilateral approaches to the front and back ends of the nuclear fuel cycle;
- To provide an overview of the policy, legal, security, economic, institutional and technological incentives and disincentives for cooperation in multilateral arrangements for the front and back ends of the nuclear fuel cycle; and
- To provide a brief review of the historical and current experiences and analyses relating to multilateral fuel cycle arrangements relevant to the work of the expert group.

6. Two primary deciding factors dominate all assessments of multilateral nuclear approaches, namely "**Assurance of non-proliferation**" and "**Assurance of supply and services**". Both are recognised overall objectives for governments and for the NPT community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time. As a matter of fact, multilateral approaches could be a way to satisfy both objectives.

7. The non-proliferation value of a multilateral arrangement is measured by the various proliferation risks associated with a nuclear facility, whether national or multilateral. These risks include the diversion of materials from an MNA (reduced through the presence of a multinational team), the theft of fissile materials, the diffusion of proscribed or sensitive technologies from MNAs to unauthorised entities, the development of clandestine parallel programmes and the breakout scenario. The latter refers to the case of the host country "breaking out", for example, by expelling multinational staff, withdrawing from the NPT (and thereby terminating its safeguards agreement), and operating the multilateral facility without international control.

8. The "Assurance of supply" value of a multilateral arrangement is measured by the associated incentives, such as the guarantees provided by suppliers, governments and international organisations; the economic benefits that would be gained by countries participating in multilateral arrangements, and the better political and public acceptance for such nuclear projects. One of the most critical steps is to devise effective mechanisms for assurances of supply of material and services, which are commercially competitive, free of monopolies and free of political constraints. Effective assurances of supply would have to include back-up sources of supply in the event that an MNA supplier is unable to provide the required material or services.

Overview of options

9. Whether for uranium enrichment, spent fuel reprocessing, or spent fuel disposal and storage, **multilateral options** span the entire field between existing market mechanisms and a complete co-ownership of fuel cycle facilities. The following pattern reflects this diversity:

Type I: Assurances of services not involving ownership of facilities.

- (a) Suppliers provide additional assurances of supply;
- (b) International consortia of governments broaden the assurances;
- (c) IAEA-related arrangements provide even broader assurances.

Type II: Conversion of existing national facilities to multinational facilities.**Type III: Construction of new joint facilities.**

10. On the basis of this pattern, the Group has reviewed the pros and cons associated with each type and option. Pros and cons were defined relative to a “non-MNA choice”, namely that of a national facility under current safeguards.

Uranium enrichment

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 precedents, the Anglo-Dutch-German company Urenco and the French EURODIF. 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. EURODIF 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.

Reprocessing of nuclear spent fuel

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 ownerships (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 agreement of the corresponding government. As to *IAEA-brokered arrangements*, these could mean an IAEA participation in the supervision of an international consortium for reprocessing services.

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-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-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 NWS 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 instead on the existing elements of the regime itself, for example, by seeking the universality of the Additional Protocol (AP) to IAEA safeguards agreements and by the universalisation of safeguards agreements and multilateral export controls.

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 national interests in security and confidentiality. Sustained application of the Additional Protocol in a State can provide credible assurance of the absence of undeclared materials and activities in that State. Together with a comprehensive safeguards agreement, the Additional Protocol should become the de facto safeguards standard.

33. The above notwithstanding, the IAEA should endeavour to further strengthen the implementation of safeguards. For example, it should revisit three facets of its verification system:

- a. The technical annexes of the Additional Protocol, which should be regularly updated to reflect the continuing development of nuclear techniques and technologies.
- b. The implementation of the AP, which requires adequate resources and a firm commitment to apply it decisively. It should be recalled that the Model Additional Protocol commits the IAEA not to apply the AP in a mechanistic or systematic way. Therefore the IAEA should allocate its resources on problematic areas rather than on States using the largest amounts of nuclear material.
- c. The enforcement mechanisms in case of fundamental breach of, or in case of non-compliance with, the safeguards agreement. Are these mechanisms progressive enough to act as an effective deterrent? Further consideration should be given by the IAEA to appropriate measures to handle various degrees of violations.

34. Export guidelines and their implementation are an important line of defence 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 to choose 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(C)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 parties 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 NWS 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(C)T.

41. The feasibility of bringing NWS 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 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.

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.

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 Participating States note in this context that UN Security Council resolution 1540 (2004) calls upon all states, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.[KP1]

Second, the network of PSI participating states is constantly expanding across the globe. In just three years, the number of states that have expressed support for the PSI Principles and have committed to actively supporting interdiction efforts whenever necessary has increased to more than 75. PSI participating states now hail from every region of the world and, most importantly, from the regions of greatest concern for WMD-related trafficking. This is a vital accomplishment, because the national legal authorities and operational capabilities of PSI participating states serve as the basis for successful interdictions.

Third, PSI participating states have greatly improved their national capacities to interdict shipments of proliferation concern. Over the last three years, countries have undertaken robust efforts to:

- Proactively identify and use existing laws to conduct interdictions, and strengthen laws where necessary,
- Improve interdiction capabilities through multinational training efforts such as live exercises and gaming exercises,
- Improve their national organization for decision-making and operational execution in support of PSI interdictions,
- Establish relationships with key industries to facilitate their cooperation on PSI interdictions, and
- Continue to reach out to those states that have yet to endorse the PSI Statement of Interdiction Principles and to ensure that all PSI participating states can achieve the full benefits of involvement in the Initiative.

Finally, PSI is achieving results. Like-minded nations, working cooperatively, have utilized their national legal authorities and international legal frameworks to successfully stop shipments of WMD- and missile-related materials that, had they reached their destination and end-use, would have aided states and possibly non-state actors of proliferation concern in the development of weapons of mass destruction.

During this meeting, PSI participating states focused on deepening their on-going efforts in all these regards. They stressed the importance of maintaining the operational focus and nature of the PSI Operational Experts process and further developing its regional dimension. They also discussed the efforts of several PSI participating states to disrupt the financial mechanisms that support proliferators. They concluded that each participant should consider how their own national laws and authorities might be utilized or strengthened to identify, track or freeze the assets and transactions of WMD proliferators and their supporters. In addition, the PSI participating states undertook to explore how PSI states can work cooperatively to prevent and disrupt proliferation finance, in

furtherance of their obligations under UNSCR 1540 and 1673.

PSI partners will continue to work together toward the objective of stopping the trafficking in WMD, their delivery systems, and related materials. They will also continue to work with those nations that have yet to indicate their support for the PSI, to further broaden the reach of willing partners. PSI Participants recognized that their actions under the PSI in preventing the spread of WMD-related material are having a positive impact on the world in which we live.

**Report of the Chairman of the Special Event,
Mr Charles Curtis, at the 50th IAEA General
Conference: New Framework for the Utilization
of Nuclear Energy in the 21st Century:
Assurances of Supply and Non-Proliferation,
19-21 September 2006**

[Vienna, 22 September 2006]

Overview

At the outset of the 21st century, a discussion is taking place concerning the challenge of meeting 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 here 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 major suppliers. Furthermore, it was asserted that there was also a complementary need for greater transparency in uranium markets,

and that assured access to a broader range of nuclear reactor technology would be important to operators and countries seeking to reduce the risk of interruptions on political grounds.

It was clear that a fully developed assurance of supply mechanism would comprise several of the ideas advanced which, taken as a whole, are considered mutually supportive and consistent. It is equally clear that this evaluation would need to be phased in over time.

What are the modalities of assurance mechanisms?

The discussions showed that the modalities of possible fuel assurance mechanisms would also need to be assessed. The possible modalities could include: 1) a virtual reserve¹ of natural and low enriched uranium, based on binding contractual agreements for the supply of such material, plus parallel binding commitments/assurances of fuel fabrication services. It was recognized that while an actual (physical) bank of natural or low enriched uranium could be established, it would be impractical for technical and economic reasons to have an actual bank of nuclear fuel assemblies, given the different types of reactor designs and the many variants of nuclear fuel required for them – in this case, the physical bank of nuclear material would need to be supplemented by parallel binding commitments/assurances of fuel fabrication services. It was recognized that the complexity and details of such modalities requires further consideration.

What objective criteria would be required?

The discussions also touched upon the issue of objective criteria, i.e. the conditions governing eligibility for benefiting from assurance mechanisms. Different eligibility criteria have been included in the proposals discussed. Further discussion is required regarding the nature of the non-proliferation undertaking to be considered as the qualifying criterion. It was recognized that in accordance with the IAEA Statute, an Agency-administered assurance mechanism would have to be available to all Member States in a non-discriminatory manner. For any mechanism, whether or not it involves a role for the Agency, certain release criteria would need to be defined and agreed upon, either by the IAEA Board of Governors or the supply consortium. Another aspect requiring further assessment is how best to assure that the application of the release mechanism is demonstrably non-political and based on objective criteria.

Possible role(s) of the Agency?

Existing proposals envisage different roles for the Agency, and yet others can be considered. The suggested roles ranged from Agency administration or ownership of natural or low enriched uranium stocks, to administration of virtual stocks and associated parallel fuel fabrication commitments. It was noted that the IAEA Statute was sufficiently broad to allow the Agency to establish its own stocks of nuclear fuel, purchased from, or donated by, Member States for supply to another Member State against charges determined by the Board; to facilitate the supply of nuclear fuel from one Member State to another; and also to facilitate, inter alia, the provision of enrichment and fuel fabrication services by one Member State to another or to the IAEA. It was noted further that a number of legal arrangements were needed, with variations, depending on whether title to the material concerned passes through the Agency or whether it passes directly from the Supplier State to the Recipient State. These were: (1) an arrangement between the Supplier State and the Agency; to include inter alia consent rights by the Supplier State to export the fuel, licensing and transport requirements as well as the corresponding privileges and immunities; (2) an arrangement between the Recipient State and the Agency to include inter alia the issues listed in Article XI.F of the Statute; (3) the underlying contractual arrangements with nuclear fuel providers, transporters, storage providers, etc.; and, (4) in case the IAEA were to establish an actual bank of nuclear fuel, agreements covering safeguards, security, safety and liability for nuclear damage with the State where the fuel is located as well as transit agreements with neighbouring States. While models of certain legal arrangements already exist, the details would need to be worked out.

Possible role(s) of the nuclear industry?

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

'Toward A Nuclear-Free World' by George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn

[The Wall Street Journal, 15 January 2008]

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 nearterm 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, developments in cyber-warfare pose new threats that could have disastrous consequences if the command-and-control systems of any nuclear-weapons state were compromised by mischievous or hostile hackers. Further steps could be implemented in time, as trust grows in the U.S.-Russian relationship, by introducing mutually agreed and verified physical barriers in the command-and-control sequence.
- *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 completion of work to establish the Joint 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 work 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 governor's point, 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 one knew where the warheads were, or even that they were missing.

- *Start a dialogue, including within NATO and with Russia, on consolidating the nuclear weapons designed for forward deployment to enhance their security, and as a first step toward careful accounting for them and their eventual elimination.* These smaller and more portable nuclear weapons are, given their characteristics, inviting acquisition targets for terrorist groups.
- *Strengthen the means of monitoring compliance with the nuclear Non-Proliferation Treaty (NPT) as a counter to the global spread of advanced technologies.* More progress in this direction is urgent, and could be achieved through requiring the application of monitoring provisions (Additional Protocols) designed by the IAEA to all signatories of the NPT.
- *Adopt a process for bringing the Comprehensive Test Ban Treaty (CTBT) into effect, which would strengthen the NPT and aid international monitoring of nuclear activities.* This calls for a bipartisan review, first, to examine improvements over the past decade of the international monitoring system to identify and locate explosive underground nuclear tests in violation of the CTBT; and, second, to assess the technical progress made over the past decade in maintaining high confidence in the reliability, safety and effectiveness of the nation's nuclear arsenal under a test ban. The Comprehensive Test Ban Treaty Organization is putting in place new monitoring stations to detect nuclear tests – an effort the U.S. should urgently support even prior to ratification.

In parallel with these steps by the U.S. and Russia, the dialogue must broaden on an international scale, including non-nuclear as well as nuclear nations.

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. Completing 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 mountaintop 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.

The following participants in the Hoover-NTI conference also endorse the view in this statement: General John Abizaid, Graham Allison, Brooke Anderson, Martin Anderson, Steve Andreasen, Mike Armacost, Bruce Blair, Matt Bunn, Ashton Carter, Sidney Drell, General Vladimir Dvorkin, Bob Einhorn, Mark Fitzpatrick, James Goodby, Rose Gottemoeller, Tom Graham, David Hamburg, Siegfried Hecker, Tom Henriksen, David Holloway, Raymond Jeanloz, Ray Juzaitis, Max Kampelman, Jack Matlock, Michael McFaul, John McLaughlin, Don Oberdorfer, Pavel Podvig, William Potter, Richard Rhodes, Joan Rohlfing, Harry Rowen, Scott Sagan, Roald Sagdeev, Abe Sofaer, Richard Solomon, and Philip Zelikow.

Transcript of Remarks by Russian Minister of Foreign Affairs Sergey Lavrov at the Plenary Session of the Conference on Disarmament

[Geneva, 12 February 2008]

[Eds...]

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.

[Eds...]

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 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.

[Eds...]

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 a new spiral in the arms race both in space and on the earth.

The draft PPWT prohibits the deployment of weapons of any kind in space, and the use or threat of force against space objects. The Treaty is to eliminate existing lacunas in international space law, create conditions for further exploration and use of space, preserve

costly space property, and strengthen general security and arms control.

The task of preventing an arms race in space is on the Conference's agenda. It's time, by way of preempting, to start serious practical work in this field. Otherwise, we can miss the opportunity. Indeed, to prevent a threat is always easier than to remove it.

Let us not forget that the nuclear arms race was started with a view to preserving the monopoly to this type of weapons, but this monopoly was to last only four years. However, that spell was sufficient to channel the world politics along the "Cold War lines", which lasted for over four decades and resulted in a gigantic waste of material and other resources at the expense of finding solutions to the problem of development. Is it worthwhile "to repeat the history"?

All states have an equal and inalienable right to accessing space, its exploration and uses. It is logical that the problem of ensuring security in space is a common one for all of us, and we should find jointly such a solution to it as would work for strengthening international security and stability. We have no doubts that the PPWT is an effective and, at the same time, a realistic way to achieve that goal. We are prepared to closely cooperate with all Member States of the Conference.

There is another pressing issue that affects considerably strategic stability and international security and is linked to missile proliferation. In October 2007, President Vladimir V. Putin launched an initiative for rendering global the obligations set forth in the Treaty between the USSR and the USA on the elimination of their intermediate-range and shorter-range missiles (INF Treaty).

The initiative was supported by our American partners. Our common position on the matter was reflected in the Joint Statement on the INF Treaty circulated as an official paper at the 62nd session of the UN General Assembly and the Conference on Disarmament. The majority of the international community members welcomed it. However, there are States that were not prepared to support the initiative for various reasons. We take note of their approaches and would like to continue searching jointly for a mutually acceptable solution to the problem.

To this end, we propose that a new multilateral agreement based on the relevant provisions of the existing INF Treaty be elaborated and concluded. Such an international legal arrangement could comprise the following basic elements.

Firstly, the obligation of the parties not to conduct flight testing and not to manufacture medium- and shorter-range missiles or their stages and launchers.

Secondly, the undertaking by states parties to eliminate, by an agreed deadline, all their medium- and shorter-range missiles, launchers thereof and associated supporting facilities and equipment.

Thirdly, the arrangement should set rules for counting and defining the types of medium- and shorter-range missiles, their deployment and movement, in the process of getting them ready for elimination, procedures for their elimination and compliance verification.

We will circulate unofficially the elements of the proposed Agreement for study by Member States of the Conference on Disarmament. We are open for a constructive dialogue and invite our partners to join us in this work.

[Eds...]

"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.

Article VII

Definitions

Definitions of the terms "ballistic missile and ground-launched ballistic missile (GLBM)", "cruise missile and ground-launched cruise missile (GLCM)", "GLBM launcher", "GLCM launcher", "intermediate-range missile", "shorter-range missile" and others may be based on the definitions set forth in Article II 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, and are subject to an agreement.

Article VIII

The Organization for Implementation of the Arrangement

The States Parties to this Arrangement shall come to an

agreement about mechanism of implementation of the subject and the objective of this Arrangement.

Article IX

Duration of the Arrangement

This Arrangement shall be of unlimited duration.

Article X

Amendments, Signature, Accession, Ratification, Entry into Force, Reservations, Depositary, Authentic Texts

Provisions for amendments, signature, accession, ratification, entry into force, reservations, depositary, authentic texts are subject to an agreement.

Press Release on the Statement of Russian Foreign Minister Sergey Lavrov at the Conference on Disarmament in Geneva

[13 February 2008]

On February 12 the Minister of Foreign Affairs of the Russian Federation, Sergey Lavrov, in his statement at the Conference on Disarmament (CD) in Geneva, set out the principled approaches of Russia on the topical problems of disarmament, arms control and the nonproliferation of weapons of mass destruction. Furthermore, the draft prepared by Russia and China of a treaty on the prevention of the placement of weapons in outer space, the threat or use of force against outer space objects (PPWT) was formally submitted. The idea of developing that document had been suggested by President of the Russian Federation Vladimir Putin in Munich in February 2007.

The draft's submission was the result of the long-running work begun by Russia and China back in 2002, when the two countries came up with a working CD document containing basic elements of that treaty. In subsequent years military space problems became the subject of multilateral discussion in Geneva and in the UN General Assembly in New York.

The draft sets forth the following obligations of states parties: not to place in orbit around the Earth any objects carrying any kinds 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. Such a legally binding international instrument could become a reliable guarantee that outer space will never be turned into a sphere of military confrontation. It would create a firm basis for ensuring the security of space vehicles and the safety of the expensive orbital property of states.

The idea of joint preparation of a PPWT has found broad support in the international community and the submission of the draft is a significant step on the road towards its realization.

The Russian Foreign Minister in his statement also dwelt upon the proposal advanced by President Putin in October 2007 to impart a global character to the obligations set forth in the Treaty between the USSR and the USA on the Elimination of their Intermediate-Range and Shorter-Range Missiles. Russia's proposal stems from the danger of the proliferation of missile weapons of these two classes and from the desire to put up a barrier to such a development of events. At the 62nd UNGA session, this proposal was backed up by the United States of America and an overwhelming majority of states. Sergey Lavrov called for continuation of the work in this direction.

The statement of the Minister of Foreign Affairs of the Russian Federation at the Conference on Disarmament summed up a number of Russian foreign policy initiatives that have become major events of international life.

The full text of the statement of Foreign Minister Sergey Lavrov is published on the Russian MFA's website.

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]

The States Parties to this Treaty,

Reaffirming that outer space plays an ever-increasing role in the future development of humankind,

Emphasizing the rights to explore and use outer space freely for peaceful purposes,

Interested in keeping outer space from turning into an arena for military confrontation, in assuring security in outer space and safe functioning of space objects,

Recognizing that prevention of the placement of weapons and of an arms race in outer space would avert a grave danger for international peace and security,

Desiring to keep outer space as a sphere where no weapon of any kind is placed,

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.

Article X

Any State Party may propose amendments to the Treaty. The text of any proposed amendment shall be submitted to the Depository who shall promptly circulate it to all States Parties. Upon the request of at least one third of the States Parties, the Depository Governments shall convene a conference to which all States Parties shall be invited to consider the proposed amendment.

Any amendment to the Treaty shall be approved by a majority of the votes of the States Parties. The amendment shall enter into

force for all the States Parties in accordance with the procedures of the entry into force of the Treaty.

Article XI

The Treaty shall be of unlimited duration.

Each State Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall notify the Depository in written form of the decision taken six months in advance of the withdrawal from the Treaty.

Article XII

The Treaty shall be opened for signature by all States at the United Nations headquarters in New York. Any State which did not sign the Treaty before its entry into force may accede to it at any time.

The Treaty shall be subject to ratification by signatory States in accordance with their constitutional norms. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations, who is hereby designated the Depository of the Treaty.

Article XIII

The Treaty shall enter into force upon the deposit of instruments of ratification by twenty States, including all Permanent Member States of the United Nations Security Council.

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

Article XIV

The 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, who shall send duly certified copies thereof to all signatory and acceding States.

Speech by Nicolas Sarkozy, President of the French Republic

[Cherbourg, 21 March 2008]

[Eds...]

