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**MCIS NPT BRIEFING BOOK
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Part I
The Evolution of the Nuclear Non-Proliferation Regime

Section 1

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 zone 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 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.

Two further articles of the eventual treaty, Article IV 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 IV 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 bi-lateral consultations with 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 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, Germany and Japan, were to be persuaded to sign the draft treaty. The consequence was that by the time of the 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 NNWS allies of the USSR in a European war, however, and thus could not be contemplated by the US, the United Kingdom or their 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 UK, the US 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 2

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 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, 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 in 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 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 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 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 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 United Kingdom, 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 haltering, 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 NWS, France and the United Kingdom, 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 it, 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 United Kingdom and the US, NNWS allied with 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 United Kingdom 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 United Kingdom 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 United Kingdom 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 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 Neutral and Non-Aligned group. At later conferences, a new informal grouping 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 non-aligned 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 Neutral and Non-Aligned 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 forgotten.

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 Neutral and Non-Aligned 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 non-aligned 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 with the end of this ideological confrontation. 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 United States, 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 to be to achieve '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 United Kingdom and the United States) 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. This was one reason why 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 3

The 2000 NPT Review Conference

The Negotiations

The 2000 NPTRC opened positively, despite the failure of the PrepCom to produce the recommendations mandated by the 1995 NPTRC. Presidential consultations had produced agreement on creating two 'subsidiary bodies', SBI on Disarmament within Main Committee I (MCI) and SBII on Regional Issues within Main Committee II (MCII). The plenary debate started on the first day and lasted into the middle of the second week. The speeches by the Secretary of State of the United States, the Foreign Minister of Russia and the Head of Delegation of China stated their national positions on NMD, the ABM Treaty and future nuclear policy firmly, but not inflexibly. In the middle of the first week, the three MCs and the two SBs started their work, after the United States and Egypt agreed that the *Resolution on the Middle East* would be handled as a regional question in SBII, whose remit also included Israel and Iraq, as well as India, Pakistan and the DPRK.

After private negotiations lasting months in the margins of the CD in Geneva, and then in New York, all five NWS agreed the text of a joint statement. This was presented to the Conference at the start of the second week by France, which had co-ordinated these activities. By omitting any reference to the 'immediate commencement and early conclusion' of negotiations on an FMCT, some WEOG states saw it as containing a major concession to China. This led them to view it unfavourably, as they saw this commitment, which was contained in the 1995 *Principles and Objectives* document, as having been abandoned. It did, however, send out a clear signal that the NWS were prepared to shelve their differences on nuclear issues in the interests of a consensus NPTRC Final Document.

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

Main Committee reports were scheduled for completion at the end of the third week, when the Drafting Committee was to start its work of putting the texts into an integrated document or documents. In

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

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

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

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

Progress was slow, however, and it was agreed to reconvene early the next morning. Immediately prior to that meeting, the UK delegation concluded that the only way forward would be through a package-deal. This was agreeable to the French, the only delegation that could be fully consulted in the short time available, and to the US. As a consequence, when the meeting opened the UK proposed that those involved should agree to accept the text that then existed as the consensus backward-looking document on disarmament, with some balanced amendments and deletions. France then indicated its support for this approach and the specific proposals made by the UK. South Africa confirmed that they were in broad agreement with the UK approach, but asked for a brief adjournment while the NAC consulted on the matter. This resulted in a counter-proposal for some modifications to the UK package. These were acceptable to France, Russia, the UK and the US. Both China and Indonesia, representing the NAM in this context, thus found themselves confronted with a *fait accompli*, which they eventually accepted. Thus by mid-day on the Friday, a consensus text existed of both forward- and backward-looking disarmament documents, the area that in the past had been the main stumbling-block to a consensus Final Document.

At this stage, it became clear that another roadblock existed before a consensus Final Document was possible: the inability of the US and Iraq to agree language on Iraq's non-compliance with the Treaty. Tortuous negotiations between the states involved and others, both in New York and capitals, eventually resulted in agreement at about 3pm on Saturday 20th May. The Drafting Committee then started its work of gaining agreement on the draft text of a Final Document, which was then circulated to delegations. This included a text on recommended changes to the review process, which up to that point had not been formally presented or discussed by delegations. Disagreements still existed over the text of MCII's report, but the impetus to agree a text placed states under intense pressure to abandon disputed language. Agreement on a Final Document was therefore attained by this method at about 5pm. It was then left to several states to indicate the areas where they dissented from the text they had formally accepted, and by this device enable a consensus Final Document to be agreed.

Substantive Issues and Products of the Conference

i. Universality

The NPTRC in 2000 named for the first time those states (Cuba, India, Israel and Pakistan) which were non-parties to the Treaty. All were urged to accede to the NPT as NNWS, and more particularly those with unsafeguarded nuclear facilities (i.e. India, Pakistan and India). More significantly, it 'deplored' the Indian and Pakistan nuclear-test explosions, and declared that 'such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever' upon those states. These statements were also repeated in a slightly different form elsewhere in the document. Both India and Pakistan

were called upon to implement the measures set out in UN Security Council resolution 1172 (1998), and to strengthen their nuclear export control legislation. These statements constituted a robust response to Indian demands that '[t]he NPT community needs to understand that India cannot join the NPT as a non-nuclear weapon state'.

Differences over universality did exist, however, including the question of technical co-operation with non-parties and the creation of reporting mechanisms. On the former, some NAM states wished to see a total cessation of all nuclear-related assistance to non-parties, even though this appeared to be contrary to the text of the Treaty. The result was a rather weak paragraph on the subject, which did not specify that full-scope (FSS) IAEA safeguards should be a condition of material or equipment supply to such states. Although it had been proposed that formal dialogues should be conducted with non-parties, no agreement was possible on this, though all States Parties were requested to report to the President of the 2005 Review Conference and the Chairpersons of its PrepCom sessions on the realisation of the goals and objectives of the 1995 *Resolution on the Middle East*.

ii. Non-Proliferation

Two parties to the Treaty were the subject of allegations of non-compliance with Articles II and Article III of the NPT: the DPRK and Iraq. As the former was absent, participants had little difficulty in agreeing a text noting that the IAEA had been unable to verify its initial declaration of nuclear material and thus was unable to conclude that no diversion of this material had occurred. The situation concerning Iraq was considerably more complicated in two respects: its delegates were in attendance and it had been certified by the IAEA to be non-compliant with its safeguards agreement prior to 1991. In nuclear matters, Agency reports had indicated that all clandestine activities had been accounted for, equipment destroyed and material removed, while a regular IAEA inspection had taken place in Iraq in early 2000 as required by its NPT safeguards agreement. This led Iraq to argue that it had been fully compliant with the Treaty since 1995, and that the UNSC resolutions were irrelevant in this context.

The US and some other states regarded it as unacceptable to say nothing about Iraq, or to note that it was in compliance with its Treaty obligations, given both the ongoing impasse over its compliance with the UNSC resolutions and the non-implementation of a comprehensive system for monitoring WMD activities within Iraq. This posture was reinforced by a statement made to the conference by a representative of the IAEA that 'in all the years between 1991 and 1999, the Agency has not been able to conclude that Iraq complied with its safeguards agreement'. Iraq rejected this statement. The language eventually agreed involved noting that a regular inspection had been carried out in January 2000 which verified the presence of the material subject to safeguards and reaffirming 'the importance of Iraq's full continuous cooperation with IAEA and compliance with its obligations'.

iii. Disarmament

The debate over disarmament centred upon whether the NWS should 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 that were subsequently used to argue variously that this commitment was either conditional or not conditional. 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'. A 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 its listing as number six in a list of thirteen points, with the second statement at number eleven. Those arguing it as conditional pointed to the wording of Article VI, which is legally binding whereas the 2000 document is politically binding, which talks about pursuing negotiations on 'nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control'.