I am very proud to be here with you in Cherbourg to salute all those who built *Le Terrible*, 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.

[Eds...]

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 beside 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 deterrence 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 Terrible* will carry as soon as it is commissioned in 2010, and the ASMPA 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.

Statement by the Delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Delivered by UK Ambassador John Duncan to the 2008 NPT PrepCom

[Geneva, 9 May 2008]

1. The delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm the strong and continuing support of our countries for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on the occasion of the second Preparatory Committee of the eighth NPT review cycle.

2. The proliferation of nuclear weapons constitutes a threat to international peace and security. The NPT has served the global community well over the last four decades. It remains a key instrument for collective security and the bedrock on which the international architecture to prevent proliferation of nuclear weapons is built. We wish to see the NPT thrive and therefore affirm our unequivocal commitment to strengthening the Treaty and to a successful outcome to the 2010 Review Conference. We welcome the constructive and substantive discussion that has taken place at this year's Preparatory Committee meeting and will work to reinforce the positive dynamic that has been established.

3. We wish to address the proliferation challenges through Treaty-based multilateralism and through partnerships and relevant initiatives in which we all participate. The NPT's central role in promoting security for all depends on concerted action by all States Party to ensure compliance and respond quickly and effectively to non-compliance. We attach great importance to achieving the universality of the NPT and call on those countries remaining outside to accede to the Treaty as non-nuclear weapon States.

4. We stress the importance of the IAEA Safeguards system, which should be adequately funded. We seek universal adherence to IAEA comprehensive safeguards, as provided for in Article III, and to the Additional Protocol and urge the ratification and implementation of these agreements. We are actively engaged in efforts toward this goal, and are ready to offer necessary support.

5. We reaffirm that all States Party must ensure strict compliance with their non-proliferation obligations under the NPT. The proliferation of nuclear weapons undermines the security of all nations, imperils prospects for progress on other important NPT goals such as nuclear disarmament, and hurts prospects for expanding international nuclear co-operation. The proliferation risks presented by the Iranian nuclear programme continue to be a matter of ongoing serious concern to us. We recall that the United Nations Security Council recently sent for the third time a strong message of international resolve to Iran by adopting sanctions resolution 1803 on Iran's nuclear programme under Article 41 of Chapter VII of the United Nations Charter as part of a dual-track strategy. We call for Iran to respond to the concerns of the international community through prompt and full implementation of the relevant United Nations Security Council Resolutions and the requirements of the IAEA. We are fully behind the E3+3 process to resolve this issue innovatively through negotiations on the basis of the offer agreed in London on 2 May 2008. We also restate our support for the Six-Party Talks process moving towards the verifiable denuclearization of the Korean Peninsula, urge the implementation of relevant United Nations Security Council

Resolutions and call on the relevant Six-Party members to continue their cooperation through the full implementation of the Joint Statement of 19 September 2005. We confirm our determination to achieve satisfactory resolution of these dossiers through dialogue and negotiation.

6. We reiterate our enduring commitment to the fulfilment of our obligations under Article VI of the NPT and note that these obligations apply to all NPT States Party. We note the unprecedented progress made by Nuclear Weapon States since the end of the Cold War in the field of nuclear disarmament, which has enhanced global security and advanced the goals of the NPT. Our individual contributions to systematic and progressive efforts in nuclear disarmament, including the reduction of the number of nuclear weapons in the world, have been and will be highlighted by each of us nationally.

7. We restate our support for the 1995 NPT resolution on the Middle East, which, *inter alia*, advocates a Middle East zone free of nuclear weapons as well as other weapons of mass destruction. We welcome efforts to support the principles and objectives of the Middle East peace process, which contribute toward this end. We note that significant security challenges remain in the region.

8. We reaffirm our determination to abide by our respective moratoria on nuclear test explosions. We recognise that one element in the effective implementation of Article VI and in the prevention of nuclear proliferation is a treaty banning the production of fissile material for use in nuclear weapons or other explosive devices. We urge all members of the Conference on Disarmament to show the necessary flexibility to get the Conference back to work.

9. We reaffirm the inalienable right of all States Party to the NPT under Article IV to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in accordance with the relevant provisions of the Treaty and the relevant principles on safeguards. We note that a growing number of States Party is showing interest in developing nuclear programmes aimed at addressing their long-term energy requirements and other peaceful purposes. We are ready to co-operate with States Party in the development of nuclear energy for peaceful uses and we emphasise the requirement for compliance with non-proliferation obligations and for development of research, use and production of nuclear energy to be solely for peaceful purposes. We believe such international co-operation should contribute to the full implementation of the NPT and enhance the authority and effectiveness of the global non-proliferation regime.

10. We welcome the work of the International Atomic Energy Agency on multilateral approaches to the nuclear fuel cycle and encourage efforts towards a multilateral mechanism to assure access for all countries to nuclear fuel services as a viable alternative to the indigenous development of enrichment and reprocessing. We note the various proposals that have been put forward. Such an approach would support implementation of the right to peaceful uses of nuclear energy in a safe and secure fashion, preserve the existing competitive open market, respond to the real needs of recipient countries and simultaneously strengthen the non-proliferation regime. We hope States Party will contribute to discussion and development of this agenda in an open-minded and constructive manner. We stress the necessity for the 2010 Review Conference to address this issue.

11. We support, and will work to uphold and strengthen, the framework for the safe and secure uses of nuclear and radioactive materials for peaceful purposes. We reaffirm our commitment to safe and secure regulatory infrastructures, and our determination to develop innovative nuclear energy systems via our respective joint and national initiatives, which will underpin clean and affordable nuclear development, increase energy security, minimise the impact on the environment and the production of radioactive waste, and provide greater protection against proliferation through the provision of reliable fuel services, proliferation-resistant reactor technologies and strengthened international safeguards.

Joint U.S.-Russian Statement: One Year of Progress Following the Joint Declaration on Nuclear Energy and Nonproliferation

[3 July 2008]

As President Bush and former Russian President Putin jointly declared on July 3, 2007, "we share a common vision of growth in the use of nuclear energy, including in developing countries, to increase the supply of electricity, promote economic growth and development, and reduce reliance on fossil fuels, resulting in decreased pollution and greenhouse gases."

The July 3, 2007 Joint Declaration on Nuclear Energy and Nonproliferation proposed to initiate a new format for enhancing civil nuclear energy cooperation in order to extend the benefits of nuclear power while promoting the highest standards of safety, security and nonproliferation.

The Declaration presented a number of ways – including the development of human resources and other infrastructure, the facilitation of nuclear plant financing, and the management of spent fuel – through which the U.S. and Russia are prepared to cooperate, together with others, in making the benefits of peaceful uses of nuclear energy available to a wide range of interested states, and developing countries in particular. The U.S. and Russia are currently developing new ways of providing assistance to states considering nuclear energy or considering expansion of existing nuclear energy programs. The entry into force of a formal U.S.-Russian civil nuclear cooperation agreement will improve in particular our ability to operate together in furtherance of the Joint Declaration's objectives.

By promoting best practices of nuclear safety and security, and by offering states a viable alternative to the development of sensitive nuclear fuel cycle technologies, the United States and Russia believe that this approach will allow greater access to peaceful nuclear energy, while at the same time strengthening the global nuclear nonproliferation regime embodied in the Treaty on the Non-Proliferation of Nuclear Weapons.

U.S. Special Envoy for Nuclear Nonproliferation, Ambassador Jackie Wolcott, and Russian Ambassador Grigory Berdennikov are working in tandem, and in partnership with others, to advance the objectives of the Joint Declaration.

Our countries are determined to reach out to developing states in need of clean and reliable energy supplies with the promise of enhanced cooperation. Within this context, a number of States have made public statements of intent to rely on the international fuel market in lieu of developing indigenous enrichment and reprocessing technologies. Our countries are also promoting full implementation of NPT safeguards obligations, and adoption of international conventions on safety, security and liability.

On this occasion, the United States and the Russian Federation reaffirm our commitment to the responsible expansion of nuclear energy, and reiterate that this expansion must proceed in a manner that maximizes nuclear safety and security and minimizes proliferation risk.

Letter from M. Nicolas Sarkozy, President of the Republic to Mr Ban Ki-moon, United Nations Secretary-General

[5 December 2008]

The United Nations has an important role to play in the debate on disarmament. Europe wishes to play a fully-fledged role in that discussion. That is why I wanted to draw your attention to the proposals that the European Union has just presented this year at the United Nations.

On 23 September, I told the United Nations General Assembly that Europe wants to promote peace. This is true with respect to the fight against terrorism, the fight against the proliferation of weapons of mass destruction and their delivery systems, and crisis management.

It is also true with respect to disarmament, and notably nuclear disarmament. Europe, two of whose members have nuclear

weapons, is particularly concerned. Europe has already done much for disarmament. Keenly aware of the fact that its own security encourages the pursuit of global disarmament efforts, Europe is prepared to do more. Our ambition extends to every aspect of disarmament, for we are convinced of the need to strive for general disarmament. In this area as in others, Europe wants to act in accordance with a comprehensive political and strategic vision.

The Non-Proliferation Treaty Review Conference in 2010 represents a landmark date for the international non-proliferation regime. We must seize this opportunity to move towards a more secure world, one in which it is possible to meet all the objectives established by the NPT, whether they be non-proliferation, disarmament, or access to nuclear energy for peaceful uses. As for disarmament, Europe wished to propose a clear direction as of this year by presenting the United Nations General Assembly with concrete and realistic disarmament initiatives:

- the universal ratification of the Comprehensive Nuclear Test Ban Treaty and the completion of its verification regime, and the dismantling as soon as possible of all nuclear testing facilities in a manner that is transparent and open to the international community;
- the opening without delay and without preconditions of negotiations for a treaty banning the production of fissile material for nuclear weapons, and the introduction of an immediate moratorium on the production of such material;
- the establishment of confidence and transparency measures by the nuclear powers;
- further progress in the current discussions between the United States and Russia on the development of a legally-binding post-START arrangement, and an overall reduction in the global stockpile of nuclear weapons in accordance with Article VI of the NPT, in particular by the States which possess the largest arsenals;
- the inclusion of tactical nuclear weapons, by those States which have them, in their general arms control and disarmament processes, with a view to their reduction and elimination;
- the start of consultations on a treaty banning short and intermediate-range ground-to-ground missiles;
- the adherence to and implementation by all of the Hague Code of Conduct;
- mobilization in all other areas of disarmament.

Moving forward on the path of disarmament implies that the will to progress is shared unanimously. Non-proliferation, disarmament and arms control, like confidence, transparency and reciprocity, are key elements of collective security.

I hope that the international community will join the European Union in supporting and carrying out this plan of action; it is an ambitious programme that is truly capable of achieving concrete progress on the path of disarmament.

Europe is counting on your support. I hope you will convey to the international community, particularly within the United Nations, this initiative in support of a more secure world.

China's National Defense in 2008

[Information Office of the State Council of the People's Republic of China January 2009, Beijing]

[Eds...]

VII. The Second Artillery Force

The Second Artillery Force is a strategic force under the direct command and control of the CMC, and the core force of China for strategic deterrence. It is mainly responsible for deterring other countries from using nuclear weapons against China, and for conducting nuclear counterattacks and precision strikes with conventional missiles.

The Second Artillery Force sticks to China's policy of no first use of nuclear weapons, implements a self-defensive nuclear strategy, strictly follows the orders of the CMC, and takes it as its

fundamental mission the protection of China from any nuclear attack. In peacetime the nuclear missile weapons of the Second Artillery Force are not aimed at any country. But if China comes under a nuclear threat, the nuclear missile force of the Second Artillery Force will go into a state of alert, and get ready for a nuclear counterattack to deter the enemy from using nuclear weapons against China. If China comes under a nuclear attack, the nuclear missile force of the Second Artillery Force will use nuclear missiles to launch a resolute counter attack against the enemy either independently or together with the nuclear forces of other services. The conventional missile force of the Second Artillery Force is charged mainly with the task of conducting medium- and long-range precision strikes against key strategic and operational targets of the enemy.

History of Development

The founding of the Second Artillery Force was a historical choice the People's Republic of China was forced to make to deal with nuclear threats, break nuclear monopoly and maintain national security. China began to develop strategic missile weapons in 1956, established research, training and educational institutions for strategic missiles in 1957, created its first ground-to-ground missile unit in 1959 and formally founded the Second Artillery Force on July 1, 1966. In the latter half of the 1970s, the Second Artillery Force set itself the objective of building a lean and effective strategic missile force with Chinese characteristics. In the 1990s it established its conventional missile force, entering a new stage marked by the coordinated development of its nuclear and conventional missile forces. With the advent of the 21st century it began to promote leapfrogging development of informationization. Through more than 40 years of development, the Second Artillery Force has grown into a lean and effective strategic force with both nuclear and conventional missiles, capable of both land-based strategic nuclear counterattacks and precision strikes with conventional missiles.

Structure and Organization

The operational command authority of the Second Artillery Force is highly centralized. The chain of command runs from the CMC, the Second Artillery Force and missile bases to missile brigades. The operations of the Second Artillery Force must follow the orders of the CMC in the strictest and most precise manner.

The Second Artillery Force is mainly composed of the nuclear missile force, the conventional missile force, the support force, educational institutions, research institutes and the headquarter organizations. The missile force is organized into missile bases, missile brigades and launch battalions. The support force is organized into technical and specialized support units such as reconnaissance, intelligence, signal, ECM, engineering, logistics and equipment units. The educational institutions include a command college, an engineering college and a school for NCOs. The research institutes include equipment and engineering institutes.

Force Building

Following the principle of building a lean and effective force and going with the tide of the development of military science and technology, the Second Artillery Force strives to raise the informationization level of its weaponry and equipment, ensure their safety and reliability, and enhance its capabilities in protection, rapid reaction, penetration, damage and precision strike. After several decades of development, it has created a weaponry and equipment system with both nuclear and conventional missiles, both solid-fuelled and liquid-fuelled missiles, different launching ranges and different types of warheads.

The Second Artillery Force is endeavoring to form a complete system for war preparations, optimize its combat force structure, and build a missile operational system suited to informationized warfare. Its nuclear and conventional missile forces are kept at an appropriate level of readiness. The Second Artillery Force is making steady head-way in the construction of its battlefield system, and makes extensive use of modern mechanical equipment and construction methods. Each completed project is up to standard. The Second Artillery Force is also dedicated to logistical reforms and innovations. It has created integrated data bases for field support and informationized management platforms for logistic materials, and improved support systems for the survival

of combatants in operational positions. As a result, its integrated logistical support capabilities in case of actual combat have been markedly enhanced. To ensure the absolute safety of nuclear weapons, the Second Artillery Force strictly implements rules and regulations for nuclear safety control and accreditation of personnel dealing with nuclear weapons, has adopted reliable technical means and methods, strengthens the safe management of nuclear weapons in the process of storage, transportation and training, improves mechanisms and methods for emergency response to nuclear accidents, and has put in place special safety measures to avoid unauthorized and accidental launches.

In terms of training, the Second Artillery Force takes specialized skills as the foundation, focuses on officers and core personnel, centers its attention on systems integration and aims at improving overall operational capabilities. It actively conducts specialized training, integrated training and operational training exercises. Specialized training mainly involves the study of basic and specialized missile theories, and the training in operating skills of weapons and equipment. Integrated training mainly consists of whole-process coordinated training of all elements within a combat formation. Operational training exercises refer to comprehensive training and exercises by missile brigades and support units in conditions similar to actual combat. The Second Artillery Force has adopted a rating system for unit training and an accreditation system for personnel at critical posts. It enhances onbase, simulated, web-based and realistic training, explores the characteristics and laws of training in complex electromagnetic environments and integrated training of missile bases, and is conducting R&D of a new generation of web-based simulated training systems. Significant progress has been made in building the "Informationized Blue Force" and battle laboratories.

The Second Artillery Force places personnel training in a strategic position, and gives it high priority. It is working to implement the Shenjian Project for Personnel Training, and create a three-tiered team of first-rate technical personnel. As a result, a contingent of talented people has taken shape, whose main body is composed of academicians of the Chinese Academy of Engineering, missile specialists, commanding officers, and skilled operators and technicians.

[Eds...]

XIV. Arms Control and Disarmament

The Chinese government has always attached importance to and been supportive of international efforts in the field of arms control, disarmament and non-proliferation. China has taken concrete measures to faithfully fulfill its relevant international obligations. China is committed to, along with the international community, consolidating and strengthening the existing international arms control, disarmament and non-proliferation mechanisms pursuant to the purposes and principles of the Charter of the United Nations and other universally recognized norms governing international relations, and to the preservation of international strategic stability and promotion of the common security of all countries.

Nuclear Disarmament

China holds that all nuclear-weapon states should make an unequivocal commitment to the thorough destruction of nuclear weapons, undertake to stop research into and development of new types of nuclear weapons, and reduce the role of nuclear weapons in their national security policy. The two countries possessing the largest nuclear arsenals bear special and primary responsibility for nuclear disarmament. They should earnestly comply with the relevant agreements already concluded, and further drastically reduce their nuclear arsenals in a verifiable and irreversible manner, so as to create the necessary conditions for the participation of other nuclear-weapon states in the process of nuclear disarmament.

China supports the early entry into force of the Comprehensive Nuclear Test-Ban Treaty, and will continue to honor its moratorium commitment on nuclear testing. China supports the preparatory work for the entry into force of the Treaty by the Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty Organization, and has contributed to the establishment of the International Monitoring System (IMS).

China has always stayed true to its commitments that it will not be

the first to use nuclear weapons at any time and in any circumstances, and will unconditionally not use or threaten to use nuclear weapons against non-nuclear-weapon states or in nuclear-weapon-free zones. China calls upon other nuclear-weapon states to make the same commitments and conclude an international legal instrument in this regard. China has already signed all relevant protocols which have been opened for signature of various nuclear-weapon-free zone treaties, and has reached agreement with the ASEAN on relevant issues of the Protocol of the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone. China welcomes the Treaty on a Nuclear-Weapon-Free Zone in Central Asia signed by the five Central Asian countries.

China values the role of the Conference on Disarmament (CD) in Geneva, and supports efforts in the CD to reach a comprehensive and balanced program of work, so as to enable the CD to start substantial work on such issues as the Fissile Material Cut-off Treaty (FMCT), prevention of an arms race in outer space, nuclear disarmament and security assurance to non-nuclear-weapon states.

China maintains that the global missile defense program will be detrimental to strategic balance and stability, undermine international and regional security, and have a negative impact on the process of nuclear disarmament. China pays close attention to this issue.

[Eds...]

NonProliferation

China firmly opposes the proliferation of weapons of mass destruction (WMD) and their means of delivery, and actively takes part in international non-proliferation efforts. China holds that an integrated approach should be adopted to address both the symptoms and root causes of proliferation. The international community should devote itself to building a global and regional security environment featuring stability, cooperation and mutual trust, and earnestly maintaining and strengthening the authority and effectiveness of the international non-proliferation regime. In this regard, double standards must be abandoned. All states should resort to dialogue and negotiation to resolve differences in the field of non-proliferation. The relations between non-proliferation and the peaceful use of science and technology should be properly addressed, with the aim of preserving the right of peaceful use of each state while effectively preventing WMD proliferation.

China has joined all international treaties and international organizations in the field of non-proliferation. It attaches great importance to the role of the Treaty on the Non-proliferation of Nuclear Weapons (NPT), the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC) in preventing the proliferation of WMD. China supports the role played by the UN in the field of nonproliferation, and has conscientiously implemented the relevant resolutions of the UN Security Council.

China is dedicated to the denuclearization of the Korean Peninsula, and firmly promotes the Six-Party Talks process on that issue. China facilitated the adoption of "Initial Actions for the Implementation of the Joint Statement" and the "Second-Phase Actions for the Implementation of the Joint Statement" respectively in February and October 2007.

China maintains that the Iranian nuclear issue should be resolved peacefully by political and diplomatic means. China has participated in the meetings of foreign ministers or political directors of the ministries of foreign affairs, and hosted a meeting of political directors of the ministries of foreign affairs of those six countries in Shanghai in April 2008. China has also actively taken part in the deliberation on the Iranian nuclear issue at the International Atomic Energy Agency (IAEA) and the UN Security Council, playing a constructive role.