On the second issue, negotiations focused on how to enhance the 'action plan' contained in paragraphs 3 and 4 of the 1995 *Principles and Objectives* document. The forward-looking document that eventually emerged in 2000, usually termed 'the 13 steps', was much more comprehensive and wide ranging than that agreed in 1995, containing many practical steps in a wide range of areas. In particular, under the *chapeau* of 'steps leading to nuclear disarmament in a way that promotes international stability', it was agreed that the following should be implemented:

- further efforts by the NWS to reduce their nuclear arsenals unilaterally;
- Increased transparency by the NWS with regard to nuclear weapon capabilities and as a voluntary confidence building measure;
- the further reduction of non-strategic nuclear weapons;
- concrete agreed measures to further reduce the operational status of nuclear weapons systems;
- giving a diminishing role for nuclear weapons in security policies; and
- engaging "as soon as appropriate" all the NWS in the process leading to the total elimination of nuclear weapons.

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

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

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

The states parties found little difficulty agreeing language on the general desirability of additional NWFZ; on the need for relevant ratifications to bring existing treaties into full operation; and on welcoming and supporting efforts to set up a NWFZ 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 from other states of the region. It continued to press this issue until the end of the Conference. Arab states wanted Israel to be urged by name to take the steps needed 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 had been one of the subjects allocated special time at the PrepCom sessions, and that both Myanmar in 1997 and South Africa in 1999 had made detailed proposals for Protocols on this, it had been anticipated that this would be a major issue at the NPTRC. This was not the case, however, and the Final Document limited itself to 'calling upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue'.

v. IAEA Safeguards

IAEA safeguards generated considerable controversy, both in their own right and because of their links into other questions, such as regional issues. The number of specific disagreements were in double figures, but were concentrated in a more limited number of areas. One was the Additional Protocol to national safeguards agreements, which gave expanded powers to the IAEA safeguards system. Some indicated that in future they wanted to make this Protocol an integral part of Agency safeguards, in particular in the context of exports to non-parties. At the same time, there was concern that FSS as a condition of supply to non-parties was in danger of being eroded by a willingness to trade on the basis of safeguards being applied to the imported items and materials only. A further element in these debates was language directed originally at Israel by NAM countries calling for 'the total and complete prohibition' of the transfer of nuclear related

equipment and materials, and of technical assistance, to non-parties, even though this was contrary to the language of the Treaty. None of these differences were resolved, and all the controversial wording was deleted in the last few hours of the Conference.

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

vi. Peaceful Uses

Debates on this topic centred upon the implementation of the 'inalienable right' of states to enjoy the peaceful benefits of nuclear energy. Issues here included whether all states, not just States parties to the Treaty, should enjoy these benefits and the role of nuclear energy in sustainable development. Three different sets of state interests came into play in this latter debate: those states seeking support for their fledgling nuclear power programmes; those states seeking to further domestic decisions to abandon such programmes; and those states concerned with Kyoto Protocol 'greenhouse gas' issues. Eventually, a form of words was agreed to meet some of these aspirations.

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

The Implications of the Conference

The successful conclusion of the 2000 NPTRC was by any criteria a very extraordinary achievement, especially given the increased complexity of the post-1995 review arrangements. The fact that the NWS were prepared to put aside their differences in order to facilitate this result appeared to be a recognition of their common interest in sending out a signal that they were united in sustaining the Treaty,

the regime and global nuclear stability. For their part, the middle powers in the NAC were unprepared also to see negative signals emerge from the Conference, and sought to concentrate on the areas where agreement 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

The messages for the Treaty and its review process contained in the Final Document of the 2000 NPTRC 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 sub-optimal 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 NPTRCs: 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, though it remained unclear if they would have worked so effectively under different chairmen; if the results would have been any different under the old system of having Main Committees only; and what would have happened if there had been more than two SBs. What did not occur, however, was any conscious and visible updating of the 1995 *Principles and Objectives* document as South Africa in particular was proposing. 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 NPTRCs, other than in a very general way of educating participants about the issues, had not worked in 1997–99, the proposed amendments offered little hope that this would occur in future either. The new arrangements did not require the parties to arrive at any consensus recommendations for transmission from the first two PrepCom sessions to the third (only a factual

summary of the discussions prepared by the Chairman was required from these) though the third was still expected to provide draft recommendations to a Review Conference. However, some new reporting commitments from states parties in areas such as disarmament and the *Resolution on the Middle East* did seem to have been created.

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

ii. The Regime Context

Four main challenges confronted the nuclear non-proliferation regime at the 2000 NPTRC: its responses to the South Asian tests; its responses to the allegations of DPRK and 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 relatively robust 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. In so doing, it demonstrated to India in particular that it was totally isolated on this issue.

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

The Egyptian–US differences over Israel and the *Resolution on the Middle East* proved a complex problem to resolve, but both states eventually succeeded in doing so through some astute diplomacy. The initial issue of devoting an SB to the subject was evaded by having it focus on regional issues, which allowed concessions over Israel to be balanced by language on Iraq. For the first time in an NPT context, Israel was named in the Final Document, but not condemned, while all parties were requested to report at future NPT meetings on the implementation of the *Resolution*.

The enhancement of IAEA safeguards was a subject that generated disappointment for some states, especially those which wished for a stronger impetus to be given to signing and implementing Additional Protocols to national safeguards agreements. Resistance was also encountered over the suggestion that, in the context of trade with non-parties, such Protocols might at some future point be regarded as part of FSS. The Conference thus offered little assistance to the Agency in moving

towards an integrated safeguards system incorporating in full the rights it had gained through the Additional Protocol. In addition, it said little about strengthening export controls on transfers to non-NPT parties, which are currently based on the activities of two informal bodies, the Zangger Committee and the NSG. No reference to either is to be found in the Final Document, because of opposition from coalitions of states with differing interests.

It is becoming increasingly apparent that concerns over the safety of maritime nuclear transport and the effects of global warming are becoming the prime interests of many of the small island states that are parties to the Treaty. In 2000 they sought to use their leverage to gain rights of consultation when such transport occurred close to their shores, as well as mechanisms to compensate them for the consequences of any accident that might occur. Their interests in the increase in greenhouse gas emissions, which if 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 NPTRCs. If this debate develops further at future meetings, it could undermine what is seen by several developing states as their greatest 'peaceful' benefit from the Treaty.

iii. The Wider Disarmament and International Security Context

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

iv. The Caucus Groups

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

As a consequence, both the WEOG and the NAM found themselves in 2000 having to compete with regional and interest based blocs in their attempt to play a meaningful role at the Conference. In the case

of the WEOG, the major player was the EU and its associated states, which included many from the former Eastern Bloc. The EU states came to the meeting with agreed positions on many issues and, unlike the WEOG, met almost daily to exchange information and consult on issues. They also generated perceptions of marginalising other states in the WEOG through their actions. In the case of the NAM, Arab and other regional groupings sought to pursue their specific interests through its consultative mechanisms, but agreed NAM positions were often coupled with contradictory regional and interest based ones.

Interest based regional and global groupings also abounded: the NATO-5; Finland and Sweden; the 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. Although the NAC is an interest based coalition, seeking agreement

on an expanded range of commitments on disarmament, it also pulled together the traditional groupings over this issue, with individual members persuading states within the other groups to which they belonged to go along with the language they had negotiated. To do this they had to negotiate with the loosely-linked grouping of the five NWS, and it was in this context that the key issues of the forward-and backward-looking language on disarmament were resolved.

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

Section 4 The PrepCom for the 2005 NPT Review Conference

The First Session (8-19 April 2002)

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

Organisation of the 2002 Session

i. Structure of the Meeting

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

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

- i) non-proliferation of nuclear weapons, disarmament, and international peace and security,
- ii) non-proliferation of nuclear weapons, safeguards, and nuclear-weapon-free zones; and
- iii) the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with Articles I and II.

The 'specific relevant issues' accorded special time were:

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

In addition to the 11 informal and thus closed meetings for substantive discussion, the Chairman also introduced an 'Informational Session' into the

PrepCom to provide a non-controversial venue for the discussion of key substantive matters. During the first session, this consisted of informative presentations by the IAEA on the evolution of the strengthened safeguards system and on the security and safety of nuclear material.

ii. Chairman's Factual Summary

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

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

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

iii. Indicative Timetable

The main surprise in 2002 was that the first week of the session saw no agreement on the indicative timetable, due to a refusal of France and the US to

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

Substantive Issues in 2002

At the substantive level, the PrepCom session mainly focused upon providing information on the policies and attitudes of states parties towards a well-established and familiar range of topics. These included nuclear disarmament (including non-strategic nuclear weapons); compliance with nuclear non-proliferation commitments; universality of the Treaty; 'Regional Issues'; IAEA safeguards; nuclear security assurances; nuclear-weapon-free zones; peaceful uses of nuclear energy, including transport of nuclear materials; and export controls. What was new at this meeting was the decision, heavily influenced by the events of 11 September, to schedule 'special time' for a discussion on the safety and security of the nuclear fuel cycle (i.e. nuclear terrorism).

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

i. Backtracking by the NWS

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

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

despite the apparent de-linking of these two activities in 2000.

ii. Security Assurances

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

iii. Non-compliance & Universality

Vigorous statements about Iraqi non-compliance drew equally combative responses from Iraq but, in the absence of a DPRK delegation, there were no similar interchanges over their actions. Israel was also discussed, but given the unstable situation between itself, Palestine and some of the other Arab League states, and Egypt's role as the spokesman for the NAC, this situation was handled carefully and overt disagreements were avoided. Similarly concern was expressed over the delicate nuclear relationship between India and Pakistan, and the impact of the 'war on terrorism' upon this.

iv. IAEA Issues

Statements on IAEA safeguards mainly focused upon the need for those parties that had not done so to sign and implement an INFCIRC/153 safeguards agreement, and for those who had done so to sign and implement an Additional Protocol. Particular concern was expressed over the slow pace of adoption of the latter. However, though it was also clear that some states in the Middle East regarded Israeli signature of an INFCIRC/153 type safeguards agreement as having a greater priority than the acceptance of the Additional Protocol by other states in the region. The discussions on peaceful uses, while covering traditional issues such as technical assistance, the alleged detrimental effects of nuclear export controls upon economic development, and the dangers of the sea transportation of nuclear waste, also covered several new issues, not least those relating to nuclear and radiological terrorism and theft. This gave a new dimension to discussions on physical protection and the sea transportation of nuclear waste, as well as raising the profile of ideas for a Convention on Nuclear Terrorism.

v. Reporting

The reporting issue remained a source of friction throughout the meeting. It cloaked significant differences over how the disarmament provisions of the 2000 Final Document should be implemented, and

the idea that in 1995 the 'permanence' of the Treaty had been exchanged for 'accountability'. Some states, such as those in the NAC and Canada, clearly regarded reporting to a common format at every NPT PrepCom session or Review Conference as a core NWS commitment, and thus considered it to be a substantive, rather than purely procedural, issue. For their part, the NWS understood their reporting obligations in much less specific terms, with no standard format and regular not necessarily meaning 'at each meeting'. In addition, Canada and New Zealand regarded reporting as something that all states should undertake on all elements of the Treaty.

The Second Session (28 April-9 May 2003)

This took place at the United Nations in Geneva during under the Chairmanship of Ambassador László Molnár, Hungary's Permanent Representative to the UN in New York. The meeting was attended by representatives from 106 of the 188 State Parties to the Treaty. At the start of the session Timor Leste/East Timor acceded on 5 May 2003, thereby increasing the number to 189. Also present were 5 international and regional intergovernmental organisations, and 37 non-governmental organizations. Unlike 2002, no officials from non-party states attended as observers of the session's open meetings of the plenary. The meeting took place following several events which posed major challenges to the nuclear non-proliferation regime, most notably the DPRK's January 2003 NPT announcement of its intention to withdraw from the Treaty. Other relevant events include U.S. allegations of undeclared Iranian nuclear activities; the December 2002 publication of the U.S. National Security Strategy; and the U.S.-led invasion of Iraq.

Organisation of the 2003 Session

i. Structure of the Meeting

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

In addition to the 12 half-day sessions on substantive issues, there were two sessions allocated for procedural matters, including the final session dedicated to the consideration and adoption of the draft report from the 2003 session.

ii. Chairman's Factual Summary

The 2002 session had created a precedent for the 2003 document, and thus there was little discussion on how it was to be produced. As a consequence, it was made available to delegations as before in the

evening of the penultimate day as a draft annex (annex II) to the formal report of the session.

The text of the 2003 Chairman's Factual Summary borrowed heavily from that of 2002, with many paragraphs being identical or very similar. Close reading of the text reveals, however, an attempt in certain instances to distinguish between issues on which there was some consensus among delegations and those where there was not, and also to take account of changes during the intervening period. During the session, the U.S. prioritization of allegations of Iranian non-compliance and undeclared nuclear activity was reflected in the document's stress in Para.34 on the importance of signing the Additional Protocol to NPT safeguards agreements, and the need for transparency in peaceful nuclear activities. The text includes several other direct and indirect references to concerns voiced by states parties regarding Iranian nuclear activity. By way of contrast to 2002, the only direct reference to Iraq, in paragraph 26, was in connection to progress in establishing a NWFZ in the Middle East.

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

iii. Indicative Timetable

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

Substantive issues in 2003

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

i. Disarmament

Although there were various statements highlighting the lack of progress by the NWS on their disarmament commitments and demanding more uniform reporting during the session of their implementation by the NWS, proliferation and non-compliance by NNWS tended to be the main contemporary issues addressed by delegations. Several NNWS expressed scepticism of the NWS intentions in the disarmament area, and in particular in implementing the '13 steps' agreed in 2000. The NWS for their part offered individual accounts of the progress that had been achieved in this direction, and argued that expecting progress in all areas was unrealistic.

The US and Russia highlighted their ratification of the Moscow Treaty / Treaty on Strategic Offensive Reductions (SORT), while the UK made a lunchtime presentation of their research on verification of nuclear weapon dismantling and 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.