China attaches great importance to non-proliferation export control, and has established a comprehensive legal system for export control of nuclear, biological, chemical and missile and related dual-use items and technologies. China has also constantly updated these laws and regulations in light of its international obligations and the need for export control. China amended the

Regulations of the PRC on the Control of Nuclear Exports in November 2006, the Regulations of the PRC on the Control of Dual-Use Nuclear Items and Related Technologies Exports in January 2007 and its Control List in July of the same year. China has spared no effort in strengthening law enforcement in the field of non-proliferation export control.

China values and actively carries out international exchanges and cooperation in the field of non-proliferation and export control. China has held regular arms control and non-proliferation consultations with a dozen countries and the EU, and non-proliferation dialogues with NATO. China also maintains dialogues and exchanges with multinational export control regimes such as the Australia Group and the Wassenaar Arrangement.

China supports the objectives and principles of the Global Initiative to Combat Nuclear Terrorism. As one of the original partners of the Initiative, China has taken part in all meetings of the partners. In December 2007 China and the United States jointly held a workshop in Beijing on radiation emergency response within the framework of the Initiative.

Prevention of the Introduction of Weapons and an Arms Race in Outer Space

The Chinese government has all along advocated the peaceful use of outer space, and opposed the introduction of weapons and an arms race in outer space. The existing international legal instruments concerning outer space are not sufficient to effectively prevent the spread of weapons to outer space. The international community should negotiate and conclude a new international legal instrument to close the loopholes in the existing legal system concerning outer space.

In February 2008 China and Russia jointly submitted to the CD a draft Treaty on the Prevention of the Placement of Weapons in Outer Space and the Threat or Use of Force against Outer Space Objects. China hopes that the CD will start substantial discussions on the draft as soon as possible, and negotiate and conclude the Treaty at an early date.

[Eds...]

EU Statement

[Conference on Disarmament, 1st Part Geneva,
20 January 2009]

Mr President,

[Eds...]

6. I would like to recall that the European Union has proposed a clear direction by presenting the United Nations General Assembly at its current session with concrete and realistic disarmament initiatives:

- the universal ratification of the Comprehensive Nuclear Test Ban Treaty and the completion of its verification regime, and the dismantling as soon as possible of all nuclear testing facilities in a manner that is transparent and open to the international community;
- the opening without delay and without preconditions of negotiations for a Treaty banning the production of fissile material for nuclear weapons, and the introduction of an immediate moratorium on the production of such material;
- the establishment of transparency and confidence-building measures by the nuclear powers;
- further progress in the current discussions between the United States and Russia on the development of a legally-binding postSTART arrangement, and an overall reduction in the global stockpile of nuclear weapons in accordance with article VI of the NPT, in particular by the states which possess the largest arsenals;
- the inclusion of tactical nuclear weapons, by those states which have them, in their general arms control and disarmament processes, with a view to their reduction and elimination;
- the start of consultations on a Treaty banning short and intermediate range ground-to-ground missiles;
- the adherence to and implementation by all of the Hague Code of Conduct;
- mobilisation in all other areas of disarmament.

7. Several of these initiatives are relevant to the Conference on Disarmament. The European Union attaches a clear priority to the negotiation, without preconditions, in the Conference on Disarmament, of a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT), as a means to strengthen disarmament and nonproliferation. It constitutes a priority ripe for negotiation. The European Union is also ready to engage in substantial discussion on the other items included in CD/1840: on nuclear disarmament and the prevention of nuclear war, dealing with issues related to the prevention of an arms race in outer space and dealing with appropriate international arrangements to assure nonnuclear weapon states against the use or threat of use of nuclear weapons, as well as on other issues related to the Conference on Disarmament agenda.

[Eds...]

Thank you Mr President

U.S EU Statement on "Nuclear Disarmament".

[Conference on Disarmament, 1st Part, Geneva,
12 February 2009]

[Editorial note – Footnotes not included]

Mr President,

[Eds...]

2. Today I will, on behalf of the European Union, address the issue of Nuclear Disarmament.

3. At the outset let me underline that the European Union attaches a clear priority to the negotiations at the CD of an FMCT. An effective FMCT would constitute a significant step in the process of nuclear disarmament, as well as strengthen nuclear non-proliferation. The EU will address the issue of an FMCT in a separate statement at a later date.

4. One of the key elements in the current proposal for a Programme of Work for the Conference on Disarmament, CD/1840, is that the CD should engage in "substantive discussions on nuclear disarmament and the prevention of nuclear war". The EU is ready to engage further on these issues as soon as a Programme of Work has been

5. In the meantime, the European Union and its Member States will continue to constructively participate in the informal debates on the issues led by Coordinators, including on nuclear disarmament.

6. The last time the European Union made a formal statement at this Conference specifically dedicated to the issue of nuclear disarmament was on 6 February 2007. The EU stands by this statement.

7. Since then, the EU has continued to stress that global security, as well as European security, would benefit from continued global disarmament efforts. The European Union intends to play a full-fledged role in this.

8. In that regard, we call on the international community to work to promote the concrete and realistic disarmament initiatives which the EU submitted to the United Nations General Assembly at its current session. All these initiatives which were endorsed by our 27 Heads of State and Government in December last year in the *Statement on Strengthening International Security*, which was submitted as an official document of the CD, were outlined in our statement in the CD plenary on 20 January 2009. Several of those initiatives are relevant *inter alia* to the Conference on Disarmament and its work on the specific issue of nuclear disarmament.

9. Besides the negotiation of an FMCT, which the EU will address in a separate statement, the European Union calls for the universal ratification of the CTBT, a treaty that was the latest, and hopefully not the last, concrete result- from this negotiating body. In addition, the EU also calls for the completion of its verification regime and the dismantling of all nuclear test facilities in a manner that is transparent and open to the international community. The European Union is encouraged by recent signs of political momentum towards the entry into force of the CTBT. Statements made by the new US administration give rise to some optimism for progress towards this goal. We therefore repeat our urgent call to all states which have not yet ratified this crucial disarmament treaty,

and in particular the nine remaining Annex II states, to sign and ratify the Treaty unconditionally and without delay:

10. The European Union calls for further progress in the current discussions between the United States and Russia on the development of a legally binding post-START arrangement, and an overall reduction in the global stockpile of nuclear weapons in accordance with Article VI of the NPT, in particular by the states which possess the largest arsenals. We take note of some encouraging signals in this regard: with statements made by the new US Administration.

11. The European Union also calls for the inclusion of tactical nuclear weapons by those states which possess them, in their general arms control and disarmament processes, with a view to the reduction and elimination of these weapons.

12. The European Union also favours the establishment of transparency and confidence-building measures by the nuclear powers. The EU welcomes the increased transparency shown by some nuclear-weapon states on the nuclear weapons that they possess and calls on other concerned states to do likewise.

13. The European Union proposes the start of consultations on a treaty banning short and intermediate range ground-to-ground missiles.

14. In these areas related to the issue of nuclear disarmament, the European Union is convinced that concrete progress is realistic. We note that these areas were also mentioned in the report of the Coordinator on Nuclear Disarmament during last year's CD session.

15. The European Union will continue its efforts on the issue of nuclear disarmament also in the context of the NPT review process. The NPT, based on its three mutually reinforcing pillars, represents a unique and irreplaceable framework for maintaining and strengthening international peace, security, and stability. The authority and integrity of the NPT must be preserved and strengthened, and to that end the EU will continue to promote all the objectives contained in the Treaty. The upcoming third session of the NPT Preparatory Committee, in May this year, will be an important occasion to continue to lay the groundwork for a successful NPT Review Conference in 2010. The EU intends to work actively towards this end.

Thank you, Mr President.

Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 January to 31 December 2007

[26 February 2009]

[Eds...]

Iran

Nuclear

During the reporting period, Iran continued to expand its nuclear infrastructure and continue uranium enrichment and activities related to its heavy water research reactor, despite United Nations Security Council Resolution 1737 adopted in late 2006, which calls for the suspension of those activities.

- In April 2007, Iran announced it had started "industrial enrichment" at the beginning of the year.
- Iran announced plans to hold international tenders to build two new nuclear power plants in April 2007.
- In November 2007, The International Atomic Energy Agency (IAEA) reported that Iran had installed and begun operating with uranium hexafluoride gas the first 3,000 centrifuges at the underground cascade halls at Natanz. Between February and November 2007, Iran fed about 1,240 kilograms of uranium feed gas into its cascades, and produced some low enriched uranium at an enrichment level appropriate for reactor fuel. The President of Iran declared that the 3,000 centrifuges were "enriching" uranium. Iran announced the manufacturing of

nuclear fuel pellets for the Arak heavy water research reactor.

- By year's end, Iran was receiving uranium fuel purchased from Russia to operate the nuclear reactor at Bushehr. The final delivery of fuel was scheduled for February 2008, to attempt to begin operations at the Bushehr nuclear reactor about six months later (mid-to-late 2008).

Over the past year, the Intelligence Community has gained important new insights into Iran's activities related to nuclear weapons and published a December 2007 National Intelligence Estimate on Iranian intent and capabilities.

Analysis of events and activities associated with the Iranian nuclear program during the reporting period has yielded the following conclusions: We assess that Iran had been working to develop nuclear weapons through at least fall 2003, but that in fall 2003 Iran halted its nuclear weapons design and weaponization activities, and the military's covert uranium conversion- and enrichment-related activities. We judge that the halt lasted at least several years, and that Tehran had not resumed these activities as of mid-2007. We do not know whether Iran currently intends to develop nuclear weapons, although we assess Tehran at a minimum is keeping open the option to develop nuclear weapons. We also assess that convincing the Iranian leadership to forgo the eventual development of nuclear weapons will be difficult, and that 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 judge 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.

[Eds...]

North Korea

Nuclear

In February 2007, North Korea agreed as part of the Six-Party Talks to "shut down and seal for the purposes of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility" as part of the Initial Actions for the Implementation of the Joint Statement of September 2005. In mid-July 2007, North Korean officials shut down and sealed, under IAEA monitoring and verification, the 5-megawatt electric (MWe) nuclear reactor, a spent-fuel reprocessing facility, a nuclear fuel fabrication plant and an unfinished 50 MWe nuclear reactor at the Yongbyon complex. North Korea also sealed an unfinished 200 MWe reactor in Taechon. In return, the other five Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK, including the provision of assistance up to the equivalent of 1 million tons of heavy fuel oil during the period of Initial Actions and the next phase.

In the Second-Phase Actions Agreement, signed October 3, 2007, Pyongyang committed to disable the 5MWe reactor, the reprocessing facility, and the fuel fabrication plant by December 31, 2007 in exchange for a U.S. commitment to begin the process of removing the designation of the DPRK as a state sponsor of terrorism and to advance the processing of terminating the application of the Trading with the Enemy Act, in parallel with the DPRK's Second Phase actions. In November 2007, a team of Department of Energy officials began overseeing disablement activities at Yongbyon, and unloading of reactor fuel rods continues into 2008. North Korean officials missed a December 31, 2007 deadline for a complete and correct declaration of all its nuclear programs.

Although North Korea has halted and disabled portions of its plutonium production program, we assess with high confidence it has in the past pursued a uranium enrichment capability that we judge is for nuclear weapons and assess with at least moderate confidence that it continues to pursue such a capability.

[Eds...]

Syria

Nuclear

Syria—despite being a Nuclear Non-Proliferation Treaty signatory

with full-scope IAEA safeguards—has been engaged for more than a decade in a covert nuclear program with North Korean assistance. The program involved construction of a nuclear reactor we assess would have been capable of producing plutonium for nuclear weapons, without informing the IAEA and while taking measures to preserve the site's secrecy. The reactor was destroyed in September 2007, before it became operational. and Syria has gone to great lengths to try to eradicate evidence of its existence. The covert nature of the program, the characteristics of the reactor, and Syria's extreme efforts to deny and destroy evidence of the reactor after its destruction are inconsistent with peaceful nuclear applications.

[Eds...]

Transcript of Remarks and Response to Media Questions by Russian Minister of Foreign Affairs Sergey Lavrov at Press Conference Following Talks with US Secretary of State Hilary Clinton

[6 March 2009]

Esteemed colleagues,

[Eds...]

As Secretary Clinton said, we very thoroughly examined practically all of the issues on our agenda, starting with bilateral relations and, of course, including our cooperation in the international arena. And all this was done, first of all, in the context of the preparations for the first encounter between the Russian and US Presidents, which is planned to take place on the sidelines of the G20 summit in London at the very beginning of April. We exchanged views regarding our visions of the near-term priorities in our relations.

I am convinced that the Secretary of State will share my opinion that these priorities coincide for the most part. Of course, each side highlighted its emphases and nuances and it would be an exaggeration to say that we agreed on everything, but we agreed that on all questions, including those on which we have differences, we will work in the spirit of partnership, honesty and openly. What matters most is that we found just this readiness in work. We have a common understanding that today our bilateral relations are acquiring an additional chance which cannot be lost. Herein lie the interests of our peoples, the interests of the United States, the interests of the Russian Federation and we are fully aware of the responsibility of our two countries for the state of affairs in the world.

As I've said, we devoted much attention to the preparation of the meeting between our presidents in London. We substantively discussed so called sore points in our relations and looked at how work could be organized to clear the logjams left over from previous years and how to make certain a constructive component, goal-oriented partner-like collaboration, dominates our relations.

We paid special attention to the problem of the nonproliferation of nuclear weapons and weapons of mass destruction in general, of strategic offensive arms and strategic defensive arms. I am certain that it is within our power to reach a common denominator and maybe even come out with a plus for our strategic relationship on both START and missile defense. I note the readiness of our US partners for dialogue on the basis of mutual consideration of interests.

We looked at the situation with nuclear weapons nonproliferation, including as it applies to Iran and to the issue of the Korean peninsula. I am certain that in the near future we will try to come to some kind of agreement, some results that would enable us to bring a political-diplomatic resolution of these issues closer, within the framework of the existing negotiation formats.

We noted the special significance of the Treaty on the Nonproliferation of Nuclear Weapons, and agreed to cooperate in the framework of the process of the preparations for the next review conference to be held in 2010. We also recalled that some time ago at the initiative of Russia and the United States the UN Security Council had adopted an important resolution aimed at preventing nuclear weapons or materials that can be used for their production from falling into non-state actor hands. And we agreed that our joint initiative would remain a subject of our special attention and that we might propose additional steps to reinforce

the regime created by the Security Council in this area. We have many common initiatives which remain valid on the fight against the threat of nuclear terrorism. And here too there are concrete accords on how jointly to seek greater consolidation of the international community.

[Eds...]

Question: Do you think it's possible to reach new SOA accords before December 5, 2009?

Foreign Minister Lavrov: I fully subscribe to this statement. We will do everything to ensure that the accord is reached. The present Treaty is outdated; at least, the limits there have long since been fulfilled, and to stay within this Treaty would mean that both Russia and the United States can, essentially, increase, not reduce their strategic offensive arms. This will be a very bad signal to all others, especially ahead of the next Review Conference of the States Parties to the Treaty on the Nonproliferation of Nuclear Weapons.

[Eds...]

Statement by H.E. Mr. Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation at the Plenary Meeting of The Conference on Disarmament

[Geneva, 7 March 2009]

Dear Mr. President,

Dear Mr. Secretary-General,

Dear colleagues, ladies and gentlemen,

It was slightly over a year ago that I last spoke at this forum. Since that time, much efforts have been taken to improve the international situation. However, we did not manage to achieve any drastic positive change. Moreover, we have witnessed further increase of global conflict potential, which distracts us from the solution of urgent problems related to the need to enhance international stability and to establish an environment conducive to consistent steps in the field of disarmament and nonproliferation.

Today, we have to acknowledge our inability to overcome a stalemate in the field of multilateral disarmament. A stalemate situation in the Conference's activities that has continued for over ten years clearly reflects an unfavorable state of affairs in the field of international security. Efforts taken by groups of "like-minded" states are capable of partially solving disarmament problems; however, in a long-term perspective, such efforts will face serious restraints, which, in fact, could result in an erosion of the existing mechanisms, including this Conference. Of course, additional problems emerge due to the current global financial and economic crisis, which constrict the resource base for disarmament and conversion programs.

At the same time, it is quite obvious that under globalization the crisis cannot be overcome through military preparations or war as happened in 1930-s. Regrettably, the Cold War has "institutionalized" militarization in the field of international relations. We need to get rid of this holdover.

Russia is aware of its special responsibility as a nuclear state and permanent member of the UN Security Council for nuclear disarmament and strengthening of the WMD non-proliferation regime. My country has fully met its obligations under the START I. Implementation of the Moscow Treaty (SORT) is well underway. It's now time to take new steps in this area aimed at making our world more secure.

We welcome the statements made by the new US Administration in favor of multilateral approaches to the maintenance of international security and disarmament. We are prepared, as was suggested by our American partners, to "reset" our relations. Conclusion of a new legally binding Russian-American treaty on strategic offensive arms could become a priority step in that direction.

Let me now read out the statement by Dmitry A. Medvedev, President of the Russian Federation, on this issue.

"On December 5 this year, the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START 1) expires. The

importance of this instrument for ensuring international peace and stability can hardly be overestimated. It played a historic role in ensuring strategic stability and security as well as reducing strategic offensive arms arsenals. Its implementation has made the world safer.

Today, we are facing a pressing need to move further along the road of nuclear disarmament. In accordance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons Russia is fully committed to reaching the goal of a world free from these most deadly weapon.

As far back as in 2005 we invited the United States to conclude a new agreement to succeed START 1. It could be based on all the best elements of the Treaty which has been effectively operating, while reflecting present-day strategic realities.

In arriving at that decision, we have taken into consideration, among other things, the fact that the limits established by START 1 were met as far back as in 2001. At present, the numbers of strategic delivery vehicles and their warheads are considerably lower. Thus, START 1 is far from limiting Russia and the United States in the missile and nuclear sphere it, in fact, permits to increase the arsenals of strategic offensive arms.

Our approach to such an agreement is as follows. A future agreement should be legally binding. It is of no less importance that the instrument should be forward-looking and should limit not only warheads, but also strategic delivery vehicles, i.e. intercontinental ballistic missiles, submarine launched ballistic missiles and heavy bombers.

We also deem it necessary to exclude possible deployment of strategic offensive arms outside national territories.

I wish to emphasize that Russia is open to dialogue and is prepared for negotiations with the new US Administration. I fully share the commitment of the US President Barack H. Obama to the noble goal of saving the world from the nuclear threat and see here a fertile ground for a joint work.

I believe that constructive interaction in this field will contribute to general improvement of the Russian-US relations.

Dmitry A. Medvedev."

Ladies and gentlemen,

Today we witness a growing number of international initiatives on nuclear disarmament such as Hoover Initiative, Global Zero Initiative, Evans-Kawaguchi Commission, Luxemburg Forum, as well as the plan put forward by Mr. Gordon Brown, Prime Minister of Great Britain. Russia appreciates the focus of these initiatives on solving global security issues on a multilateral basis and is willing to positively contribute to their consideration.

However, progress towards "global zero" can only be achieved through strengthened strategic stability and strict adherence to the principle of equal security for all. In its turn this suggests the need to carry out a set of measures required for a sustainable and consistent disarmament process. Among those measures are:

- further advancement of nuclear disarmament by all nuclear-weapon States, with their "gradual" engagement in efforts already being undertaken by Russia and U.S.;
- to prevent weaponization of outer space;
- to prevent operational deployment of strategic offensive weapons equipped with conventional warheads, i.e. the building of the so-called "compensatory" potential;
- to ensure that States do not possess a "nuclear upload potential";
- to prevent attempts aimed at using NPT membership to implement military nuclear programs;
- to ensure verifiable cessation of conventional capabilities' development coupled with efforts to resolve other international issues, including settlement of regional conflicts.

I would like to draw particular attention to the relationship between offensive and defensive weapons. Real progress in nuclear

disarmament cannot be achieved in a situation when unilateral efforts to develop strategic ABM systems undermine this relationship. This is fraught with erosion of strategic stability and disbalancing of the system of checks and balances that ensures global parity.

Acting in the spirit of strategic openness, we propose a constructive alternative to unilateral plans in this crucial area, i.e. to unite efforts of all States interested in counteracting potential missile threats. Our package proposal with regard to developing cooperation remains on the negotiation table. We will develop and elaborate it. We are ready for a joint work based on equitable partnership.

Ensuring an effective and sustainable implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which is of pivotal importance for global security, and enhancement of its universality remains a priority. We deem it necessary to prepare for the forthcoming NPT Review Conference in 2010 agreed recommendations that would provide continued efficiency of the Treaty as a crucially important instrument to prevent nuclear proliferation. We need to achieve unconditional fulfillment by its Parties of their obligations embodied in the indivisibility of three fundamental pillars - non-proliferation, peaceful uses of atomic energy and disarmament. The Third session of the Preparatory Committee of the Review Conference provides a great opportunity to reach an agreement on possible ways to intensify negotiations in all those areas.

Strengthening of the international nuclear non-proliferation and nuclear arms limitation regime is inextricably linked to the Comprehensive Nuclear Test-Ban-Treaty (CTBT). Russia ratified the Treaty in 2000. We have consistently advocated its early entry into force. The moratorium on nuclear tests, with all its importance, cannot serve as a substitute for legal obligations. Therefore we call upon all States whose accession is necessary for the Treaty's entry into force, to sign and ratify it as soon as possible. We have noted, naturally, some positive signals from Washington regarding possible changes in the US position on CTBT and expect that those signals are embodied in specific decisions of President Obama's Administration.

Nuclear-weapon-free zones contribute to strengthening nuclear nonproliferation regime, achieving peace and security regionally and globally. We welcome the completion of the ratification process by all Parties to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, which resulted in its entry into force.

The task to strengthen the nuclear non-proliferation regime in the Middle East remains urgent. We consistently advocate this region to become a nuclear-weapon-free zone and, eventually, a zone free from all other types of weapons of mass destruction. In 1995 and 2000, the NPT Parties already took decisions on the Middle East. Mutually acceptable solutions for their implementation need to be sought within the forthcoming preparatory activities for the NPT Review Conference. We stand ready for a joint work to fulfill that task as well.

IAEA verification activities need to be made more effective. The Additional Protocol to the Safeguards Agreement, ratified by Russia in 2007, is an efficient tool of enhancing IAEA capacities in this field. We call on all countries to become parties to it. Eventually, the Additional Protocol is to become a universally accepted standard to verify the compliance of States with their NPT non-proliferation obligations and a new major standard in the field of nuclear exports.

Growing interest in peaceful nuclear energy is a trend of current economic development. Energy security and climate are necessarily linked to peaceful nuclear applications, which should be used more widely in full accordance with the NPT States parties' inalienable right to develop research, production and use of nuclear energy for peaceful purposes. This opens up new opportunities for international cooperation, primarily to ensure stable and secure supplies of nuclear fuel for countries developing their nuclear energy sector, subject to due compliance with the requirements of the nuclear non-proliferation regime. We note the increasing importance of multilateral approaches that could serve as an economically sound and feasible alternative to the development of all elements of the nuclear fuel cycle nationally.

In recent years we have witnessed quite a few interesting initiatives in this field as well. Russia suggested that joint work should be

carried out to develop global nuclear energy infrastructure through the establishment of multilateral centers for the provision of nuclear fuel cycle services. The International Uranium Enrichment Center has been already established in partnership with Kazakhstan at the Angarsk enrichment plant. We welcome the decision of Armenia and Ukraine to join this Center, as well as the interest in joining it shown by some other countries. The Angarsk Center plans to create a buffer stock of low-enriched uranium under the IAEA supervision to ensure guaranteed supplies of fuel in case of a market failure.

Our ability to adequately and timely respond to the threat of nuclear terrorism is a prerequisite for ensuring security of every State and of the entire world community. The Russian-American Global Initiative to Combat Acts of Nuclear Terrorism put forward in 2006 is a major contribution to this cause. It is already being implemented and is growing in scale. 75 States have joined it to date. We are convinced that it will enjoy even broader support in the future. This is a good example of a possible cooperation modality in the modern world to find responses to new challenges and threats.

We support revitalization of multilateral diplomacy, primarily within the UN and the Conference on Disarmament. We note a considerable contribution of the Conference to the strengthening of international security. We express our gratitude to all delegations and to Mr. Sergei Ordzhonikidze, Secretary-General of the Conference, for their efforts to enhance relevance of this forum, including their persistent efforts to build consensus with regard to its programme of work.

Preventing weaponization of outer space is of particular importance among disarmament issues. When Russia and China introduced a draft international Treaty on the Prevention of the Placement of Weapons in Outer Space (PPWT) at this Conference last February, they felt that it was easier to prevent weaponization of outer space than to get rid of new stockpiles of weapons afterwards. Prevention of an arms race in outer space will also contribute to making the strategic situation predictable and preserving integrity of orbital assets. This should serve the interests of all States using outer space for peaceful purposes.

Russia and China will soon introduce a document summing up the outcome of the Conference debate and outlining our response to the comments received regarding the draft PPWT. We hope that it will serve as useful input to future negotiations.

A year ago at this forum Russia also introduced draft basic elements of an international legal agreement on the elimination of intermediate-range and shorter-range (ground-launched) missiles. We reiterate our call for a detailed discussion of this initiative that has gained a great deal of support. Our idea is echoed by the EU-backed proposals of French President Nicolas Sarkozy to start negotiations on banning intermediate-range and shorter-range ground-to-ground missiles. We are prepared for a constructive dialogue with both the EU and all other partners on possible ways of dealing with these issues with a view to establishing a universal regime for banning these types of missiles.

We are also prepared to start negotiation on a treaty banning the production of fissile material for nuclear weapons purposes (FMCT), which would become an important milestone in the processes of nuclear disarmament and strengthening the nuclear non-proliferation regime.

In conclusion, I would like to state the following. In our view, the efforts made to harmonize the priority items on the Conference agenda in order to resume its substantive work are inextricably linked with general search for ways to overcome the present-day crisis phenomena: be it in financial and economic, military and political, environmental or other areas. We can only solve the problems we are facing now through joint action, by restoring trust in global politics and making collective efforts meeting the interests of all States and the world community as a whole.

Russia is open to a constructive dialogue and stands ready to work jointly with its partners. The right moment has come today, for the first time after the end of the Cold War, for making real progress in resuming the global disarmament process on a broad agenda. I am convinced that we should not miss this opportunity.

Text of President Barack Obama's Remarks in Prague

[Prague, 5 April 2009]

To Mr. President, Mr. Prime Minister, to all the dignitaries who are here, thank you for your extraordinary hospitality. And to the people of the Czech Republic, thank you for your friendship to the United States.

[Eds...]

Now, one of those issues that I'll focus on today is fundamental to the security of our nations and to the peace of the world — that's the future of nuclear weapons in the 21st century.

The existence of thousands of nuclear weapons is the most dangerous legacy of the Cold War. No nuclear war was fought between the United States and the Soviet Union, but generations lived with the knowledge that their world could be erased in a single flash of light. Cities like Prague that existed for centuries, that embodied the beauty and the talent of so much of humanity, would have ceased to exist.

Today, the Cold War has disappeared but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.

Now, understand, this matters to people everywhere. One nuclear weapon exploded in one city — be it New York or Moscow, Islamabad or Mumbai, Tokyo or Tel Aviv, Paris or Prague — could kill hundreds of thousands of people. And no matter where it happens, there is no end to what the consequences might be — for our global safety, our security, our society, our economy, to our ultimate survival.

Some argue that the spread of these weapons cannot be stopped, cannot be checked — that we are destined to live in a world where more nations and more people possess the ultimate tools of destruction. Such fatalism is a deadly adversary, for if we believe that the spread of nuclear weapons is inevitable, then in some way we are admitting to ourselves that the use of nuclear weapons is inevitable.

Just as we stood for freedom in the 20th century, we must stand together for the right of people everywhere to live free from fear in the 21st century. And as nuclear power — as a nuclear power, as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act. We cannot succeed in this endeavor alone, but we can lead it, we can start it.

So today, I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. I'm not naive. This goal will not be reached quickly — perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change. We have to insist, "Yes, we can."

Now, let me describe to you the trajectory we need to be on. First, the United States will take concrete steps towards a world without nuclear weapons. To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same. Make no mistake: As long as these weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies — including the Czech Republic. But we will begin the work of reducing our arsenal.

To reduce our warheads and stockpiles, we will negotiate a new Strategic Arms Reduction Treaty with the Russians this year. President Medvedev and I began this process in London, and will seek a new agreement by the end of this year that is legally binding and sufficiently bold. And this will set the stage for further cuts, and we will seek to include all nuclear weapons states in this endeavor.

To achieve a global ban on nuclear testing, my administration will

immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty. After more than five decades of talks, it is time for the testing of nuclear weapons to finally be banned.

And to cut off the building blocks needed for a bomb, the United States will seek a new treaty that verifiably ends the production of fissile materials intended for use in state nuclear weapons. If we are serious about stopping the spread of these weapons, then we should put an end to the dedicated production of weapons-grade materials that create them. That's the first step.

Second, together we will strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation. The basic bargain is sound: Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy. To strengthen the treaty, we should embrace several principles. We need more resources and authority to strengthen international inspections. We need real and immediate consequences for countries caught breaking the rules or trying to leave the treaty without cause.

And we should build a new framework for civil nuclear cooperation, including an international fuel bank, so that countries can access peaceful power without increasing the risks of proliferation. That must be the right of every nation that renounces nuclear weapons, especially developing countries embarking on peaceful programs. And no approach will succeed if it's based on the denial of rights to nations that play by the rules. We must harness the power of nuclear energy on behalf of our efforts to combat climate change, and to advance peace opportunity for all people.

But we go forward with no illusions. Some countries will break the rules. That's why we need a structure in place that ensures when any nation does, they will face consequences.

Just this morning, we were reminded again of why we need a new and more rigorous approach to address this threat. North Korea broke the rules once again by testing a rocket that could be used for long range missiles. This provocation underscores the need for action — not just this afternoon at the U.N. Security Council, but in our determination to prevent the spread of these weapons.

Rules must be binding. Violations must be punished. Words must mean something. The world must stand together to prevent the spread of these weapons. Now is the time for a strong international response — now is the time for a strong international response, and North Korea must know that the path to security and respect will never come through threats and illegal weapons. All nations must come together to build a stronger, global regime. And that's why we must stand shoulder to shoulder to pressure the North Koreans to change course.

Iran has yet to build a nuclear weapon. My administration will seek engagement with Iran based on mutual interests and mutual respect. We believe in dialogue. But in that dialogue we will present a clear choice. We want Iran to take its rightful place in the community of nations, politically and economically. We will support Iran's right to peaceful nuclear energy with rigorous inspections. That's a path that the Islamic Republic can take. Or the government can choose increased isolation, international pressure, and a potential nuclear arms race in the region that will increase insecurity for all.

So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.

So, finally, we must ensure that terrorists never acquire a nuclear weapon. This is the most immediate and extreme threat to global security. One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe. To protect our people, we must act with a sense of purpose without delay.

So today I am announcing a new international effort to secure all

vulnerable nuclear material around the world within four years. We will set new standards, expand our cooperation with Russia, pursue new partnerships to lock down these sensitive materials.

We must also build on our efforts to break up black markets, detect and intercept materials in transit, and use financial tools to disrupt this dangerous trade. Because this threat will be lasting, we should come together to turn efforts such as the Proliferation Security Initiative and the Global Initiative to Combat Nuclear Terrorism into durable international institutions. And we should start by having a Global Summit on Nuclear Security that the United States will host within the next year.

Now, I know that there are some who will question whether we can act on such a broad agenda. There are those who doubt whether true international cooperation is possible, given inevitable differences among nations. And there are those who hear talk of a world without nuclear weapons and doubt whether it's worth setting a goal that seems impossible to achieve.

But make no mistake: We know where that road leads. When nations and peoples allow themselves to be defined by their differences, the gulf between them widens. When we fail to pursue peace, then it stays forever beyond our grasp. We know the path when we choose fear over hope. To denounce or shrug off a call for cooperation is an easy but also a cowardly thing to do. That's how wars begin. That's where human progress ends.

There is violence and injustice in our world that must be confronted. We must confront it not by splitting apart but by standing together as free nations, as free people. I know that a call to arms can stir the souls of men and women more than a call to lay them down. But that is why the voices for peace and progress must be raised together.

[Eds...]

Presidential Statement from Barack Obama to the 2009 Carnegie International Nonproliferation Conference

[6 April 2009]

It is a pleasure to send my greetings to the 2009 Carnegie International Nonproliferation Conference.

As I said in Prague, the future of nuclear weapons in the 21st century is fundamental to the peace and security of the world. The spread of nuclear weapons — and the prospect of nuclear terrorism — has increased the danger to our people and to the global nonproliferation regime. We have a security and moral responsibility to act. That is why this is a top priority for my Administration and why your work at this conference is so important to our collective effort.

The United States is ready to lead an effort to secure our people and strengthen the global nonproliferation regime. I have stated clearly our commitment to a world without nuclear weapons. Now we are prepared to take several steps to pursue it.

The United States and Russia have agreed to work together to negotiate a follow-on agreement to the START nuclear reduction treaty by the end of this year.

We will pursue ratification of the Comprehensive Test Ban Treaty as soon as possible while maintaining a safe, secure, and reliable nuclear capability to deter our adversaries and reassure our allies.

We will seek a new treaty that verifiably ends the production of fissile materials intended for use in nuclear weapons.

We must also reinvigorate global efforts to prevent proliferation by enhancing the international inspection system, strengthening export controls, and putting in place real and immediate consequences for countries caught breaking the rules or trying to leave the Treaty without cause.

We need a new paradigm for civil nuclear cooperation that allows all countries to enjoy the benefits of nuclear power while avoiding the spread of nuclear weapons and technologies. To that end, we support the international fuel bank and other constructive international initiatives.

We must address the most immediate and extreme threat to our

security by ensuring that terrorists never acquire a weapon. To that end, we will pursue a new effort to secure all vulnerable materials around the world within 4 years.

In short, we will use all of America's political, diplomatic, intellectual, and moral capacity to seek a new chapter in our nonproliferation efforts. This work will not be easy. It will take the cooperation of nations, and the support of groups like those who are gathered at this Conference. There is no higher calling than leaving the world a safer and more peaceful place for our children. That is the work that we have begun.

I look forward to hearing the results of your important deliberations, and I thank you for your continued efforts to promote global peace and security.

**Unclassified Report to Congress on the
Acquisition of Technology Relating to Weapons
of Mass Destruction and Advanced
Conventional Munitions, Covering 1 January to
31 December 2008**

[7 May 2009]

[Eds...]

Iran

Nuclear

We assess that Iran had been working to develop nuclear weapons through at least fall 2003, but that in fall 2003 Iran halted its nuclear weapons design and weaponization activities, and its covert uranium conversion- and enrichment-related activities. We judge that the halt lasted at least several years, and that Tehran had not resumed these activities as of at least mid-2007. We do not know whether Iran currently intends to develop nuclear weapons, although we assess Tehran at a minimum is keeping open the option to develop nuclear weapons by continuing to develop a range of technical capabilities that could be applied to producing nuclear weapons, if a decision is made to do so.

During the reporting period, Iran continued to expand its nuclear infrastructure and continued uranium enrichment and activities related to its heavy water research reactor, despite multiple United Nations Security Council Resolutions since late 2006 calling for the suspension of those activities.

- In 2008, Iran continued to make progress enriching uranium at the underground cascade halls at Natanz with first-generation centrifuges, and in testing and operating second-generation centrifuges at the pilot plant there.
- In November 2008, Iran announced it had about 5,000 centrifuges operating at Natanz. The International Atomic Energy Agency (IAEA) reported that between mid-December 2007 and November 2008, Iran fed about 8,080 kilograms of uranium feed gas into its cascades, and produced about 555 kilograms of low enriched uranium (LEU) gas (uranium hexafluoride) at an enrichment level appropriate for reactor fuel, a significant improvement from the 75 kilograms of LEU gas it had produced in 2007.
- Iran has also fed small amounts of uranium feed gas to its second generation centrifuges—the IR-2, since January 2008, and the IR-3, since April 2008.
- Iran in January 2008 received the final delivery of the initial batch of uranium fuel purchased from Russia required to operate the nuclear reactor at Bushehr. Delays in the project pushed the reactor's startup time into 2009.
- Iran in 2008 continued construction of the reactor buildings at the IR-40 Heavy Water Research Reactor, including installing a dome on the reactor containment building by mid-November.
- The IAEA in 2008 continued to investigate the "alleged studies" documentation—information indicating Iran conducted military-led, covert uranium conversion and nuclear weaponization work prior to 2003. According to the November 2008 Director General's Report to the Board of Governors, the "alleged studies" issue remains unresolved and the IAEA continues to call on Iran to provide further clarification.

[Eds...]

North Korea

Nuclear

In February 2007, North Korea agreed as part of the Six-Party Talks to "shut down and seal for the purposes of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility" as part of the Initial Actions for the Implementation of the Joint Statement of September 2005. In mid-July 2007, North Korean officials shut down the Yongbyon 5-megawatt electric (MWe) nuclear reactor, and placed the Yongbyon spent-fuel reprocessing facility, the Yongbyon nuclear fuel fabrication plant, and two unfinished nuclear reactors under IAEA seals, monitoring, and verification. In return, the other five Parties agreed to cooperate in economic, energy, and humanitarian assistance to the DPRK, including the provision of assistance up to the equivalent of 1 million tons of heavy fuel oil during the period of Initial Actions and the next phase.

In the Second-Phase Actions Agreement, signed October 3, 2007, Pyongyang committed to disable the 5MWe reactor, the reprocessing facility, and the fuel fabrication plant by December 31, 2007 in exchange for a U.S. commitment to begin the process of removing the designation of the DPRK as a state sponsor of terrorism and to advance the processing of terminating the application of the Trading with the Enemy Act, in parallel with the DPRK's Second Phase actions. In November 2007, a team of US Department of Energy officials began overseeing disablement activities at Yongbyon, and unloading of reactor fuel rods continued through 2008.

North Korea provided China, the chair of the Six-Party Talks, with a nuclear declaration in June 2008, six months after the December 31, 2007 deadline. The North also demolished the cooling tower for its 5-MWe reactor at Yongbyon in June.

In late August 2008, however, North Korea announced that it had halted disablement activities at Yongbyon and threatened to restore its facilities there in response to what it maintained was a US delay in removing Pyongyang from the State Sponsors of Terrorism List. The US removed North Korea from the List in October 2008, and the North subsequently resumed disablement.

Although North Korea has halted and disabled portions of its plutonium production program, we continue to assess North Korea has pursued a uranium enrichment capability at least in the past. Some in the IC have increasing concerns that North Korea has an ongoing covert uranium enrichment program.

Syria

Nuclear

Syria—despite being a Nuclear Non-Proliferation Treaty Party with full-scope IAEA safeguards—was engaged for more than a decade in a covert nuclear program with North Korean assistance. The program involved construction of a nuclear reactor at Al Kibar without informing the IAEA and while taking measures to preserve the site's secrecy. We assess the reactor would have been capable of producing plutonium for nuclear weapons. The reactor was destroyed in September 2007, before it became operational, and Syria went to great lengths to try to eradicate evidence of its existence. The covert nature of the program, the characteristics of the reactor, and Syria's extreme efforts to deny and destroy evidence of the reactor after its destruction are inconsistent with peaceful nuclear applications.

[Eds...]

IAEA inspectors visited Syria between 22 and 24 June 2008 and took environmental samples at the Al Kibar site. The IAEA reported to the November 2008 Board of Governors that analysis of the Al Kibar environmental samples revealed a significant number of chemically processed natural uranium particles. The report also noted the Agency's assessment that the features of the Al Kibar building were similar to what may be found in connection with a reactor site, but stated that the IAEA could not exclude the possibility that the building was intended for non-nuclear use. The IAEA is continuing its investigation of Syria's nuclear file.

[Eds...]

L'Aquila Statement on Non-Proliferation

[8 July 2009]

1. We recognize, as we did at Hokkaido Toyako and at previous Summits, that the proliferation of WMDs and their means of delivery continues to represent a global challenge and a major threat to international security. We are determined to seize current opportunities and the new momentum to strengthen our common non-proliferation and disarmament goals through effective multilateralism and determined national efforts. All States must meet in full their arms control, disarmament, and non-proliferation commitments under relevant international treaties and multilateral arrangements. The universalization and reinforcement of the non-proliferation regime remains an urgent priority. We call upon all States still not party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC) to accede without delay.

2. We underscore that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and reiterate our full commitment to the objectives and obligations of its three pillars: non-proliferation, the peaceful uses of nuclear energy and disarmament. We will work together so that the 2010 NPT Review Conference can successfully strengthen the Treaty's regime and set realistic and achievable goals in all the Treaty's three pillars. We call upon all States Parties to the NPT to contribute to the review process with a constructive and balanced approach.