Concerns about the lack of momentum behind the implementation of disarmament commitments were expressed by several NNWS. Forceful statements on this issue were made by members of the NAC. Sweden's delegates, for example, probed NWS on their slow progress in disarming and questioned the utility of nuclear weapons. Although the Moscow Treaty was generally welcomed by many NNWS, it was argued that the proposed reductions in deployments and in operational status could not substitute for irreversible cuts in, and the total elimination of, nuclear weapons. Several states urged the NWS to place all their 'excess military fissile material' under IAEA safeguards, and 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 issues of unconditional negative security assurances and no-first use policies. Malaysia, the NAM and Norway in particular reminded the session of the previous proposals for formalizing negative security assurances by drafting a legal instrument and the recommendation that a subsidiary body be established in Main Committee I at the 2005 RevCon on this topic. The NAC states went further by submitting a working paper (NPT/CONF.2005/PCII/WP.11) containing a detailed draft protocol on this subject, similar in most respects to that submitted by South Africa during the 1999 PrepCom (NPT/CONF.2000/PC.III/9).

iii. Non-compliance

While the issue of non-compliance concentrated on Iraq in 2002, in 2003 the focus of debate, and particularly US and other western states' allegations, was the nuclear activities of Iran. In response, a member of the Iranian delegation argued that its nuclear program 'should be viewed on its own merit without the political burden of U.S.-Iran bilateral relations'. The DPRK situation was also a cause for great concern, but the absence of its delegation meant

no dialogue was possible, and other delegations focussed on urging it to either abandon its non-compliant activities and allow the IAEA back into the country or to rejoin the Treaty as a NNWS.

iv. Non-Proliferation

One major change visible in 2003 was that the focus of concern in the area of nuclear proliferation strategies, and their prevention, moved towards states who were seeking to acquire semi-openly the front end of the nuclear fuel cycle (enrichment capabilities) or a full fuel cycle (fuel reprocessing and plutonium separation capabilities) for nominally peaceful purposes, but who would then be in a position to give three months notice of withdrawal from the Treaty and convert the plants involved to military production (i.e. high uranium enrichment activities, or the separation of military-grade plutonium). This concern was triggered by the fact that these fuel cycle activities were not explicitly forbidden by the Treaty. Further enhancing the diversion concerns were the nuclear activities of the DPRK and Iran that had not been reported to the IAEA, and the NPT withdrawal notice given by the DPRK. This situation was a return to the proliferation debate of the 1970s, which was characterized then as involving the problem of "nuclear pregnancy", where States Parties legitimately acquired the means to produce nuclear materials through the NPT peaceful nuclear energy provisions (Article IV), and then withdrew from the Treaty.

The result was a series of ad hoc proposals by a range of states for methods of addressing this situation, some of which were also to be found in the debates in the 1970s. 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 Responsibilities

The 2003 PrepCom session witnessed a significant shift in opinion over the status of the Additional Protocol to IAEA comprehensive (NPT) safeguards agreements, as one of the several responses to the concerns over the emerging declared fuel-cycle route to nuclear weapons. As a consequence, the need for universal implementation of the Additional Protocol was accepted by almost all speakers. Indeed a range of parties promoted the idea that comprehensive safeguards coupled with the Additional Protocol should henceforth be adopted as the new IAEA safeguard standard. Furthermore, Australia urged that in order to 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 posed by terrorism resulted in great emphasis being placed on strengthening the safety and security of nuclear material and facilities used in peaceful applications, including the transport of such material. Specifically, attention was focussed on amending the Convention on the Physical Protection of Nuclear Material (CPPNM); strengthening the IAEA's International Physical Protection Service (IPPAS); and the further development of the IAEA's Code of Conduct on the Safety and Security of Radiological Sources, as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. Statements were also made by Australia, Japan and the United Kingdom concerning the maritime transport of nuclear material, which had relevance in both a safety and regional context.

vii. Export Controls

Export controls were linked into discussions of both the peaceful uses of nuclear energy and the prevention of terrorist access to fissile material, thus illustrating the polarisation of views on this subject that has been a characteristic of NPT discussions on the subject for decades. Norway called for the coordination of export control policies. Australia praised the role of efficient export control organisations, especially the work of the NSG and Zangger Committee, in denying unauthorized access to fissile material. Iran pointed out that 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 the consequences of this announcement. The accession of Israel was called for by a majority of delegations, most notably in connection with regional discussions in support of attempts to establish a NWFZ in the Middle East and the implementation of the 1995 Resolution on the Middle East. Calls for all the remaining non-NPT states (India, Israel and Pakistan) to accede to the Treaty as NNWS also continued to be articulated.

ix. NWFZ and Regional Issues

The importance of existing NWFZs was reiterated during the session, as well as calls being made for the establishment of a dialogue between their members. The accession of Cuba to the Treaty of Tlatelolco and the NPT was widely welcomed as a positive development, particularly as it meant the NWFZ in Latin America and the Caribbean had become universal. Various proposals supporting the establishment of a NWFZ in Central Asia were included in the discussions on regional issues. Malaysia also made calls for support to the NWS for the Protocol of the Bangkok Treaty (SEANWFZ).

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

x. Reporting & Transparency

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

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

Annex I

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 ' U^{235} ', (or 'U-235') indicates the isotope of uranium that contains 235 (92+143) protons and neutrons in the nucleus of each atom. 'Plutonium 239', or ' Pu^{239} ', (or 'Pu-239') indicates the isotope of plutonium that contains 239 (93+146) protons and neutrons in the nucleus of each atom.

Nuclear Reactions

Fission

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

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

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

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

Fusion

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

Nuclear Reactors

Fission Reactors

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

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

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

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

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

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

Reactors have been built to serve four broad purposes. First, a significant proportion of the reactors in the world are large units designed to produce steam to drive turbo-generators, and thus to generate electricity for civil uses. Second, there are smaller units of a similar type which are used in naval vessels, especially submarines, to generate electricity for propulsion purposes or to drive turbines. Third, there are many small materials testing and research reactors, which usually have no turbo-generators attached and are used mainly for experimental purposes. 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.