3. Safeguards are an essential tool for the effective implementation of the NPT and its non-proliferation objectives. We confirm our full support for

the IAEA and are committed to continuing our efforts towards the universal acceptance of the IAEA Comprehensive Safeguards Agreement and the Additional Protocol as the verification standard. We will also work to establish the Additional Protocol as an essential standard in the field of nuclear supply arrangements. We call upon all States that have not yet adopted an Additional Protocol to do so without delay while implementing its provisions pending ratification. We seek to ensure that the IAEA continues to have the technology, expertise, authority and resources needed to fulfil its vital, statutory responsibilities. We also agree that measures are needed to address non-compliance, to include real and immediate consequences for States that withdraw from the NPT while in violation of it, including appropriate action by the UN Security Council, and full use of IAEA inspection authorities that provide for access to all relevant locations, information and people.

4. We welcome the announcement made by the President of the United States of America that he has decided to seek ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and we will intensify our efforts towards the early entry into force and universalisation of the CTBT as one of the principal instruments of the international security architecture and a key measure of non-proliferation and disarmament. Meanwhile, we urge all States concerned to observe a moratorium on nuclear weapon test explosions or any other nuclear explosions.

5. We welcome the adoption by the Conference on Disarmament of a program of work for its 2009 session. We strongly support the early commencement of international negotiations on a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT) including verification provisions, and call upon all States concerned to declare and uphold a moratorium on the production of such material. We welcome the fact that the nuclear-weapon States among the G8 members have already decreed such a moratorium. We will take action to resume substantive work in the CD as soon as possible.

6. We are all committed to seeking a safer world for all and to creating the conditions for a world without nuclear weapons, in accordance with the goals of the NPT. We welcome the nuclear disarmament measures implemented thus far by the nuclear-weapon States among G8 members.

We welcome the Joint Statement by the President of the Russian Federation and the President of the United States of America of 1 April 2009, their Joint Understanding signed on 6 July 2009, and

their intention to conclude a legally binding agreement to replace the START Treaty before it expires in December 2009. We call upon all States to undertake further steps in nuclear disarmament and to greater transparency.

7. We reaffirm the inalienable right of all NPT Parties to the peaceful uses of nuclear energy, in conformity with all their Treaty obligations; compliance and effective verification will not hinder the use of nuclear energy, but rather facilitate its safe and secure development and deployment as energy source. We are committed to promoting nuclear non-proliferation, safeguards, safety and security in cooperation with the IAEA and welcome new initiatives in emerging nuclear energy countries on nuclear education and training as well as institutional capacity building in these fields. We encourage the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply, as effective means of addressing the expanded need for nuclear fuel services, while taking into account the global interest in minimizing the risk of proliferation.

In this regard, we appreciate the ongoing work at the Russian-led International Uranium Enrichment Centre at Angarsk and welcome progress made towards establishing a Nuclear Fuel Bank administered by the IAEA, Russia's proposal to guarantee supply of low enriched uranium and the further development of Germany's Multilateral Enrichment Sanctuary Project. We also take note of other initiatives, including Japan's proposal for an IAEA Standby Arrangement System for the Assurance of Nuclear Fuel Supply, the UK's proposal for a political assurance of non-interference in the delivery of commercial nuclear contracts and the U.S. nuclear fuel reserve generated from material from its national security stocks.

8. To reduce the proliferation risks associated with the spread of enrichment and reprocessing facilities, equipment and technology, we welcome the progress that continues to be made by the Nuclear Suppliers Group (NSG) on mechanisms to strengthen controls on transfers of such enrichment and reprocessing items and technology. While noting that the NSG has not yet reached consensus on this issue, we agree that the NSG discussions have yielded useful and constructive proposals contained in the NSG's "clean text" developed at the 20 November 2008 Consultative Group meeting.

Pending completion of work in the NSG, we agree to implement this text on a national basis in the next year. We urge the NSG to accelerate its work and swiftly reach consensus this year to allow for global implementation of a strengthened mechanism on transfers of enrichment and reprocessing facilities, equipment, and technology.

9. We acknowledge the UN Security Council's key role in addressing the challenges of proliferation and the consequences of non compliance. We call upon all States to fully implement UNSC Resolution 1540 on preventing non-State actors from obtaining WMDs, their means of delivery and related materials. We support the 1540 Committee's fulfilment of its renewed mandate. We encourage all States to participate actively in the comprehensive review of the status of implementation of the Resolution and contribute to its success.

10. We welcome the ongoing progress under the CWC and BTWC and highlight the vital importance of the full and effective implementation of both Conventions.

11. We reiterate our unanimous commitment to working for a comprehensive, peaceful and diplomatic solution to the Iranian nuclear issue and strongly support ongoing efforts to resolve it through negotiations. We urge Iran to use the present window of opportunity for engagement with the international community in a spirit of mutual respect and to respond positively to the offers advanced, in order to find a negotiated solution which will address Iran's interest as well as the international community concerns. While recognizing once again that Iran has the right to a civilian nuclear program under the NPT, we stress that Iran has the responsibility, as reiterated by UNSC Resolutions, to restore confidence in the exclusively peaceful nature of its nuclear activities, allowing for the establishment of a fruitful and wide-ranging cooperation with the G8 and other countries.

The proliferation risks posed by Iran's nuclear program continue to

be a matter of serious concern. We urge Iran to comply with the relevant UNSC Resolutions and to fully cooperate with the IAEA by providing the Agency such access and information that it requests to resolve the issues raised in the IAEA Director General's Reports.

12. We condemn in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea (DPRK) on 25 May 2009 which

constitutes a flagrant violation of the relevant UN Security Council Resolutions. Such a test undermines peace and stability in the region and beyond. In this regard, we welcome the UN Security Council Resolution 1874 of 12 June 2009 which represents the clear and strong will of the international community. We also condemn the April 2009 ballistic launch conducted by the DPRK which is in contravention of UNSCR 1718. We continue to urge the DPRK to abide by UNSCRs 1695, 1718 and 1874, not to conduct any further nuclear test or any launch using ballistic missile technology and to abandon all nuclear weapons and existing nuclear programs, as well as ballistic missile programs, in a complete, verifiable and irreversible manner. We demand the DPRK to return to full compliance with the NPT and IAEA safeguards obligations. We call upon the DPRK to return immediately and without preconditions to the Six-Party Talks and reiterate our strong support for the early resumption of the Talks and the full implementation of the 19 September 2005 Joint Statement, including the resolution of all the outstanding issues of concern.

13. The threat of terrorist acquiring WMDs continues to be cause for deep concern. We are determined to continue working together to ensure that terrorists never have access to those weapons and related materials. We look forward to the development of the initiative announced by the President of the United States of America regarding a new international effort to secure all vulnerable nuclear material around the world. We will further promote the Global Initiative to Combat Nuclear Terrorism (GICNT), which plays an important role in developing its participants' capacity to confront this global threat on a determined and systematic basis, consistent with national legal authorities and obligations under relevant international legal frameworks.

14. We maintain our support for the Proliferation Security Initiative (PSI), which plays an important part in preventing and countering proliferation of WMD, their delivery systems and related materials. We recognize the progress in combating the financing of proliferation activities, and the role of the Financial Action Task Force (FATF).

15. We will continue to uphold the importance of the Hague Code of Conduct against Ballistic Missile Proliferation (HCoC), by promoting its universalization and full implementation. In this respect, we are encouraged by the positive developments announced at the 2009 HCoC annual meeting, and are confident that all subscribing States will soon fully implement their commitments. We call upon all States that have not subscribed to the Code to do so without delay.

16. The Global Partnership against the Spread of Weapons and Materials of Mass Destruction launched in 2002 at Kananaskis has become a successful large-scale initiative for the enhancement of international security. In parallel with the implementation of ongoing priority projects in Russia and Ukraine, to which we fully reconfirm our commitments, we are discussing the options for the Partnership's further expansion by engaging potential new participants, including CIS countries, committed to the Kananaskis Principles and Guidelines.

The G8 is also ready to include new fields of cooperation in areas where the risks of terrorism and proliferation are greatest. To prevent global WMD knowledge proliferation, particularly through collaboration with scientists, we welcome the Recommendations for a coordinated approach in this field.

17. Regarding nuclear safety, we acknowledge the progress made since the last Summit meeting in ongoing projects at the Chernobyl site and, while noting that additional financial resources will be needed for their completion, we reassert our commitment to undertake joint efforts with Ukraine to convert the site into a stable and environmentally safe condition..

The Road to 2010: Addressing the Nuclear Question in the 21st Century

[UK Cabinet Office Cm7675 July 2009]

[Editorial note: Footnotes not included]

Executive Summary

The Strategic Context

1.1 Nuclear power is a proven technology which generates low carbon electricity. It is affordable, dependable, safe, and capable of increasing diversity of energy supply.

1.2 Nuclear power is therefore an essential part of any global solution to the related and serious challenges of climate change and energy security. Combating climate change, the single greatest threat to humanity this century, requires a much greater role for low carbon fuels in the global energy supply than before. Rising global energy demand, which is forecast to increase by more than 40 per cent by 2030, means that secure, sustainable energy supplies will be key to global security and prosperity in the century ahead. Nuclear energy is therefore vital to the challenges of sustaining global growth, and tackling poverty.

1.3 That is why the United Kingdom Government believes not only that there is a recognised right for all sovereign states to the peaceful use of nuclear power, but that it is necessary to expand access to civil nuclear energy.

1.4 The issue of nuclear power cannot, however, be looked at in isolation from the hostile use of nuclear technology: nuclear weapons. In expanding the use of nuclear power in the twenty first century we must not enhance the risk of further proliferation of nuclear weapons. We must not allow the spectre of nuclear war, the greatest security threat for much of the second half of the twentieth century, to re-emerge.

1.5 Therefore we must ensure that the first pillar of the Nuclear Non-Proliferation Treaty (NPT) framework – preventing further proliferation, is strengthened. We must also ensure that terrorists groups, some of whom have the intent to acquire and use nuclear devices, do not acquire that capability. This requires a much stronger emphasis not just on preventing further proliferation of weapons and nuclear weapons technology, but also on securing existing stocks of fissile material and denying access to relevant expertise.

1.6 But the challenge of our age is not just about preventing further proliferation, either to other countries or non-state terrorist organisations. The issue of nuclear disarmament must be addressed. Nuclear weapon states, including the UK, have a duty to work to create the conditions where further reductions in levels of nuclear weapons can take place.

1.7 The UK has taken significant steps towards disarmament by reducing the explosive power of its nuclear arsenal by three quarters since the end of the Cold War and maintaining a minimum strategic deterrent based on no more than 160 operationally available warheads. The UK Government remains committed to the principle of irreversibility in these reductions.

1.8 The UK's policy on its nuclear deterrent was set out in the 2006 White Paper 'The Future of the UK's Nuclear Deterrent'. Given the certainty that a number of countries will retain substantial nuclear arsenals for the foreseeable future and the continuing risk of further nuclear proliferation, it is premature to judge that a nuclear threat to UK national security will not arise in the future, and the Government therefore judges that our minimum deterrent remains a necessary element of our national security, as well as forming part of NATO's collective security.

1.9 Ultimately, we need to work to create the conditions for a world free of nuclear weapons. This means we must together renew and re-invigorate the global 'grand bargain' at the heart of the NPT. For non-weapon states, it is about continuing to forego nuclear weapons, whilst realising, if they wish, access to nuclear power. For nuclear weapon states, it involves tough responsibilities to show leadership on the question of disarmament, and to assist in framing a global solution that allows wider access to nuclear power.

1.10 The nuclear question we must address is how we ensure expanded access to nuclear power without risking further proliferation of nuclear weapons. Linked to this is how we move forward on global disarmament in respect of existing nuclear weapons.

The May 2010 Non-Proliferation Treaty Review Conference.

1.11 The run up to the 2010 NPT Review Conference represents a historic window of opportunity to recognise the global commitment to deliver on the three pillars of that treaty:

- preventing further proliferation of nuclear weapons;
- nuclear disarmament; and
- ensuring access to nuclear power.

1.12 The NPT, which has 189 signature states, including the UK, was last reviewed in 2005. That review conference was not as productive as we had hoped. It is essential that the next conference delivers renewed movement across this critical agenda. This paper sets out the UK's approach to this vital conference, and beyond, and describes a vision of how we can create the world envisaged by those who drafted the NPT in 1968.

1.13 The UK has shown global leadership across the three pillars of the NPT and has generated significant momentum leading up to the NPT Review Conference, notably through the Prime Minister's speech in March 2009. A successful Review Conference will build on this momentum and agree a clear way forward for each of the three pillars. But the process leading up to the conference, the conference itself, and concerted effort beyond it can also address fundamental questions such as how the UK can make international oversight and enforcement of the grand global bargain most effective, and how we can make nuclear security a fourth 'pillar' of the international framework.

The United Kingdom's approach

1.14 The UK believes these complex, long-term and fundamental issues require a comprehensive and multilateral approach across four key areas:

- **civil nuclear power:** to build confidence in the safe expansion of civil nuclear power, the UK itself needs to demonstrate that, as a long established nuclear energy producer and consumer, we can act as an exemplar in managing our nuclear fuel cycle. The UK and others can also take the lead in promoting proliferation resistant nuclear technology to enable the safe expansion of civil nuclear power globally;
- **security of nuclear material:** the UK believes that greater assurance is required to secure fissile material against the risks from nuclear terrorism. We believe more work, coordinated globally, is required to address these challenges and secure international consensus for making nuclear security the fourth pillar of the multilateral nuclear framework;
- **non-proliferation and disarmament:** the UK sees the threat from the proliferation of nuclear weapons as a potentially major driver of global instability. Whilst some proliferation has taken place since the NPT was signed, this has not been as great as some feared. We need to take urgent action to address current nuclear proliferation concerns and establish a global framework to prevent further proliferation. The UK is striving for a safer world free of nuclear weapons. This is a long path, requiring us to create the conditions that will allow countries to feel secure without nuclear weapons and establish mechanisms to prevent their re-emergence. But that is all the more reason for pushing ahead. All states have a responsibility established in the NPT to work together for this aim. Much has been achieved, but more effort is required to map out and deliver a route map to that objective; and
- **international governance:** if a revitalised framework covering these pillars is to be effective, it will require new rules, and, in particular, a strengthened International Atomic Energy Agency to monitor and help enforce their implementation.

1.15 The Road to 2010 Plan sets out the UK's vision for progress in each area, what has been achieved to date, what more can be done, and the key next steps.

Civil nuclear power in the United Kingdom and worldwide

1.16 The Government's 2008 White Paper on nuclear power set

out the extensive action the Government is taking to facilitate investment in civil nuclear power in the UK, and plans have now been announced to build over 12 Gigawatts (GW) of new nuclear capacity. To address the legacy of half a century of nuclear power, the UK Government has also set up the Nuclear Decommissioning Authority. In the Road to 2010 the Government also lays out its approach to handling the relatively small amount of waste generated by the UK's defence nuclear programmes.

1.17 Alongside the Road to 2010, the Government is publishing a discussion document setting out the relevant factors when judging the options for long-term management of stocks of separated plutonium, such as long-term geological disposal, or reuse. A second discussion document later this summer will set out the process for final decisions.

1.18 The Government will also strongly support work to further develop **proliferation resistant nuclear technology** that will improve international access to the peaceful use of nuclear energy. To this end, the Government will **establish a Nuclear Centre of Excellence** to enable the UK to be at the forefront of international efforts to prevent nuclear proliferation and reduce the costs, environmental-impact and carbon-footprint of civil nuclear power. This centre will have initial funding of £20 million over the first five years, with the development of the best structure and model for the centre to be discussed in detail with academic, industry and potential international partners. The UK will seek the widest possible international collaboration to take forward this work.

Nuclear security

1.19 The global spread of nuclear power and advances in nuclear technology mean that nuclear security is a vital fourth pillar of any strengthened nuclear regime. We need to act now to prevent terrorist groups gaining access to nuclear devices. If we do not act now these threats will grow as the use of nuclear power expands globally.

1.20 This requires concerted international action, in which the UK will play a leading role. To this end we have agreed with France to strengthen our joint work on reducing the threat of nuclear terrorism. We strongly support the initiative of the United States Government in proposing an international conference on nuclear security.

1.21 In advance of this, as part of the Road to 2010 process:

- the UK is extending an offer of assistance to any country that wants it to help secure stocks of vulnerable nuclear material, building on our long experience as a nuclear nation;
- the Government has also laid before Parliament the necessary motion for UK ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) and will work over the coming months with countries that have not yet ratified to persuade them to do so; and,
- the Government has also allocated an additional £3 million next year in support of the UK Atomic Weapons Establishment's world leading nuclear forensics work.

Non-proliferation and Disarmament

1.22 Since the NPT was signed in 1968, progress has been mixed across the non-proliferation and disarmament pillars. There has been some proliferation of nuclear weapons: India and Pakistan have both tested and developed significant nuclear weapons capabilities; Israel is widely assumed to possess nuclear weapons; North Korea has announced two nuclear tests; and other states, most notably Iran, continue to seek nuclear weapons capabilities. However, today the number of countries with nuclear weapons is in single digits and global holdings of nuclear weapons are at their lowest since the 1950s. South Africa and Libya have ended weapons programmes; Belarus, Kazakhstan and Ukraine returned nuclear weapons inherited from the former Soviet Union; and the US, Russia, France and the UK have all made significant reductions in their capabilities. That said, with the NPT under unprecedented pressure, we need to respond purposefully and with determination to the challenges of the new century.

1.23 The international community must unite to take strong steps to prevent nuclear proliferation. We must work purposefully towards the universality of the NPT and take robust action against those

states, like Iran and North Korea, which seek to develop nuclear weapons.

1.24 The Government is committed to working with international partners to create the conditions that would give all countries that possess nuclear weapons the confidence to take further, bolder steps consistent with their commitments under Article VI of the NPT and, ultimately, achieving a world free of nuclear weapons. The Road to 2010 sets out a three stage process to enable further progress. This involves:

- **transparency and control:** those steps that must be taken to reduce and prevent any further expansion of global nuclear weapon capabilities and to enhance transparency of existing and future capabilities;
- **arms reductions:** highlighting and addressing the challenges and mechanisms through which further verifiable multilateral disarmament can occur; and,
- **steps to zero:** establishing the security conditions and overcoming the technical challenges associated with taking the final steps to a world free of nuclear weapons, including how they can be safely withdrawn and dismantled.

1.25 Each of these strands involves complex challenges. This paper addresses the key difficulties and the progress required. Some of the main elements include:

- **dealing with states of concern:** working with the international community to ensure that Iran and North Korea comply with their obligations;
- **the challenges of verifiable disarmament:** these apply not just to the five nuclear weapon states recognised in the NPT (US, Russia, China, France and the UK), but also countries that have developed nuclear capabilities and remain outside the NPT regime. This involves significant scientific and technical challenges;
- **continued strengthening of multilateral agreements:** this includes how, working with the US and others, we plan to increase momentum for ensuring entry into force of the Comprehensive Test Ban Treaty, making further progress on a Fissile Material Cut-Off Treaty, and tackling proliferation through financial sanctions and export controls; and,
- **building shared security confidence:** working with international partners to remove underlying causes of insecurity in key regions, notably the Middle East and South Asia, to allow those nuclear armed states outside the NPT to gain, over the long term, the confidence to disarm.

International Governance

1.26 Renewing the grand global bargain requires renewed and strengthened international governance, to ensure the most effective global nuclear framework. The International Atomic Energy Agency (IAEA), the main international institution charged with delivering a safe, secure and proliferation free nuclear future, itself acknowledges that it needs to reform if it is to be in a position to carry out its remit more effectively and to tackle credibly challenges in the vital area of nuclear security.

1.27 The UK has long been a committed member of the IAEA. We are the fourth largest contributor to its budget and make significant voluntary contributions to its Technical Cooperation Fund and Nuclear Security Fund.

1.28 To take this further in the short term, the UK will:

- work with the incoming Director General and international partners to develop robust plans for organisational reform of the Agency; and
- host a meeting of the main financial donors to the IAEA (the so-called 'Geneva Group') to discuss future funding and staffing issues.

1.29 In the medium and longer term, the Road to 2010 plan presents specific points for agreement at the NPT Review Conference which will help develop more fully the key role the IAEA needs to play in fissile material security, and how nuclear energy can assist in delivering sustainable energy development as part of the internationally agreed Millennium Development Goals

for international poverty.