Annex II 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	GPALS	Global Protection Against Limited Strikes
ABM	anti-ballistic missile*	GW	Gigawatt*
ACDA	Arms Control and Disarmament Agency (US)	HEU	highly enriched uranium*
ALCM	air-launched cruise missile	IADA	International Atomic Development Authority
ANF	Atlantic Nuclear Force	IAEA	International Atomic Energy Agency*
ASW	anti-submarine warfare	ICBM	inter-continental ballistic missile
BMD	ballistic missile defence	ICF	Inertial Confinement Fusion
CACNARE	Convention on Assistance in the Case of Nuclear Accident	IFRC	International Fusion Research Council
CANDU	Canadian Deuterium-Uranium reactor	INF	Intermediate-range Nuclear Forces [Treaty]*
CAS	Committee on Assurances of Supply* (IAEA)	INFA	International Nuclear Fuel Agency
CCD	Conference of the Committee on Disarmament*	INFCE(P)	International Nuclear Fuel Cycle Evaluation (Programme)
CD	Conference on Disarmament* (formerly Committee on Disarmament*)	INFCIRC	IAEA Information Circular*
CFE	Conventional Forces in Europe [Treaty]	INIS	International Nuclear Information System (IAEA)
CMA	continuous material accountancy	INSAG	International Nuclear Safety Advisory Group (IAEA)
CMEA	Council for Mutual Economic Assistance (Eastern Europe)	IPS	International Plutonium Storage
COCOM	Coordinating Committee on Export Controls	IRBM	intermediate-range ballistic missile
CPPNM	Convention on the Physical Protection of Nuclear Material	ISFS	International Spent Fuel Storage
CSBM	confidence- and security-building measure	ISIS	International Safeguards Information System
CSCE	Conference on Security and Co-operation in Europe	LEU	low enriched uranium*
CSNI	OECD Nuclear Energy Agency Committee on the Safety of Nuclear Installations	LTBT	Limited Test Ban Treaty (also known as the Partial Test Ban Treaty)
CTBT	Comprehensive Test Ban Treaty*	LWR	Light Water Reactor
EC	European Community	MBA	material balance area*
ENDC	Eighteen-Nation Disarmament Committee*	MLF	Multilateral Force
EURATOM	European Atomic Energy Community	MOX	mixed oxide fuel
EURODIF	European Gaseous Diffusion Uranium Enrichment Consortium	MTCR	Missile Technology Control Regime*
FBR	Fast Breeder Reactor	MW	Megawatt*
FSS	full scope safeguards*	NAM	Non-Aligned Movement
GCD	General and Complete Disarmament	NATO	North Atlantic Treaty Organization
		NNA	Neutral and Non-Aligned countries
		NNPA	United States Nuclear Non-Proliferation Act (1978)
		NNWS	non-nuclear weapon states*
		NPT	Non-Proliferation Treaty*
		NSG	Nuclear Suppliers Group*
		NWFZ	nuclear-weapon-free zone*

NWS	nuclear weapon states*	SNDV	Strategic Nuclear Delivery Vehicle
OAS	Organization of American States	SNF	Short Range Nuclear Forces
OECD	Organization for Economic Co-operation and Development	SSBN	ballistic missile-equipped, nuclear-powered submarine
OPANAL	Agency for the Prohibition of Nuclear Weapons in Latin America*	START	Strategic Arms Reduction Talks/Treaty*
OSI	on-site inspection*	SWU	Separative Work Unit*
PNE	peaceful nuclear explosion	TTBT	Threshold Test Ban Treaty*
PNET	Peaceful Nuclear Explosions Treaty*	UNAEC	United Nations Atomic Energy Commission
PTBT	Partial Test Ban Treaty*	UNCPICPUNE	United Nations Conference on the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy
PWR	Pressurized Water Reactor	UNGA	United Nations General Assembly
SALT	Strategic Arms Limitation Talks or Treaty	UNSSOD	UN Special Session on Disarmament
SDI	Strategic Defense Initiative (US)	USAEC	United States Atomic Energy Commission
SLBM	submarine launched ballistic missile		
SLCM	sea launched cruise missile		

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 U²³⁵) 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.

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*.

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.

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.

Part II
Treaties, Agreements and Other Relevant Documents

A — The Non-Proliferation Treaty (NPT)

Treaty on the Non-Proliferation of Nuclear Weapons

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

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			Country	Signature	Ratification/ Accession/ Succession
[as of 31 January 2004]					
Country	Signature	Ratification/ Accession/ Succession			
			Holy See	—	25 February 1971
			Honduras	1 July 1968	16 May 1973
			Hungary	1 July 1968	27 May 1969
			Iceland	1 July 1968	18 July 1969
			Indonesia	2 March 1970	12 July 1979
			Iran (Islamic Rep. of)	1 July 1968	2 February 1970
			Iraq	1 July 1968	29 October 1969
			Ireland	1 July 1968	1 July 1968
			Italy	28 January 1969	2 May 1975
			Jamaica	14 April 1969	5 March 1970
			Japan	3 February 1970	8 June 1976
			Jordan	10 July 1968	11 February 1970
			Kazakhstan	—	14 February 1994
			Kenya	1 July 1968	11 June 1970
			Kiribati	—	18 April 1985
			Kuwait	15 August 1968	17 November 1989
			Kyrgyzstan	—	5 July 1994
			Lao People's Democratic Rep.	1 July 1968	20 February 1970
			Latvia	—	31 January 1992
			Lebanon	1 July 1968	15 July 1970
			Lesotho	9 July 1968	20 May 1970
			Liberia	1 July 1968	5 March 1970
			Libyan Arab Jamahiriya	18 July 1968	26 May 1975
			Liechtenstein	—	20 April 1978
			Lithuania	—	23 September 1991
			Luxembourg	14 August 1968	2 May 1975
			Madagascar	22 August 1968	8 October 1970
			Malawi	—	18 February 1986
			Malaysia	1 July 1968	5 March 1970
			Maldives	11 September 1968	7 April 1970
			Mali	14 July 1969	10 February 1970
			Malta	17 April 1969	6 February 1970
			Marshall Islands	—	30 January 1995
			Mauritania	—	26 October 1993
			Mauritius	1 July 1968	8 April 1969
			Mexico	26 July 1968	21 January 1969
			Micronesia (Fed. States of)	—	14 April 1995
			Monaco	—	13 March 1995
			Mongolia	1 July 1968	14 May 1969
			Morocco	1 July 1968	27 November 1970
			Mozambique	—	4 September 1990
			Myanmar	—	2 December 1992
			Namibia	—	2 October 1992
			Nauru	—	7 June 1982
			Nepal	1 July 1968	5 January 1970
			Netherlands	20 August 1968	2 May 1975
			New Zealand	1 July 1968	10 September 1969
			Nicaragua	1 July 1968	6 March 1973
			Niger	—	9 October 1992
			Nigeria	1 July 1968	27 September 1968
			Norway	1 July 1968	5 February 1969
			Oman	—	23 January 1997
			Palau	—	14 April 1995
			Panama	1 July 1968	13 January 1977
			Papua New Guinea	—	13 January 1982
			Paraguay	1 July 1968	4 February 1970
			Peru	1 July 1968	3 March 1970
			Philippines	1 July 1968	5 October 1972
			Poland	1 July 1968	12 June 1969
			Portugal	—	15 December 1977
			Qatar	—	3 April 1989
			Republic of Korea	1 July 1968	23 April 1975
			Republic of Moldova	—	11 October 1994
			Romania	1 July 1968	4 February 1970
			Russian Federation*†	1 July 1968	5 March 1970
			Rwanda	—	20 May 1975
			Saint Kitts and Nevis	—	22 March 1993
			Saint Lucia	—	28 December 1979
			Saint Vincent and the Grenadines	—	6 November 1984
			Samoa	—	17 March 1975
			San Marino	1 July 1968	10 August 1970
			Sao Tome and Principe	—	20 July 1983
			Saudi Arabia	—	3 October 1988

Country	Signature	Ratification/ Accession/ Succession	Country	Signature	Ratification/ Accession/ Succession
Senegal	1 July 1968	17 December 1970	Tunisia	1 July 1968	26 February 1970
Seychelles	—	12 March 1985	Turkey	28 January 1969	17 April 1980
Sierra Leone	—	26 February 1975	Turkmenistan	—	29 September 1994
Singapore	5 February 1970	10 March 1976	Tuvalu	—	19 January 1979
Slovak Republic	—	1 January 1993	Uganda	—	20 October 1982
Slovenia	—	20 August 1992	Ukraine	—	5 December 1994
Solomon Islands	—	17 June 1981	United Arab Emirates	—	26 September 1995
Somalia	1 July 1968	5 March 1970	United Kingdom*†	1 July 1968	27 November 1968
South Africa	—	10 July 1991	United Republic of Tanzania	—	31 May 1991
Spain	—	5 November 1987	United States of America*†	1 July 1968	5 March 1970
Sri Lanka	1 July 1968	5 March 1979	Uruguay	1 July 1968	31 August 1970
Sudan	24 December 1968	31 October 1973	Uzbekistan	—	7 May 1992
Suriname	—	30 June 1976	Vanuatu	—	24 August 1995
Swaziland	24 June 1969	11 December 1969	Venezuela	1 July 1968	25 September 1975
Sweden	19 August 1968	9 January 1970	Viet Nam	—	14 June 1982
Switzerland	27 November 1969	9 March 1977	Yemen	23 September 1968	14 May 1986
Syrian Arab Republic	1 July 1968	24 September 1968	Yugoslavia	1 July 1968	4 March 1970
Taiwan	1 July 1968	27 January 1970	Zaire	22 July 1968	4 August 1970
Tajikistan	—	17 January 1995	Zambia	—	15 May 1991
Thailand	—	7 December 1977	Zimbabwe	—	26 September 1991
The former Yugo. Rep. of Macedonia	—	30 March 1995			
Timor Leste	—	5 May 2003			
Togo	1 July 1968	26 February 1970			
Tonga	—	7 July 1971			
Trinidad and Tobago	20 August 1968	30 October 1986			

* Depository State † Nuclear-Weapon State

** On 10 January 2003, the DPRK announced its withdrawal from the NPT

B — Materials Relating to the work of the PrepCom for the 2005 NPT Review Conference

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee

[Resolution A/RES/57/50, adopted by the UN General Assembly at its 56th Session, November 2001]

The General Assembly,

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

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

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

Noting the decision on strengthening the review process for the Treaty in which it was agreed that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in 2005,

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

Recalling also its resolution 55/33 D of 20 November 2000, in which it welcomed the adoption by consensus of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

1. *Takes note* of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first meeting of the Preparatory Committee in New York from 8 to 19 April 2002;

2. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee.

Indicative timetable for the Second session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Geneva, 28 April–9 May 2003

[Reproduced from NPT/CONF.2005/PC.II/INF.2, 25 April 2003]

Monday, 28 April

10:00am–1:00pm

Opening of the session (item 1 of the agenda)
General debate (item 4 of the agenda)

3:00pm–6:00pm

General debate (item 4)

Tuesday, 29 April

10:00am–1:00pm

General debate (item 4)

3:00pm–6:00pm

General debate (item 4)

Wednesday, 30 April

10:00am–1:00pm

Statements by NGOs (item 5)

3:00pm–6:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)

— 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, as well as the agreements, conclusions and commitments listed under the section entitled "Article VI and eighth to twelfth preambular paragraphs" contained in the Final Document of the 2000 NPT Review Conference.

Thursday, 1 May

10:00am–1:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)

— 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, as well as the agreements, conclusions and commitments listed under the section entitled "Article VI and eighth to twelfth preambular paragraphs" contained in the Final Document of the 2000 NPT Review Conference.

3:00pm–6:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)

(NPT/CONF.2000/1, annex VIII, issues under point 1: implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security: Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12, security assurances)

Friday, 2 May

10:00am–1:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6) (NPT/CONF.2000/1, annex VIII, issues under point 1: implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security: Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12, security assurances)

3:00pm–6:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)
— Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution and the commitments, conclusions and follow-up submissions to the United Nations Secretary-General, the President of the 2005 Review Conference and the Chairpersons of the Preparatory Committee meetings, in accordance with the relevant subparagraphs listed under the section entitled "Regional issues: The Middle East, particularly implementation of the 1995 Resolution on the Middle East" contained in the Final Document of the 2000 NPT Review Conference.

Monday, 5 May

10:00am–1:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)
— Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution and the commitments, conclusions and follow-up submissions to the United Nations Secretary-General, the President of the 2005 Review Conference and the Chairpersons of the Preparatory Committee meetings, in accordance with the relevant subparagraphs listed under the section entitled "Regional issues: The Middle East, particularly implementation of the 1995 Resolution on the Middle East" contained in the Final Document of the 2000 NPT Review Conference.

3:00pm–6:00pm

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 in

order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6) (NPT/CONF.2000/1, annex VIII, issues under point 2: implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones: Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII)

Tuesday, 6 May

10:00am–1:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6) (NPTCONF.2000/1, annex VIII, issues under point 2: implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones: Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII)

3:00pm–6:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)
— Safety and security of peaceful nuclear programmes.

Wednesday, 7 May

10:00am–1:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6)
— Safety and security of peaceful nuclear programmes.

3:00pm–6:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6) (NPT/CONF.2000/1, annex VIII, items under point 3: implementation of the provisions of the Treaty relating to the

inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II: Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2), (4) and preambular paragraphs 4 and 5, and article V)

Thursday, 8 May

10:00am–1:00pm

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 in order to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the NPT and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 NPT Review Conference, including developments affecting the operation and purpose of the Treaty (item 6) (NPT/CONF.2000/1, annex VIII, items under point 3: implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II:

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

3:00pm–6:00pm

Organization of the work of the Preparatory Committee (item 7)
 (a) election of officers
 Organization of the 2005 Review Conference (item 9):
 (d) appointment of the Secretary-General
 (f) financing of the Review Conference, including its Preparatory Committee
 (g) background documentation
 Consideration of the draft report on the results of the session to the next session of the Preparatory Committee (item 8).

Friday, 9 May

10:00am–1:00pm

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

3:00pm–6:00pm

Consideration and adoption of the draft report of the Preparatory Committee (item 8)
 Any other matters (item 11)

The First Session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Chairman's factual summary

[18 April 2002]

States parties reaffirmed the NPT is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In the current international climate, where security and stability continue to be challenged, both globally and regionally, by the proliferation of weapons of mass destruction and of their means of delivery, preserving and strengthening the NPT is vital to peace and security.

States parties stressed their commitment to the effective implementation of the objectives of the Treaty, the decisions and the resolution of the 1995 Review and Extension Conferences and the Final Document of the 2000 NPT Review Conference, adopted by consensus.

States parties further stressed that continued support to achieve universality of the Treaty was essential. They called on the four States remaining outside the Treaty - Cuba, India, Israel and Pakistan — to accede unconditionally to the NPT as non-nuclear-weapon States, particularly those three States that

operate unsafeguarded nuclear facilities. Concern was expressed about the ongoing development of nuclear weapons and missile programs in different regions, including those of States not parties to the Treaty.

It was stressed that the best way to strengthen the non-proliferation regime was through full compliance by all States parties with the provisions of the Treaty.

It was generally felt that the terrorist attacks of 11 September 2001 have given an even greater sense of urgency to the common efforts of all States in the field of disarmament and nonproliferation. The view was held that further strengthening and reinforcing the non-proliferation regime was imperative to prevent the use of nuclear materials and technologies for criminal/terrorist purposes. The enhancement of the non-proliferation regimes covering all weapons of mass destruction, including efforts by the IAEA, was considered to be the most important integral part of combating terrorism.