The Road to 2010 and beyond

1.30 The Road to 2010 plan offers a realistic and achievable programme across the entire nuclear agenda. Next year's NPT Review Conference is a major opportunity, and so between now and then the Government will help lead international efforts to secure the necessary consensus for reform. As well as hosting a conference of the recognised nuclear weapon states on confidence-building measures towards disarmament and convening the main donors of the IAEA, we will also play a full part in the US-hosted conference on nuclear security and press for greater action in tackling nuclear security challenges. This is consistent with our overall view that the international community must recognise nuclear security as a fourth pillar of the global nuclear framework.

1.31 It is equally vital that, beyond the NPT Review Conference, there is sustained momentum in facing up to the nuclear challenges of the modern age. The UK is committed to a sustained long-term effort and will use its experience as a nuclear nation, and our scientific expertise – notably through the new Nuclear Centre of Excellence – to make progress on safe, proliferation resistant nuclear technology and techniques. We will also continue to work with our international partners to build the improved global security and create the conditions required for a world free of nuclear weapons.

UN Resolution 1887 (2009)

[S/RES/1887 24 September 2009]

Adopted by the Security Council at its 6191st meeting, on 24 September

The Security Council,

Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all,

Reaffirming the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the above Statement (S/23500) underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Bearing in mind the responsibilities of other organs of the United Nations and relevant international organizations in the field of disarmament, arms control and non-proliferation, as well as the Conference on Disarmament, and supporting them to continue to play their due roles,

Underlining that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming its firm commitment to the NPT and its conviction that the international nuclear non-proliferation regime should be maintained and strengthened to ensure its effective implementation, and *recalling* in this regard the outcomes of past NPT Review Conferences, including the 1995 and 2000 final documents,

Calling for further progress on all aspects of disarmament to enhance global security,

Recalling the Statement by its President adopted at the Council's meeting held on 19 November 2008 (S/PRST/2008/43),

Welcoming the decisions of those non-nuclear-weapon States that

have dismantled their nuclear weapons programs or renounced the possession of nuclear weapons,

Welcoming the nuclear arms reduction and disarmament efforts undertaken and accomplished by nuclear-weapon States, and *underlining* the need to pursue further efforts in the sphere of nuclear disarmament, in accordance with Article VI of the NPT,

Welcoming in this connection the decision of the Russian Federation and the United States of America to conduct negotiations to conclude a new comprehensive legally binding agreement to replace the Treaty on the Reduction and Limitation of Strategic Offensive Arms, which expires in December 2009,

Welcoming and *supporting* the steps taken to conclude nuclear-weapon-free zone treaties and *reaffirming* the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 United Nations Disarmament Commission guidelines, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament,

Noting its support, in this context, for the convening of the Second Conference of States Parties and signatories of the Treaties that establish Nuclear-Weapon-Free Zones to be held in New York on 30 April 2010,

Reaffirming its resolutions 825 (1993), 1695 (2006), 1718 (2006), and 1874 (2009),

Reaffirming its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008),

Reaffirming all other relevant non-proliferation resolutions adopted by the Security Council,

Gravely concerned about the threat of nuclear terrorism, and *recognizing* the need for all States to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists,

Noting with interest the initiative to convene, in coordination with the International Atomic Energy Agency (IAEA), an international conference on the peaceful uses of nuclear energy,

Expressing its support for the convening of the 2010 Global Summit on Nuclear Security,

Affirming its support for the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism,

Recognizing the progress made by the Global Initiative to Combat Nuclear Terrorism, and the G-8 Global Partnership,

Noting the contribution of civil society in promoting all the objectives of the NPT,

Reaffirming its resolution 1540 (2004) and the necessity for all States to implement fully the measures contained therein, and *calling upon* all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution 1810 (2008),

1. *Emphasizes* that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which will determine if that situation constitutes a threat to international peace and security, and *emphasizes* the Security Council's primary responsibility in addressing such threats;

2. *Calls upon* States Parties to the NPT to comply fully with all their obligations and fulfil their commitments under the Treaty,

3. *Notes* that enjoyment of the benefits of the NPT by a State Party can be assured only by its compliance with the obligations thereunder;

4. *Calls upon* all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms;

5. *Calls upon* the Parties to the NPT, pursuant to Article VI of the Treaty, to undertake to pursue negotiations in good faith on

effective measures relating to nuclear arms reduction and disarmament, and on a Treaty on general and complete disarmament under strict and effective international control, and *calls on* all other States to join in this endeavour;

6. *Calls upon* all States Parties to the NPT to cooperate so that the 2010 NPT Review Conference can successfully strengthen the Treaty and set realistic and achievable goals in all the Treaty's three pillars: non-proliferation, the peaceful uses of nuclear energy, and disarmament;

7. *Calls upon* all States to refrain from conducting a nuclear test explosion and to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), thereby bringing the treaty into force at an early date;

8. *Calls upon* the Conference on Disarmament to negotiate a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as soon as possible, *welcomes* the Conference on Disarmament's adoption by consensus of its Program of Work in 2009, and *requests* all Member States to cooperate in guiding the Conference to an early commencement of substantive work;

9. *Recalls* the statements by each of the five nuclear-weapon States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and *affirms* that such security assurances strengthen the nuclear non-proliferation regime;

10. *Expresses* particular concern at the current major challenges to the non-proliferation regime that the Security Council has acted upon, *demand*s that the parties concerned comply fully with their obligations under the relevant Security Council resolutions, and *reaffirms* its call upon them to find an early negotiated solution to these issues;

11. *Encourages* efforts to ensure development of peaceful uses of nuclear energy by countries seeking to maintain or develop their capacities in this field in a framework that reduces proliferation risk and adheres to the highest international standards for safeguards, security, and safety;

12. *Underlines* that the NPT recognizes in Article IV the inalienable right of the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II, and *recalls* in this context Article III of the NPT and Article II of the IAEA Statute;

13. *Calls upon* States to adopt stricter national controls for the export of sensitive goods and technologies of the nuclear fuel cycle;

14. *Encourages* the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation, and *urges* the IAEA Board of Governors to agree upon measures to this end as soon as possible;

15. *Affirms* that effective IAEA safeguards are essential to prevent nuclear proliferation and to facilitate cooperation in the field of peaceful uses of nuclear energy, and in that regard:

a. *Calls upon* all non-nuclear-weapon States party to the NPT that have yet to bring into force a comprehensive safeguards agreement or a modified small quantities protocol to do so immediately,

b. *Calls upon* all States to sign, ratify and implement an additional protocol, which together with comprehensive safeguards agreements constitute essential elements of the IAEA safeguards system,

c. *Stresses* the importance for all Member States to ensure that the IAEA continue to have all the necessary resources and authority to verify the declared use of nuclear materials and facilities and the absence of undeclared activities, and for the IAEA to report to the Council accordingly as appropriate;

16. *Encourages* States to provide the IAEA with the cooperation necessary for it to verify whether a state is in compliance with its safeguards obligations, and *affirms* the Security Council's resolve

to support the IAEA's efforts to that end, consistent with its authorities under the Charter;

17. *Undertakes* to address without delay any State's notice of withdrawal from the NPT, including the events described in the statement provided by the State pursuant to Article X of the Treaty, while noting ongoing discussions in the course of the NPT review on identifying modalities under which NPT States Parties could collectively respond to notification of withdrawal, and *affirms* that a State remains responsible under international law for violations of the NPT committed prior to its withdrawal;

18. *Encourages* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate, withdraw from, or be found by the IAEA Board of Governors to be in non-compliance with its IAEA safeguards agreement, the supplier state would have a right to require the return of nuclear material and equipment provided prior to such termination, non-compliance or withdrawal, as well as any special nuclear material produced through the use of such material or equipment;

19. *Encourages* States to consider whether a recipient State has signed and ratified an additional protocol based on the model additional protocol in making nuclear export decisions;

20. *Urges* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material and equipment provided prior to such termination, as well as any special nuclear material produced through the use of such material or equipment;

21. *Calls* for universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism;

22. *Welcomes* the March 2009 recommendations of the Security Council Committee established pursuant to resolution 1540 (2004) to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, and *affirms* its commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the 1540 Committee;

23. *Reaffirms* the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors, as defined in the resolution, *calls upon* Member States to cooperate actively with the Committee established pursuant to that resolution and the IAEA, including rendering assistance, at their request, for their implementation of resolution 1540 (2004) provisions, and in this context *welcomes* the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004) with a view to increasing its effectiveness, and *calls upon* all States to participate actively in this review;

24. *Calls upon* Member States to share best practices with a view to improved safety standards and nuclear security practices and raise standards of nuclear security to reduce the risk of nuclear terrorism, with the aim of securing all vulnerable nuclear material from such risks within four years;

25. *Calls upon* all States to manage responsibly and minimize to the greatest extent that is technically and economically feasible the use of highly enriched uranium for civilian purposes, including by working to convert research reactors and radioisotope production processes to the use of low enriched uranium fuels and targets;

26. *Calls upon* all States to improve their national capabilities to detect, deter, and disrupt illicit trafficking in nuclear materials throughout their territories, and *calls upon* those States in a position to do so to work to enhance international partnerships and capacity building in this regard;

27. *Urges* all States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to prevent proliferation financing and shipments, to strengthen export controls, to secure sensitive materials, and to control access to intangible transfers of technology;

28. *Declares* its resolve to monitor closely any situations involving

the proliferation of nuclear weapons, their means of delivery or related material, including to or by non-State actors as they are defined in resolution 1540 (2004), and, as appropriate, to take such measures as may be necessary to ensure the maintenance of international peace and security;

29. *Decides* to remain seized of the matter.

Report of the International Commission on Nuclear Non-proliferation and Disarmament

[November 2009. Synopsis: full report available online at www.icnnd.org]

This Synopsis is a highly abbreviated and selective distillation of the very much more detailed analysis and argument in the Commission's Report. The references given are to sections and paragraphs in that full report, which is available online at www.icnnd.org.

A COMPREHENSIVE ACTION AGENDA

A. WHY THIS REPORT, AND WHY NOW

[Eds...]

B. NUCLEAR THREATS AND RISKS

- **Existing Nuclear-Armed States.** Twenty years after the end of the Cold War there are at least 23,000 nuclear warheads still in existence, with a combined blast capacity equivalent to 150,000 Hiroshima bombs. The U.S. and Russia together have over 22,000, and France, the UK, China, India, Pakistan and Israel around 1,000 between them. Nearly half of all warheads are still operationally deployed, and the U.S. and Russia each have over 2,000 weapons on dangerously high alert, ready to be launched immediately – within a decision window of just 4-8 minutes for each president – in the event of perceived attack. The command and control systems of the Cold War years were repeatedly strained by mistakes and false alarms. With more nuclear-armed states now, and more system vulnerabilities, the near miracle of no nuclear exchange cannot continue in perpetuity.

- **New Nuclear-Armed States.** The Nuclear Non-Proliferation Treaty (NPT) system has been under severe strain in recent years, with the International Atomic Energy Agency (IAEA) struggling with verification, compliance and enforcement failures, and backward steps occurring in the world's most volatile regions. India and Pakistan joined the undeclared Israel as fully-fledged nuclear-armed states in 1998; North Korea is now likely to have some half-dozen nuclear explosive devices; and Iran probably now has weapon-making capability, with real potential for generating a regional proliferation surge should it choose to cross the weaponization red-line.

- **Nuclear Terrorism.** Terrorist groups exist with the intent, and capacity, to create massive nuclear destruction. With manageable technology long in the public domain, and black market sourcing, a Hiroshima-sized nuclear device could possibly be detonated from a truck or small boat inside any major city. A "dirty bomb", combining conventional explosives with radioactive materials like medical isotopes, would be a much easier option: while not generating anything like the casualties of a fission or fusion bomb, it would have a psychological impact at least equal to 9/11.

- **Peaceful Uses of Nuclear Energy.** The likely rapid expansion of civil nuclear energy in the decades ahead, not least in response to climate-change concerns, will present some additional proliferation and security risks. Particularly if accompanied by the construction of new national facilities for enrichment at the front end of the fuel cycle and reprocessing at the back end, it could mean a great deal more fissile material becoming potentially available for destructive purposes.

C. MEETING THE CHALLENGE OF NUCLEAR DISARMAMENT

BASIC THEMES

- **Delegitimizing nuclear weapons.** The critical need is to finally transform perceptions of the role and utility of nuclear weapons, from occupying a central place in strategic thinking to being seen as quite marginal, and ultimately wholly unnecessary. There are good answers to all the familiar deterrence and other

justifications for retaining nuclear weapons.

- It is neither defensible nor sustainable for some states to argue that nuclear weapons are an indispensable, legitimate and open-ended guarantor of their own and allies' security, but that others have no right to acquire them to protect their own perceived security needs.
- "Extended deterrence" does not have to mean extended nuclear deterrence.]
- **A phased approach.** Achieving a nuclear weapon free world will be a long, complex and formidably difficult process, most realistically pursued as a two-phase process, with minimization the immediate goal and elimination the ultimate one.
- Short term (to 2012) and medium term (to 2025) efforts should focus on achieving as soon as possible, and no later than 2025, a "minimization point" characterised by very low numbers of warheads (less than 10 per cent of present arsenals), agreed "no first use" doctrine, and force deployments and alert status reflecting that doctrine.
- Analysis and debate should commence now on the conditions necessary to move from the minimization point to elimination, even if a target date for getting to zero cannot at this stage be credibly specified.

KEY POLICIES

- **Action Consensus.** The 2010 NPT Review Conference should agree on a 20-point statement, "A New International Consensus for Action on Nuclear Disarmament", updating and extending the "Thirteen Practical Steps" agreed in 2000.
- **Numbers.** No later than 2025 U.S. and Russian arsenals should be reduced to a total of 500 nuclear warheads each, with at least no increases, and desirably significant reductions, in the arsenals – now totalling some 1,000 warheads – of the other nuclear-armed states. A global maximum of 2,000 warheads would represent a more than 90 per cent reduction in present arsenals
- All nuclear-armed states should now explicitly commit not to increase the number of their nuclear weapons.
- **Doctrine.** Pending the ultimate elimination of nuclear weapons, every nuclear-armed state should make as soon as possible, and no later than 2025, an unequivocal "no first use" (NFU) declaration.
- If not prepared to go so far now, each such state – and in particular the U.S. in its Nuclear Posture Review – should at the very least accept the principle that the "sole purpose" of possessing nuclear weapons is to deter others from using such weapons against that state or its allies.
- Allied states affected by such declarations should be given firm assurances that they will not be exposed to other unacceptable risks, including from biological and chemical weapons.
- New and unequivocal negative security assurances (NSAs) should be given by all nuclear-armed states, supported by binding Security Council resolution, that they will not use nuclear weapons against NPT-compliant non-nuclear weapon states.
- **Force Deployment and Alert Status.** Changes should be made as soon as possible to ensure that, while remaining demonstrably survivable to a disarming first strike, nuclear forces are not instantly useable. Stability should be maximized by deployments and launch alert status being transparent.
- The decision-making fuse for the launch of any nuclear weapons must be lengthened, and weapons taken off launch-on-warning alert as soon as possible.
- **Parallel Security Issues.** *Missile defence* should be revisited, with a view to allowing the further development of theatre ballistic missile defence systems, including potential joint operations in areas of mutual concern, but setting severe limits on strategic ballistic missile defences.
- *Conventional arms imbalances*, both quantitative and qualitative, between the nuclear-armed states, and in particular the relative scale of U.S. capability, need to be seriously addressed if

this issue is not to become a significant impediment to future bilateral and multilateral nuclear disarmament negotiations.

- Continuing strong efforts should be made to develop more effective ways of defending against potential *biological* attacks including building a workable verification regime, and to promote universal adherence to the Biological and Toxin Weapons Convention and the Chemical Weapons Convention.
- Ongoing attempts to prevent an arms race in outer space (PAROS) should be strongly supported.
- **Testing.** All states that have not already done so should sign and ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) unconditionally and without delay. U.S. ratification is a critically needed circuit-breaker: it would have an immediate impact on other hold-out states, and add major new momentum to both disarmament and non-proliferation efforts.
- Pending the CTBT's entry into force, all states should continue to refrain from nuclear testing.
- **Availability of Fissile Material.** All nuclear-armed states should declare or maintain a moratorium on the production of fissile material for weapon purposes pending the negotiation and entry into force as soon as possible of a Fissile Material Cut-off Treaty (FMCT).
- On the question of pre-existing stocks, a phased approach should be adopted, with the first priority a cap on production; then an effort to ensure that all fissile material other than in weapons becomes subject to irreversible, verified non-explosive use commitments; and with fissile material released through dismantlement being brought under these commitments as weapon reductions are agreed.
- As an interim step, all nuclear-armed states should voluntarily declare their fissile material stocks and the amount they regard as excess to their weapons needs, place such excess material under IAEA safeguards as soon as practicable, and convert it as soon as possible to forms that cannot be used for nuclear weapons.

D. MEETING THE CHALLENGE OF NON-PROLIFERATION

BASIC THEMES

- Nuclear non-proliferation efforts should focus both on the demand side – persuading states that nuclear weapons will not advance their national security or other interests – and the supply side, through maintaining and strengthening a comprehensive array of measures designed to make it as difficult as possible for states to buy or build such weapons.

KEY POLICIES

- **NPT Safeguards and Verification.** All states should accept the application of the IAEA Additional Protocol. To encourage universal take-up, acceptance of it should be a condition of all nuclear exports.
- The Additional Protocol and its annexes should be updated and strengthened to make clear the IAEA's right to investigate possible weaponization activity, and by adding specific reference to dual-use items, reporting on export denials, shorter notice periods and the right to interview specific individuals.
- **NPT Compliance and Enforcement.** In determining compliance, the IAEA should confine itself essentially to technical criteria, applying them with consistency and credibility, and leaving the political consequences for the Security Council to determine.
- The UN Security Council should severely discourage withdrawal from the NPT by making it clear that this will be regarded as *prima facie* a threat to international peace and security, with all the punitive consequences that may follow from that under Chapter VII of the UN Charter.
- A state withdrawing from the NPT should not be free to use for non-peaceful purposes nuclear materials, equipment and technology acquired while party to the NPT. Any such material provided before withdrawal should so far as possible be returned, with this being enforced by the Security Council.
- **Strengthening the IAEA.** The IAEA should make full use of the authority already available to it, including special inspections,

and states should be prepared to strengthen its authority as deficiencies are identified.

- The IAEA should be given a one-off injection of funds to refurbish the Safeguards Analytical Laboratory; a significant increase in its regular budget support, without a “zero real growth” constraint; and sufficient security of future funding to enable effective medium to long term planning.

- **Non-NPT Treaties and Mechanisms.** The Nuclear Suppliers Group (NSG) should develop a criteria-based approach to cooperation agreements with states outside the NPT, taking into account factors such as ratification of the CTBT, willingness to end unsafeguarded fissile material production, and states’ record in securing nuclear facilities and materials and controlling nuclear-related exports.

- The Proliferation Security Initiative (PSI) should be reconstituted within the UN system as a neutral organization to assess intelligence, coordinate and fund activities, and make both generic and specific recommendations or decisions concerning the interdiction of suspected materials being carried to or from countries of proliferation concern.

- **Extending Obligations to Non-NPT States.** Recognising the reality that the three nuclear-armed states now outside the NPT – India, Pakistan and Israel – are not likely to become members any time soon, every effort should be made to achieve their participation in parallel instruments and arrangements which apply equivalent non-proliferation and disarmament obligations.

- Provided they satisfy strong objective criteria demonstrating commitment to disarmament and non-proliferation, and sign up to specific future commitments in this respect, these states should have access to nuclear materials and technology for civilian purposes on the same basis as an NPT member.

- These states should participate in multilateral disarmament negotiations on the same basis as the nuclear-weapon state members of the NPT, and not be expected to accept different treatment because of their non-membership of that treaty.

- **Priorities for the 2010 NPT Review Conference.** The primary focus should be on reaching agreement on:

- a new 20-point statement, “A New International Consensus for Action on Nuclear Disarmament”, updating and extending the “Thirteen Practical Steps” agreed in 2000;
- measures to strengthen NPT safeguards and verification, compliance and enforcement, and the IAEA (as above);
- forward movement on the Middle East Weapons of Mass Destruction Free Zone, with the UN Secretary-General convening an early conference of all relevant states to address creative and fresh ways to implement the 1995 resolution;
- strengthened implementation of nuclear security measures (see Meeting Terrorism Challenge below); and
- further support for peaceful uses of nuclear energy.