There was emphasis on multilateralism as a core principle in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope. Strong support was expressed for the enforcement of existing multilateral treaties. The need to seek treaties and other international agreements that meet today's threats to peace and stability was underlined.

The view was expressed that the Treaty should be seen in its larger context of coherent commitments and credible progress toward nuclear disarmament. Without the fulfillment of Article VI over time, the Treaty, in which non-proliferation and disarmament are mutually interdependent and reinforcing, will lose its true value.

The importance of increased transparency 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 was stressed. It was emphasized that accountability and transparency of nuclear disarmament measures by all States parties remained the main criteria with which to evaluate the Treaty's operation.

States parties remained committed to implementing article VI of the NPT and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives of Nuclear Non-Proliferation and Disarmament" and the Final Document of the 2000 NPT Review Conference. Disappointment was expressed in the progress made in implementing the practical steps for the systematic and progressive efforts to implement article VI of the NPT and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", as agreed at the 2000 NPT Review Conference. It was also noted that the goal of nuclear disarmament can best be achieved through a series of balanced, incremental and reinforcing steps.

The nuclear-weapon States informed the States parties of their respective measures taken in accordance with Article VI of the NPT, for example reductions of nuclear weapons arsenals, reduced reliance on nuclear weapons, and that new nuclear weapons are not being developed.

Concern and uncertainty was expressed about existing nuclear arsenals, new approaches to the future role of nuclear weapons, and possible development of new generations of nuclear weapons. Strong support was expressed for the CTBT, as reflected in the Final Declaration adopted at the Conference on Facilitating the Entry into Force of the CTBT held on 11-13 November 2001. The importance and urgency of the early entry into force of the CTBT was underscored. States which have not ratified the Treaty, especially those remaining 13 States whose ratification is necessary, and in particular those two remaining nuclear-weapon States whose ratification is a prerequisite, for its entry-into-force, were urged to do so without delay. States 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 CTBTO PrepCom in establishing the international monitoring system.

Concern was expressed that the decision by the United States to withdraw from the ABM Treaty, and the development of missile defense systems, could lead to a new arms race, including in outer space, and negatively affect strategic stability

and international security. Hope was expressed that the US-Russia bilateral negotiations to create a new strategic framework will further promote international stability.

States parties welcomed the announcement in December 2001 that the United States and the Russian Federation had completed reductions in their nuclear arsenals required under START I. They further welcomed the continuing US-Russia bilateral negotiations on strategic nuclear arms reductions, and many expressed the hope that such efforts would result in a legally binding instrument with provisions ensuring irreversibility, verification and transparency.

The importance of further reductions in non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process, was emphasized. There were calls for the formalization of the Presidential Nuclear Initiatives of 1991 and 1992 on reducing non-strategic nuclear weapons. It was stressed that non-strategic weapons must be further reduced in a verifiable and irreversible manner. Negotiations should begin on further reductions of these weapons as soon as possible.

States parties expressed regret at the inability of the Conference on Disarmament to start negotiations 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 and to establish a subsidiary body to deal with nuclear disarmament. The Conference was urged to agree on a programme of work. States that have not yet done so were called upon to declare a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

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 IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes was stressed.

Several States parties endorsed the work being carried out under the Trilateral Initiative — involving the IAEA, the Russian Federation and the United States — in developing techniques and methodologies for placing excess nuclear materials from dismantled weapons permanently under IAEA safeguards. States parties were informed that the United States had already placed some of its fissile material under IAEA safeguards and that both the United States and the Russian Federation were working to develop practical measures for the monitoring and inspection of fissile material, including verification by the IAEA. Some States parties also noted the IAEA's safeguards experience in verifying nuclear materials and expressed the view that the IAEA could play an important role in verifying nuclear disarmament agreements.

The view was held that the attainment of a nuclear-weapon-free world should be accompanied by the pursuit of other effective arms control agreements at a global and also particularly at a regional level.

States parties recalled that regular reports should be submitted by all States parties on the implementation of Article VI as outlined in paragraph 15, subparagraph 12 of the 2000 Final Document. It was stressed that such reporting would promote increased confidence in the overall NPT regime through transparency. Views with regard to the scope and format of such reporting differed. Some States parties suggested that such reports should be submitted, particularly by the nuclear-weapon States, at each session of the Preparatory Committee, and should include detailed and comprehensive information, e.g. in a standardized format. Several States parties expressed interest in open-ended informal consultations on reporting to prepare proposals for consideration for subsequent sessions of the Preparatory Committee. Other States parties advocated that the specifics of reporting, the format and frequency of reports, should be left to the determination of individual States parties.

States parties recalled the 2000 Final Document and the request that all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, report through the UN 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 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.

Support was expressed for the concept of internationally recognized nuclear-weapon-free zones (NWFZs) established on the basis of arrangements freely arrived at among States in the regions concerned. 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 NWFZs has now exceeded 100. The establishment of NWFZs created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba was considered as a positive step towards attaining the objective of global nuclear disarmament. The importance of the entry into force of the existing NWFZ treaties was stressed. Efforts aimed at establishing new NWFZs in different regions of the world were welcomed. It was also stressed that assurances against the use or threat of use of nuclear weapons to all States of the zones should be provided by the nuclear-weapon States. Support was expressed for the efforts among the Central Asian countries to establish a NWFZ in their region. States parties noted that no progress had been achieved in the establishment of NWFZs in the Middle East, South Asia and other regions.

On the issue of universality, States parties reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognized that the resolution remains valid until its goals and objectives are achieved. The resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the NPT was 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. States parties noted that all States of the region of the Middle East, with the exception of Israel, are States parties to the NPT. States Parties called upon Israel to accede to the Treaty as soon as possible and to place its nuclear facilities under comprehensive IAEA safeguards. Some States parties affirmed the importance of establishing a mechanism within the NPT review process to promote the implementation of the 1995 resolution on the Middle East.

States parties expressed concern at the increased tension in South Asia and the continuing retention of nuclear weapons programmes and options by India and Pakistan. States parties urged both States to accede to the NPT as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards. States parties noted that both States 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 CTBT. States parties called upon both States to sign the CTBT. States parties noted the willingness expressed by both States to participate in negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, States parties urged both States to commit to a moratorium on the production of such fissile material. The importance of the full implementation by both States of Security Council resolution 1172 (1998) was emphasized.

The importance of full compliance by all States parties with the provisions of the NPT was stressed. States parties remained concerned that the IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the DPRK. The DPRK was urged to come into full compliance with its safeguards agreement with the IAEA. States parties expressed concern over the lack of implementation of the 1994 Agreed Framework.

States parties noted that since the cessation of the IAEA inspections in Iraq in December 1998, the Agency has not been in a position to provide any assurance of Iraq's compliance with its obligations under Security Council Resolution 687 (1991). Many States parties expressed grave concern and called for the full implementation of relevant Security Council resolutions, including UNSC resolution 1284, and for the re-establishment

of an effective disarmament, ongoing monitoring and verification regime in Iraq, and hoped that UN inspectors will be able as soon as possible to resume their work in Iraq. Iraq reiterated that it is in full compliance with its Treaty obligations and maintained that the IAEA successfully carried out inspections in 2000, 2001 and 2002 pursuant to Iraq's safeguards agreement with the IAEA.