E. MEETING THE CHALLENGE OF NUCLEAR TERRORISM

BASIC THEMES

- Effectively countering terrorism of any kind involves a complex mix of nationally and internationally coordinated protection and policing strategies (most immediately important in dealing with the threat of nuclear terrorism), and also political, peacebuilding and psychological strategies (necessary to address the underlying causes of terrorist behaviour).

- At the 2010 Nuclear Security Summit, and in related policy deliberations, the main need is to focus on the effective implementation of existing agreed measures rather than the development of new ones.

KEY POLICIES

- All states should agree to take effective measures to strengthen the security of nuclear materials and facilities, including by adopting and implementing the 2005 amendment to the Convention on the Physical Protection of Nuclear Material,

accelerating delivery of the Cooperative Threat Reduction and associated programs worldwide, and making a greater commitment to international capacity building and information sharing.

- On the control of material useable for “dirty bombs”, further efforts need to be made to cooperatively implement the Code of Conduct on the Safety and Security of Radioactive Sources, with assistance to states in updating legislation and licensing practice and promoting awareness among users.

- Strong support should be given to the emerging science of nuclear forensics, designed to identify the sources of materials found in illicit trafficking or used in nuclear explosions.

F. MEETING THE CHALLENGE OF CIVIL NUCLEAR ENERGY

BASIC THEMES

- The use of nuclear energy for peaceful purposes should continue to be strongly supported as one of the three fundamental pillars of the NPT, along with disarmament and non-proliferation. Increased resources should be provided, including through the IAEA’s Technical Cooperation Programme, to assist developing states in taking full advantage of peaceful nuclear energy for human development.

- Proliferation resistance should be endorsed by governments and industry as an essential objective in the design and operation of nuclear facilities, and promoted through both institutional and technical measures – neither is sufficient without the other.

KEY POLICIES

- **Nuclear Energy Management.** Support should be given to the initiative launched at the 2008 Hokkaido Toyako G8 Summit for international cooperation on nuclear energy infrastructure, designed to raise awareness worldwide of the importance of the three Ss – safeguards, security and safety – and assist countries concerned in developing the relevant measures.

- New technologies for spent fuel treatment should be developed to avoid current forms of reprocessing altogether.

- The increasing use of plutonium recycle, and the prospective introduction of fast neutron reactors, must be pursued in ways which enhance non-proliferation objectives and avoid adding to proliferation and terrorism risks.

- International measures such as spent fuel take-back arrangements by fuel suppliers, are desirable to avoid increasing spent fuel accumulations in a large number of states.

- **Multilateralizing the Nuclear Fuel Cycle** – in particular through fuel banks and multilateral management of enrichment, reprocessing and spent fuel storage facilities – should be strongly supported. Such arrangements would play an invaluable role in building global confidence in the peaceful uses of nuclear energy, and provide an important foundation for a world free of nuclear weapons, for which a necessary requirement will be multilateral verification and control of all sensitive fuel cycle activities.

G. MOBILIZING AND SUSTAINING POLITICAL WILL

BASIC THEMES

- The will to do something difficult, sensitive or expensive will rarely be a given in international or domestic politics. It usually has to be painfully and laboriously constructed, case by case, context by context, with four main elements needing to come together:

- *leadership*: without which inertia will always prevail – top down (from the major nuclear-armed states, particularly the U.S. and Russia), from peer groups (like-minded states worldwide) and bottom up (from civil society);
- *knowledge*: both specialist and general, of the nature, magnitude and urgency of the nuclear problem: requiring better education and training in schools and universities, and stronger advocacy directed to policymakers, and those in the media and elsewhere who most influence them;
- *strategy*: having a confident sense that there is a productive way forward: not just general objectives, but realistic action plans with detailed paths mapped and target benchmarks set; and

- *process*: having the institutional and organisational means at hand – “campaign treaties”, or other research and advocacy structures – to advance the relevant strategy in practice.

KEY POLICIES

- **Nuclear Weapons Convention.** Work should commence now, supported by interested governments, on further refining and developing the concepts in the model convention now in circulation, making its provisions as workable and realistic as possible, with the objective of having a fully-worked through draft available to inform and guide multilateral disarmament negotiations as they gain momentum.
- **Report Card.** To help sustain political will over time, a regular “report card” should be published in which a distinguished international panel, with appropriately professional and broad based research support, would evaluate the performance of both nuclear-armed and non-nuclear-armed states against the action agendas identified in this report.
- **Monitoring and Advocacy Centre.** Consideration should be given to the establishment of a “Global Centre on Nuclear Non-proliferation and Disarmament” to act as a focal point and clearing house for the work being done on nuclear non-proliferation and disarmament issues by many different institutions and organizations in many different countries, to provide research and advocacy support both for like-minded governments and for civil society organisations, and to prepare the “report card” described above.

THE COMPREHENSIVE ACTION AGENDA

THE SHORT TERM ACTION AGENDA TO 2012: ACHIEVING INITIAL BENCHMARKS

On Disarmament

- Early agreement on a Strategic Arms Reduction Treaty (START) follow-on treaty, with the U.S. and Russia agreeing to deep reductions in deployed strategic weapons, addressing the issue of strategic missile defence and commencing negotiations on further deep cuts in all classes of weapons.
- Early movement on nuclear doctrine, with all nuclear-armed states declaring at least that the sole purpose of retaining the nuclear weapons they have is to deter others from using such weapons against them or their allies (while giving firm assurances to such allies that they will not be exposed to unacceptable risk from other sources, including in particular chemical and biological weapons).
- All nuclear-armed states to give strong negative security assurances to complying non-nuclear weapon states parties to the NPT, supported by binding Security Council resolution, that they will not use nuclear weapons against them.
- Early action on nuclear force postures, with particular attention to the negotiated removal to the extent possible of weapons from “launch-on-warning” status.
- Early commitment by all nuclear-armed states to not increasing their nuclear arsenals.
- Prepare the ground for a multilateral disarmament process by all nuclear-armed states conducting relevant studies; engaging in strategic dialogues with the U.S., Russia and each other; and commencing a joint dialogue within the framework of the Conference on Disarmament work program.

On Non-Proliferation

- A positive outcome for the May 2010 NPT Review Conference, with member states reaching agreement on measures to strengthen the NPT regime, including improved safeguards, verification, compliance and enforcement; measures to strengthen the effectiveness of the IAEA; “A New International Consensus for Action on Nuclear Disarmament” statement on disarmament issues; and measures to advance the implementation of the Middle East and other existing and proposed Nuclear Weapon Free Zones.
- Satisfactory negotiated resolution of the North Korea and Iran nuclear program problems.

- Movement toward strengthening non-proliferation regimes outside the NPT, and applying equivalent disciplines to NPT non-members.

On Both Disarmament and Non-Proliferation

- Bring into force the Comprehensive Nuclear-Test-Ban Treaty.
- Conclude negotiations on an Fissile Material Cut-off Treaty.

On Nuclear Security

- Bring into force the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, accelerate implementation of the cooperative threat reduction and associated programs designed to secure dangerous nuclear weapons, materials and technology worldwide, and achieve greater commitment to international capacity building and information sharing.

On Peaceful Uses of Nuclear Energy

- Movement toward greater multilateralization of the nuclear fuel cycle, and government-industry cooperation on proliferation-resistant technologies and other measures designed to reduce any risks associated with the expansion of civil nuclear energy.
- Promotion of international cooperation on nuclear energy infrastructure to raise awareness worldwide of the importance of the three Ss – safeguards, security and safety – and assist countries concerned in developing relevant measures.

THE MEDIUM TERM ACTION AGENDA TO 2025: GETTING TO THE MINIMIZATION POINT

- Progressive achievement of interim disarmament objectives, culminating by 2025 in a “minimization point” characterized by:
 - low numbers: a world with no more than 2,000 nuclear warheads (less than 10 per cent of today’s arsenals);
 - agreed doctrine: every nuclear-armed state committed to no first use;
 - credible force postures: verifiable deployments and alert status reflecting that doctrine.
- Progressive resolution of parallel security issues likely to impact on nuclear disarmament negotiations:
 - missile delivery systems and strategic missile defence;
 - space based weapons systems;
 - biological weapons;
 - conventional arms imbalances.
- Development and building of support for a comprehensive Nuclear Weapons Convention to legally underpin the ultimate transition to a nuclear weapon free world.
- Complete implementation (to extent already not achieved by 2012) of short term objectives crucial for both disarmament and non proliferation:
 - Comprehensive Nuclear-Test-Ban Treaty in force;
 - Fissile Material Cut-off Treaty negotiated and in force, and a further agreement negotiated to put all fissile material not in weapons under international safeguards;
 - Measures to strengthen the NPT regime and the IAEA agreed and in force;
 - Nuclear security measures in force, and cooperative threat reduction and associated programs fully implemented;
 - Progressive implementation of measures to reduce the proliferation risks associated with the expansion of civil nuclear energy.

THE LONGER TERM ACTION AGENDA BEYOND 2025: GETTING TO ZERO

- Create political conditions, regionally and globally, sufficiently cooperative and stable for the prospect of major war or aggression to be so remote that nuclear weapons are seen as having no remaining deterrent utility.
- Create the military conditions in which conventional arms imbalances, missile defence systems or any other national or intergovernmental-organisation capability is not seen as so inherently destabilizing as to justify the retention of a nuclear deterrent capability.

- Create verification conditions that will ensure confidence that any violation of the prohibition of nuclear weapons would be readily detected.
- Create the international legal regime and enforcement conditions that will ensure that any state breaching its prohibition obligations not to retain, acquire or develop nuclear weapons will be effectively penalized.
- Create fuel cycle management conditions that will ensure complete confidence that no state has the capacity to misuse uranium enrichment or plutonium reprocessing for weapons development purposes.
- Create personnel oversight conditions to ensure confidence that individuals' know-how in the design and building of nuclear weapons will not be misapplied in violation of prohibition obligations.

[Eds...]

**Statement to the 64th Regular Session of the
United Nations General Assembly by IAEA
Director General Dr. Mohamed ElBaradei**

[New York, 2 November 2009]

[Eds...]

Since I first spoke to you in 1998, the Agency has moved from being a relatively unknown technical organization, whose work was of interest mainly to specialists in the nuclear field, to becoming a major player at the centre of issues critical to international peace and security. The Agency has gained universal respect for its independence and objectivity in nuclear verification, safety and security. We have also made considerable progress in bringing the benefits of peaceful nuclear technology to developing countries, improving their access to energy, health care, food and clean water.

While I leave office after 12 years with pride in the IAEA's many achievements, I must also express some disappointment. Disappointment that we are still fighting the same battles to secure sufficient funding as we were back in the 1990s; that the development side of our mandate remains chronically underfunded; and that we still lack adequate legal authority to do our job effectively in verification, safety and security. On a more positive note, nuclear disarmament, which failed to make any headway in the two decades since the end of the Cold War, is now back at the top of the international agenda and there is reason to hope that we may see a breakthrough.

[Eds...]

The world seems set for a significant expansion in the use of nuclear power, with scores of countries expressing interest in introducing it as part of their energy mix. Not surprisingly, most of these are from the developing world, which urgently needs a dramatic increase in electricity supply if it is to lift its people out of poverty. Energy is the engine of development. For many countries, nuclear power, with its good performance and safety record, is a way to meet their surging demand for energy, reduce their vulnerability to fluctuations in the cost of fossil fuels and combat climate change. The IAEA has adjusted its priorities to focus more on the nuclear power programmes of what we call the "newcomers."

Nuclear safety has improved significantly since the shock of Chernobyl in 1986, but the risk of accidents can never be eliminated completely. It is in all our interests to ensure that the highest safety standards are upheld everywhere. IAEA safety standards have become the global benchmark and have recently been adopted by the European Union. I would like to see the safety standards accepted by all countries and, ideally, made binding.

Turning to the development side of our mandate, the Agency is the principal vehicle for multilateral nuclear technology transfer, helping countries to use nuclear techniques in food and agriculture, human health, water resources and the environment.

[Eds...]

Back in 1998, our Technical Cooperation Programme totalled a

modest \$80 million per year. Ten years later, in 2008, the programme disbursed \$96 million - a negligible increase considering inflation and the growth in Agency membership from 127 countries to the present 150, as well as the increasing development needs of Member States. We can and should do much more, but that requires a significant increase in funding which regrettably has not been made available to us.

I urge donor states to recognise the link between security, which we all seek, and development. Without development, there can be no security - the reverse is also true. Improving life for the two billion people - one third of humanity - who live on less than \$2 per day is not just the right thing to do; it is also the smart thing to do. By helping to address the root causes of instability and insecurity, including endemic conflicts, poor governance and poverty, we make it less likely that countries will feel the temptation to seek nuclear or other weapons of mass destruction.

The gravest threat the world faces today, in my opinion, is that extremists could get hold of nuclear or radioactive materials. In the wake of the 9/11 attacks, the IAEA initiated a comprehensive programme to combat the risk of nuclear terrorism. I am proud of the speed and efficiency with which the Agency established an effective nuclear security programme which has provided \$50 million in equipment, training and other assistance to Member States in the last three years. But it is disconcerting that nuclear security continues to be funded almost entirely from voluntary contributions, which come with many conditions attached and are both insufficient and unpredictable. Much more needs to be done. The number of incidents of illicit trafficking and other unauthorised activities reported to our Illicit Trafficking Database - over 200 last year - remains a cause of grave concern and might well be only the tip of the iceberg.

The global non-proliferation landscape has changed radically in the last two decades. The way in which the Agency implements safeguards has also undergone a metamorphosis. We have moved beyond simple verification of declared nuclear material at declared facilities to assessing information on a State's entire nuclear programme and, most importantly, verifying the absence of undeclared activities. The Model Additional Protocol, which was approved in 1997, has become an essential verification tool. Within the limited resources and capabilities available to us, we have made increasing use of advanced technology critical to verification today such as remote monitoring, environmental sampling and satellite imagery.

As I reported to the Security Council summit on nuclear disarmament in September, our ability to detect possible clandestine nuclear material and activities depends on the extent to which we are given the necessary legal authority, technology and resources. Regrettably, we face continuing major shortcomings in all three areas, which, if not addressed, could put the entire non-proliferation regime at risk. In over 90 states, the Agency either has no verification authority at all, or its authority is inadequate, because these countries have not concluded the necessary agreements with the Agency. That means we often cannot verify whether a country is engaged in clandestine nuclear activities.

Our credibility depends on our independence. Additional funding is urgently needed for state-of-the-art technology so that, for example, we can independently validate environmental sampling analyses. We also need improved and consistent access to top-quality satellite imagery. Continuing with budgets that fall far short of our essential verification needs in the coming years is not a viable option.

Iraq and the DPRK were the two cases of suspected nuclear proliferation preoccupying the international community when I took office. I will always lament the fact that a tragic war was launched in Iraq, which has cost the lives of possibly hundreds of thousands of innocent civilians. This was done on the basis of a false pretext, without authorisation from the Security Council, and despite the Agency and the United Nations Monitoring, Verification and Inspection Commission having found no evidence that Iraq had revived its nuclear weapons programme or programmes involving other weapons of mass destruction. It gives me no consolation that the Agency's findings were subsequently vindicated.

In the case of the DPRK, sixteen years after the IAEA reported that country to the Security Council for non-compliance with its non-proliferation obligations, it has moved from the likely possession of

undeclared plutonium to acquiring nuclear weapons. The on-again, off-again nature of the dialogue between the DPRK and the international community has stymied the resolution of this issue, which is a glaring example of the fragility and shortcomings of the non-proliferation regime.

Important lessons need to be learned from Iraq and the DPRK. The main one is that we must let diplomacy and thorough verification take their course, however lengthy and tiresome the process might be. We need to carefully assess the veracity of intelligence information. We must engage those with whom we have differences in dialogue rather than seeking to isolate them. We must act within the framework of international institutions - in this case, the IAEA and the Security Council - and empower them, rather than bypass them through unilateral action. The Agency, for its part, must draw conclusions justified by the facts only. It must not jump the gun or be influenced by political considerations.. [Eds...]

All of these lessons are applicable today in the case of Iran, whose nuclear programme remains an issue before both the Agency and the Security Council. Six years have passed since Iran was reported to the IAEA Board of Governors for failing to declare material and activities to the Agency, in violation of its safeguards agreement. As a result of difficult and painstaking work, the Agency has acquired a better understanding of Iran's civil nuclear programme. Nevertheless, a number of questions and allegations relevant to the nature of that programme are still outstanding and need to be clarified by Iran through transparency and cooperation with the Agency. [Eds...]

I therefore urge Iran to be as forthcoming as possible in responding soon to my recent proposal, based on the initiative of the U.S., Russia and France, which aimed to engage Iran in a series of measures that could build confidence and trust and open the way for comprehensive and substantive dialogue between Iran and the international community. [Eds...]

The Agency cannot do its nuclear verification work in isolation. It depends on a supportive political process, with the Security Council at its core. The Council needs to develop an effective, comprehensive compliance mechanism that does not rely only on sanctions, which too often hurt the vulnerable and the innocent. [Eds...]

I have in the past drawn the General Assembly's attention to the growing number of states that have mastered uranium enrichment or plutonium reprocessing. Any one of these states has the capacity to develop nuclear weapons in a short span of time - a margin of security which is too close for comfort. To address this challenge, which could be the Achilles Heel of non-proliferation, I believe that we need to move from national to multinational control of the nuclear fuel cycle. As a first step, I have proposed the establishment of a low enriched uranium bank to assure states a guaranteed last-resort supply of nuclear fuel for their reactors so that they might not need their own enrichment or reprocessing capability.

[Eds...] I remain convinced that some such mechanism is essential as more and more countries introduce nuclear energy. Our ultimate goal should be the full multinationalization of the sensitive parts of the fuel cycle - uranium enrichment and plutonium reprocessing - as we move towards a world free from nuclear weapons.

Such a world is, I believe, within our grasp following the courageous initiative of President Obama and the resumption of serious disarmament negotiations between the two largest nuclear weapon states. Nuclear weapons are, regrettably, still seen as bringing power and prestige and providing an insurance policy against possible attack. However, by demonstrating their irreversible commitment to achieving a world free from nuclear weapons, the weapon states can greatly enhance the value and legitimacy of the non-proliferation regime and gain the moral authority to call on the rest of the world to curb the proliferation of these inhumane weapons. I do not expect to see a world free from nuclear weapons in my lifetime, but I am increasingly hopeful that my children may live in such a world, particularly in light of the growing realization that, with the technology out of the box and an increasing risk of nuclear terrorism, the danger of nuclear weapons being used has increased considerably. The recent adoption of resolution 1887 by the Security Council, pledging to create the

conditions for a world without nuclear weapons, is encouraging. It is vital that the 2010 NPT Review Conference should build on this momentum.

[Eds...]

We live in an increasingly globalised world and none of the major problems we face - terrorism, hunger, arms control, climate change - can be solved by any one country alone. We need effective international institutions.

Ultimately, we need a new global system of collective security that entails an overhaul of the United Nations system and, above all, of the Security Council. A new system in which no country feels the need to rely on nuclear weapons for its security. A new system with effective global mechanisms for conflict prevention, peacekeeping and peacemaking. An equitable and inclusive system in which security is not perceived as a zero sum game, or based on domination, or on a balance of power. A system that places human security and human solidarity at its core, that grasps our shared destiny as one human family and that enables all of us to live together free from fear and free from want.

[Eds...]

Milan Document on Nuclear Disarmament and Non-Proliferation

[Pugwash Conferences on Science and World Affairs,
29 January 2010]

[Editorial note: Footnote not included]

Below are some considerations coming out of a meeting in Milan organized by Pugwash and the University of Milan (Universita' degli Studi di Milano), 29 January 2010, with an eye to the upcoming 2010 NPT Review Conference. The meeting involved more than 40 participants from 13 countries, including former defense and foreign ministers, current and former international disarmament diplomats and other scientific and policy experts.

While this document represents fairly the discussions held, it is the sole responsibility of Pugwash Secretary General Paolo Cotta-Ramusino, Professor of Physics, Universita' degli Studi di Milano and Pugwash President Jayantha Dhanapala, former UN Under-Secretary-General for Disarmament Affairs.

The upcoming Non Proliferation Treaty (NPT) Review Conference (May 2010, New York) will examine the treaty implementation and, in particular, the status of the three NPT basic pillars (disarmament, non proliferation and access to nuclear energy for peaceful uses by NPT members). It is an important opportunity to call the world's attention to the serious risks associated with nuclear weapons, and the ultimate need to eliminate such weapons and to work towards a legally-binding document (such as a convention) banning the possession of such weapons. *Work for such a legally binding document should begin soon and hopefully yield some concrete proposals before the 2015 NPT Review Conference.*

In the upcoming 2010 NPT Review Conference it will be extremely important, in order to prevent decay and breakdown of the world-wide nuclear non-proliferation regime, to show that concrete progress is being made towards that final goal of eliminating nuclear weapons, and to reassure the world's public opinion that such progress will be strongly sustained in the future. In particular, in order to support concrete steps in the direction of nuclear disarmament, the 13 practical steps approved by the 2000 NPT Review Conference should be restated by the 2010 NPT Review Conference with the necessary updates.

Reinforce the (political and legal) commitments to nuclear disarmament. Drastically decrease the numbers of weapons

1. The present number of intact nuclear weapons (reportedly over 23000) should be drastically reduced. The largest weapons reductions should of course be made by the two major nuclear weapon States (US and Russia) that possess about 95% of the world's combined nuclear arsenal. An effective ladder for scaling down the number of nuclear weapons of the most nuclear-armed nations should be clearly defined. As a first step, Russia and the US are expected to bring to successful conclusion, before the NPT Review Conference, their on-going negotiations, aimed at developing a successor treaty to their recently expired START 1

agreement.

2. Reductions of longer-range and shorter-range nuclear weapons should be vigorously pursued in nuclear negotiations. As in the past, unilateral actions can significantly contribute to this process. Decommissioned nuclear weapons should be dismantled and not only stored separately from delivery systems. Fissile material from dismantled weapons should be made accessible to the IAEA for inspection. Effective procedures for verifying weapon dismantlement should be actively pursued.

3. Active promotion of nuclear disarmament is the responsibility of all the members of NPT (in fact of all countries, even if nuclear-weapons states have a special responsibility in this regard). This implies that states with relatively smaller arsenals should do their share of the disarmament work. Also non-nuclear weapons countries hosting nuclear weapons belonging to other countries should send these weapons back to the owner and request their dismantlement. Finally all non-nuclear weapons states should pursue the elimination of nuclear weapons from their territories, not even allowing them in transit, by promoting nuclear-weapons-free zones. Extending nuclear-weapons-free zones can be seen as a complementary avenue to achieving a nuclear-weapons-free world.

Reinforce the political and legal commitments to nuclear disarmament: decrease the military role and the political influence of nuclear arsenals

4. The stated aim of nuclear weapons possession by nuclear-weapons states should be no more than to deter the use of nuclear weapons by others. There is absolutely no need to keep any nuclear weapon at a high alert status. A high alert status entails a serious risk of a nuclear launch by mistake even now, 20 years after the end of the cold war.

5. Concepts like extended deterrence (meant in various ways as nuclear defense against nonnuclear attacks or the planning of the use of nuclear weapons to compensate conventional inferiority or to protect allies against possible nuclear or even chemical or biological weapons attacks) have shown to be of very limited value during the cold war and should be phased out. They should be replaced by a generalized no-first use posture by states possessing nuclear weapons. Moreover no-first use policies should be made even more explicit by extending security guarantees to states that do not possess nuclear weapons. Pending the complete elimination of nuclear weapons, the latter should be guaranteed that they will never be attacked with nuclear weapons.

6. Extended deterrence in no way should require the stationing of nuclear weapons on other countries' territories. An international norm should be developed, forbidding such extraterritorial deployments. European countries have a clear role to play in this respect and should take an active approach to fulfill their own responsibilities.

7. Possession of nuclear weapons is *not* an instrument for enhancing regional or global influence or political and economic leverage. This statement should be clearly understood and stated explicitly whenever useful. This notion, contrary to some conventional wisdom of the past, applies specifically to the major nuclear weapons states, where the possession of nuclear weapons is manifestly not of any help in dealing with military, political or economic crises.

8. Both nuclear and non-nuclear weapon states should nevertheless exercise maximum restraint in the development of military applications of science and technology, such as ballistic missile defense, that could create potentially destabilizing situations, both in the regional and global context, thus complicating the task of reducing the reliance on nuclear weapons.

9. Nuclear-weapons states should develop internal structures, agencies, legislation, budget allocations and the like, to reduce the role of nuclear weapons in defense doctrines, and eventually to eliminate such weapons from national arsenals. "Modernization" and other forms of technical improvement and expansion of capabilities of existing arsenals should be prevented in all possible ways.

Promote nuclear disarmament: involve the states that are not parties to the NPT

10. States that are not parties to the NPT should be induced in all possible ways to eliminate their nuclear weapons and join the NPT. In the meantime they should be encouraged to support the general goals of the NPT by taking concrete steps in the direction of reducing their nuclear arsenals, preventing nuclear proliferation, opening up their nuclear facilities to IAEA inspections and monitoring, respecting nuclear weapons-free-zones, and joining all possible other arms control treaties such as the CWC, BWC, CTBT, etc.

Promote nuclear disarmament: make progress in the establishment of a zone free of weapons of mass destruction in the Middle East (ME) and particularly of a nuclear-weapons-free zone

11. The idea of establishing a zone free of weapons of mass destruction in the Middle East was an integral part of the success of the 1995 Review and Extension Conference. It has also been at various times and with various characterizations pushed forward by the main Middle Eastern states. It is important that the 2010 NPT Review Conference states unequivocally that concrete progress should be made in the creation of such a zone. Consultations should be organized involving all the Middle Eastern states aimed at defining an "agenda of progress" for a ME zone free of weapons of mass destruction. A UN-sponsored international conference should be called for, to discuss the implementation of the ME zone free of weapons of mass destruction and particularly of a nuclear-weapons free zone. The UN could appoint a coordinator to help the process of establishing a zone free of weapons of mass destructions and particularly a nuclear-weapons-free zone in the Middle East.

Promote nuclear disarmament: ensure CTBT entry into force, push forward the FMCT

12. The CTBT should be signed and ratified immediately by all those states that are bound by other treaties or agreements not to test nuclear weapons or that declared that they do not intend to test in the future. To do otherwise would just be a continuation of the practice of holding arms control treaties hostage to political pressures, irrespective of their actual value and merit. If some states continue to block entry into force of the CTBT, they will have to justify that position to the international community. Permanently ending nuclear testing for all and hence impeding new nuclear weapons developments and stopping the production of fissile materials for weapons purposes are all important elements supporting the goal of global nuclear disarmament. Regardless of the timing of the entry into force of the CTBT, the CTBT Organization in Vienna, should be strengthened.

Prevent nuclear proliferation: strengthen the IAEA and the international monitoring & control regime

13. In light of the present spread of nuclear activities for civilian purposes, it is clearly in the collective interest that all such activities be properly monitored and controlled by the competent international organization, namely the IAEA. The IAEA itself should be strengthened both in its workforce and in its ability to operate. The (model) additional protocol should be considered as the new norm, in terms of the relations between the agency and the member states. All members of the NPT should be encouraged to sign and ratify the (model) additional protocol.

14. Work should be pursued to develop improved proliferation-resistant technologies in all stages of the nuclear power production process.

15. Nuclear fuel production should be soon internationalized, without prejudice to the inalienable right recognized in Article IV of the treaty. International consortiums for enriching uranium and for the production of nuclear fuel should be encouraged and the monitoring of these international consortiums should be firmly in the hands of the IAEA. Phasing-out of reprocessing in favor of interim storage should also be encouraged.

16. Efforts should be made to improve the monitoring capabilities of the IAEA beyond the additional protocol. A critical analysis of the problems, gaps and shortcomings of the monitoring systems should be made in the spirit of objective and constructive criticism.

Prevent nuclear proliferation. Strengthen and harmonize national legislation to prevent illicit traffic of nuclear material and of technical devices that could be used in building nuclear weapons

17. The effectiveness of resolution 1540 should be thoroughly examined. Countries should be encouraged to include in their legislation provisions to control, intercept and punish the illicit transfer of nuclear material (particularly of fissile material). The legislation should guarantee the possibility of intercepting illicit traffic of materials and technologies that could be used to manufacture nuclear weapons or nuclear explosive devices. Dual-use materials and technologies should attract particular attention, and their transfer should be regulated by national legislation and international agreements. Because the availability of Highly Enriched Uranium (HEU) provides the most 'easy' avenue for manufacturing nuclear explosive devices by possible non-state actors, countries should be encouraged and helped to progressively phase out reactors using HEU and to replace them with reactors using Low Enriched Uranium (LEU) fuel. The huge existing stocks of HEU, as well as the large amounts that will be obtained from nuclear disarmament, should be down-blended as quickly and as completely as possible to LEU (to be then employed as fuel for energy-producing nuclear reactors).

Ensure the right of all NPT member-states to develop nuclear activities for civilian purposes

18. The right of NPT parties to develop, research and use nuclear energy for peaceful purposes is recognized under the treaty and should not be subject to constraints or limitations. This right should be exercised in accordance with the obligations prescribed by the treaty.

19. Assistance to civilian nuclear programs of member states should be guaranteed to all parties to the NPT without prejudice, while enforcing all the applicable control and monitoring activities.

20. Assisting the development of national nuclear energy programs of NPT member states should include also advising member states of all the risks and problems involved with civilian nuclear programs. Reference should be made to problems related with economic sustainability, with environmental concerns (including all the serious problems related to waste disposal), with the control and the training of technicians, with the organization of emergency responses in case of serious technical problems. This should happen of course without prejudice to the inalienable right guaranteed by article IV of the NPT.

The President's Nuclear Vision: We will spend what is necessary to maintain the safety, security and effectiveness of our weapons.
Joe Biden

[Wall Street Journal, 29 January 2010]

The United States faces no greater threat than the spread of nuclear weapons. That is why, last April in Prague, President Obama laid out a comprehensive agenda to reverse their spread, and to pursue the peace and security of a world without them.

He understands that this ultimate goal will not be reached quickly. But by acting on a number of fronts, we can ensure our security, strengthen the global nonproliferation regime, and keep vulnerable nuclear material out of terrorist hands.

For as long as nuclear weapons are required to defend our country and our allies, we will maintain a safe, secure and effective nuclear arsenal. The president's Prague vision is central to this administration's efforts to protect the American people—and that is why we are increasing investments in our nuclear arsenal and infrastructure in this year's budget and beyond.

Among the many challenges our administration inherited was the slow but steady decline in support for our nuclear stockpile and infrastructure, and for our highly trained nuclear work force. The stockpile, infrastructure and work force played a critical and evolving role in every stage of our nuclear experience, from the Manhattan Project to the present day. Once charged with developing ever more powerful weapons, they have had a new mission in the 18 years since we stopped conducting nuclear tests. That is to maintain the strength of the nuclear arsenal.

For almost a decade, our laboratories and facilities have been underfunded and undervalued. The consequences of this neglect—like the growing shortage of skilled nuclear scientists and engineers and the aging of critical facilities—have largely escaped public notice. Last year, the Strategic Posture Commission led by former Defense Secretaries William Perry and James Schlesinger warned that our nuclear complex requires urgent attention. We agree.

The budget we will submit to Congress on Monday both reverses this decline and enables us to implement the president's nuclear-security agenda. These goals are intertwined. The same skilled nuclear experts who maintain our arsenal play a key role in guaranteeing our country's security now and for the future. State-of-the-art facilities, and highly trained and motivated people, allow us to maintain our arsenal without testing. They will help meet the president's goal of securing vulnerable nuclear materials worldwide in the coming years, and enable us to track and thwart nuclear trafficking, verify weapons reductions, and to develop tomorrow's cutting-edge technologies for our security and prosperity.

To achieve these goals, our budget devotes \$7 billion for maintaining our nuclear-weapons stockpile and complex, and for related efforts. This commitment is \$600 million more than Congress approved last year. And over the next five years we intend to boost funding for these important activities by more than \$5 billion. Even in a time of tough budget decisions, these are investments we must make for our security. We are committed to working with Congress to ensure these budget increases are approved.

This investment is long overdue. It will strengthen our ability to recruit, train and retain the skilled people we need to maintain our nuclear capabilities. It will support the work of our nuclear labs, a national treasure that we must and will sustain. Many of our facilities date back to World War II, and, given the safety and environmental challenges they present, cannot be sustained much longer. Increased funding now will eventually enable considerable savings on both security and maintenance. It also will allow us to clean up and close down production facilities we no longer need.

Our budget request is just one of several closely related and equally important initiatives giving life to the president's Prague agenda. Others include completing the New START agreement with Russia, releasing the Nuclear Posture Review on March 1, holding the Nuclear Security Summit in April, and pursuing ratification and entry into force of the Comprehensive Test Ban Treaty.

We will by these initiatives seek to strengthen an emerging bipartisan consensus on how best to secure our nation. These steps will strengthen the nonproliferation regime, which is vital to holding nations like North Korea and Iran accountable when they break the rules, and deterring others from trying to do so.

Reflecting this consensus, Sen. John McCain has joined the president in endorsing a world without nuclear weapons—a goal that was articulated by President Ronald Reagan, who in 1984 said these weapons must be "banished from the face of the Earth." This consensus was inspired by four of our most eminent statesmen—Messrs. Henry Kissinger, William Perry, Sam Nunn and George P. Shultz.

Some critics will argue that we should not constrain our nuclear efforts in any way. Others will assert that retaining a robust deterrent is at odds with our nonproliferation agenda. These four leaders last week in these pages argued compellingly that "maintaining high confidence in our nuclear arsenal is critical as the numbers of these weapons goes down. It is also consistent with and necessary for U.S. leadership in nonproliferation, risk reduction and arms reduction goals."

This shared commitment serves our security. No nation can secure itself by disarming unilaterally, but as long as nuclear weapons exist, all nations remain ever on the brink of destruction. As President Obama said in Prague, "We cannot succeed in this endeavor alone, but we can lead it, we can start it."

Remarks of (U.S.) Vice President Biden at National Defense University

[The White House, Office of the Vice President,
18 February 2010]

The Path to Nuclear Security: Implementing the President's Prague Agenda

[Eds...]

Last April, in Prague, President Obama laid out his vision for protecting our country from nuclear threats.

He made clear we will take concrete steps toward a world without nuclear weapons, while retaining a safe, secure, and effective arsenal as long as we still need it. We will work to strengthen the Nuclear Non-Proliferation Treaty. And we will do everything in our power to prevent the spread of nuclear weapons to terrorists and also to states that don't already possess them.

It's easy to recognize the threat posed by nuclear terrorism. But we must not underestimate how proliferation to a state could destabilize regions critical to our security and prompt neighbors to seek nuclear weapons of their own.

Our agenda is based on a clear-eyed assessment of our national interest. We have long relied on nuclear weapons to deter potential adversaries.

Now, as our technology improves, we are developing non-nuclear ways to accomplish that same objective. The Quadrennial Defense Review and Ballistic Missile Defense Review, which Secretary Gates released two weeks ago, present a plan to further strengthen our preeminent conventional forces to defend our nation and our allies.

Capabilities like an adaptive missile defense shield, conventional warheads with worldwide reach, and others that we are developing enable us to reduce the role of nuclear weapons, as other nuclear powers join us in drawing down. With these modern capabilities, even with deep nuclear reductions, we will remain undeniably strong.

As we've said many times, the spread of nuclear weapons is the greatest threat facing our country.

That is why we are working both to stop their proliferation and eventually to eliminate them. Until that day comes, though, we will do everything necessary to maintain our arsenal.

[Eds...]

During the Cold War, we tested nuclear weapons in our atmosphere, underwater and underground, to confirm that they worked before deploying them, and to evaluate more advanced concepts. But explosive testing damaged our health, disrupted our environment and set back our non-proliferation goals.

Eighteen years ago, President George H.W. Bush signed the nuclear testing moratorium enacted by Congress, which remains in place to this day.

Under the moratorium, our laboratories have maintained our arsenal through the Stockpile Stewardship Program without underground nuclear testing, using techniques that are as successful as they are cutting edge.

Today, the directors of our nuclear laboratories tell us they have a deeper understanding of our arsenal from Stockpile Stewardship than they ever had when testing was commonplace.

Let me repeat that - our labs know more about our arsenal today than when we used to explode our weapons on a regular basis. With our support, the labs can anticipate potential problems and reduce their impact on our arsenal.

[Eds...] in December, Secretary Chu and I met at the White House with the heads of the three nuclear weapons labs. They described the dangerous impact these budgetary pressures were having on their ability to manage our arsenal without testing. They say this situation is a threat to our security. President Obama and I agree.

That's why earlier this month we announced a new budget that reverses the last decade's dangerous decline.

It devotes \$7 billion to maintaining our nuclear stockpile and modernizing our nuclear infrastructure. To put that in perspective, that's \$624 million more than Congress approved last year—and an increase of \$5 billion over the next five years. Even in these tight fiscal times, we will commit the resources our security requires.

This investment is not only consistent with our nonproliferation agenda; it is essential to it. Guaranteeing our stockpile, coupled with broader research and development efforts, allows us to pursue deep nuclear reductions without compromising our security. As our conventional capabilities improve, we will continue to reduce our reliance on nuclear weapons.

[Eds...]

In September, the President chaired an historic meeting of the UN Security Council, which unanimously embraced the key elements of the President's vision.

[Eds...]

We believe we have developed a broad and deep consensus on the importance of the President's agenda and the steps we must take to achieve it. The results will be presented to Congress soon.

In April, the President will also host a Nuclear Security Summit to advance his goal of securing all vulnerable nuclear material within four years. We cannot wait for an act of nuclear terrorism before coming together to share best practices and raise security standards, and we will seek firm commitments from our partners to do just that.

In May, we will participate in the Non-Proliferation Treaty Review Conference. We are rallying support for stronger measures to strengthen inspections and punish cheaters.

The Treaty's basic bargain - that nuclear powers pursue disarmament and non-nuclear states do not acquire such weapons, while gaining access to civilian nuclear technology - is the cornerstone of the non-proliferation regime.

Before the treaty was negotiated, President Kennedy predicted a world with up to 20 nuclear powers by the mid-1970s. Because of the Non-Proliferation Treaty and the consensus it embodied, that didn't happen.

Now, 40 years later, that consensus is fraying. We must reinforce this consensus, and strengthen the treaty for the future.

And, while we do that, we will also continue our efforts to negotiate a ban on the production of fissile materials that can be used in nuclear weapons.

We know that completing a treaty that will ban the production of fissile material will not be quick or easy - but the Conference on Disarmament must resume its work on this treaty as soon as possible.

The last piece of the President's agenda from Prague was the ratification of the Comprehensive Test Ban Treaty.

A decade ago, we led this effort to negotiate this treaty in order to prevent emerging nuclear states from perfecting their arsenals and to prevent our rivals from pursuing ever more advanced weapons.

We are confident that all reasonable concerns raised about the treaty back then - concerns about verification and the reliability of our own arsenal - have now been addressed. The test ban treaty is as important as ever.

As President Obama said in Prague, "we cannot succeed in this endeavor alone, but we can lead it, we can start it."

Some friends in both parties may question aspects of our approach. Some in my own party may have trouble reconciling investments in our nuclear complex with a commitment to arms reduction. Some in the other party may worry we're relinquishing capabilities that keep our country safe.

With both groups we respectfully disagree. As both the only nation to have used nuclear weapons, and as a strong proponent of non-proliferation, the United States has long embodied a stark but inevitable contradiction. The horror of nuclear conflict may make its occurrence unlikely, but the very existence of nuclear weapons leaves the human race ever at the brink of self-destruction,

particularly if the weapons fall into the wrong hands.

Many leading figures of the nuclear age grew ambivalent about aspects of this order. Kennan, whose writings gave birth to the theory of nuclear deterrence, argued passionately but futilely against the development of the hydrogen bomb. And Robert Oppenheimer famously lamented, after watching the first mushroom cloud erupt from a device he helped design, that he had become “the destroyer of worlds.”

President Obama is determined, and I am as well, that the destroyed world Oppenheimer feared must never become our reality. That is why we are pursuing the peace and security of a world without nuclear weapons. The awesome force at our disposal must always be balanced by the weight of our shared responsibility.

[Eds...]

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