It was recalled that both the 1995 NPT Review and Extension Conference and the 2000 NPT Review Conference underscored the importance of security assurances. It was emphasized that negative security assurances, a key basis of the 1995 extension decision, remained essential and should be reaffirmed. Many States parties reaffirmed that non-nuclear-weapon States parties should be effectively assured by nuclear-weapon States against the use or threat of use of nuclear weapons. Reaffirmations were expressed of commitments under UNSC resolution 984 (1995). Many States parties stressed 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. Some States parties were of the view that this could take the form of an additional protocol to the Treaty, without prejudice to the legally-binding security assurances already given by the five nuclear-weapon States in the framework of the treaties regarding nuclear-weapon-free zones. Pending the conclusion of such negotiations, the nuclear-weapon States were called upon to honour their commitments under the respective UNSC resolutions. Concern was expressed that recent developments might undermine commitments taken under the respective UNSC resolutions. A view was held that the issue of security assurances was linked with fulfillment of the Treaty obligations. Several States parties, including one nuclear-weapon State, emphasized the importance of a no-first use policy.

Education on disarmament and non-proliferation was considered important to strengthening disarmament and non-proliferation for future generations. In this connection, the ongoing work of the group of governmental experts which is expected to submit its report for consideration by the 57th session of the General Assembly later this fall was commended.

States parties recognized that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime and commended the important work of the IAEA in implementing the safeguards system to verify compliance with the non-proliferation obligations of the Treaty.

States parties welcomed the efforts of the IAEA in strengthening safeguards and the agency's completion of the conceptual framework for integrated safeguards. The importance of the Model Additional Protocol was underlined. Some drew attention to the fact that States parties must have both a comprehensive safeguards agreement and an additional protocol in place for the IAEA to be able to provide an assurance of both non-diversion of declared material and the absence of undeclared activities or material. The goal of universality was stressed. States that have not yet concluded comprehensive safeguards agreements with the IAEA were called upon to do so without delay. Many States parties called on those who have not yet signed or ratified the Additional Protocol to do so as soon as possible.

It was reiterated that export controls are a key element of the non-proliferation regime under the NPT. The important work of the existing export control regimes was noted, in particular their function in guiding States parties in setting up their national export control policies. The importance of transparency in export controls was widely recognized. It was reaffirmed that nothing in the Treaty should be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.

Many States parties noted both the importance of combating nuclear terrorism and the many instruments available for doing this, including the physical protection of nuclear material and export controls. The IAEA's action plan on the prevention of nuclear terrorism was widely noted and supported. The Agency's work in support of States' efforts to prevent illicit trafficking of nuclear and other radioactive material was also commended.

States parties called for the strengthening of the physical protection of nuclear material, inter alia through a well-defined amendment of the Convention on the Physical Protection of Nuclear Material. Many States parties called on States, that have not yet done so, to accede to the Convention on the Physical Protection of Nuclear Material. Support was expressed for the IAEA's International Physical Protection Service (IPPAS).

The importance of strengthening nuclear safety, radiation protection, safety of radioactive waste management and the safe transport of radioactive materials was stressed. The IAEA's efforts in the promotion of safety in all its aspects were welcomed. States parties that have not yet acceded to the Convention on Nuclear Safety, as well as the Joint Convention of Spent Fuel Management and the Safety of the Radioactive Waste Management, were encouraged to do so.

States parties emphasized that transportation of radioactive material, including maritime transportation, should be carried out in a safe and secure manner in strict conformity with international standards established by the relevant international organizations such as the IAEA and the IMO. Some States parties called for effective liability arrangements, prior notification and consultation. Some States parties noted the conclusions on safety in the IAEA General Conference resolution GC (45) RES/10. The holding of an IAEA conference on safe transport of radioactive materials in July 2003 was welcomed by many.

States parties reiterated their strong support for Article IV of the Treaty, which provides a framework for cooperation and confidence for the peaceful uses of nuclear energy. In this context, States parties expressed wide support for the Technical Cooperation activities of the IAEA. It was underlined that Technical Cooperation plays an important role in further developing the application of nuclear energy for peaceful purposes, including human health, pest eradication, food and agriculture, and the environment. The importance of aligning Technical Cooperation programs with development goals and needs of the country concerned was emphasized. Several States parties stressed the importance of providing the Agency with adequate resources for these activities.

**The Second Session of the Preparatory
Committee for the 2005 Review Conference of
the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons,
Chairman's factual summary**

[9 May 2003]

1. States parties reaffirmed that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In the current international climate, where security and stability were increasingly challenged, both globally and regionally, by the proliferation of weapons of mass destruction and their means of delivery, preserving and strengthening the Non-Proliferation Treaty was vital to peace and security.

2. States parties stressed their commitment to the effective implementation of the objectives of the Treaty, the decisions and the resolution of the 1995 Review and Extension Conference adopted without a vote, and the Final Document of the 2000 Review Conference, adopted by consensus.

3. States parties reaffirmed that the Treaty rests on three pillars: non-proliferation, disarmament and peaceful nuclear cooperation. It was also reaffirmed that each article of the Treaty is binding on the respective States parties at all times and in all circumstances. It is imperative that all States parties be held fully accountable with respect to the strict compliance with all of their obligations under the Treaty.

4. States parties stressed the increasingly grave threat to the Treaty and international security posed by the proliferation of weapons of mass destruction, nuclear, biological and chemical, and their means of delivery, as well as the possibility that

non-state actors might gain access to these weapons. The tragic events of 11 September, 2001 highlighted the dangers of weapons of mass destruction falling into the hands of terrorists. The gravity of this threat reinforces the need to strengthen the Treaty. States parties also expressed the view that the Treaty can only fulfill its role if there is confidence in the compliance by all States parties. Recent challenges to the Treaty and to the nuclear non-proliferation regime have further increased the necessity of full compliance and the need to actively work towards universal adherence. In this respect, States parties expressed the readiness to reinforce the efficiency of the regime, as well as instruments and procedures to react to cases of non-compliance. Some States parties suggested that recommendations for the 2005 Review Conference should be examined in this area. It was also remarked that all States parties have a responsibility for addressing non-compliance and that the price of proliferation is unacceptably high.

5. It was stressed that the best way to strengthen the nuclear non-proliferation regime was through full compliance by all States parties with all of the provisions of the Treaty. While recognizing and supporting the legitimate right of all States to utilize the atom for peaceful purposes, ownership of the capability that could be utilized to develop nuclear weapons places a special responsibility on the States concerned to build confidence with the international community that would remove any concerns about nuclear weapons proliferation. Such States need to ensure that the International Atomic Energy Agency is able to verify that these capabilities are being used for peaceful purposes only, including through the mechanisms available under the Additional Protocol for strengthened safeguards.

6. Multilateralism was emphasized as a core principle in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope. Strong support was expressed for the enforcement of existing multilateral treaties. The need to seek treaties and other international agreements that respond to today's threats to peace and stability was underlined. Support was expressed for the Security Council to take effective action to deal with non-compliance with weapons of mass destruction undertakings.

7. States parties welcomed the accession of Cuba, as well as of Timor Leste, as State parties to the Treaty, which brings the Treaty closer to its universality.

8. States parties further stressed that continued support to achieve universality of the Treaty was essential. Concern was expressed about the ongoing development of nuclear weapons and missile programmes in different regions, including those of States not parties to the Treaty. States parties called upon States outside the Treaty — India, Israel and Pakistan — to accede unconditionally to the Treaty as non-nuclear-weapon States, promptly and without condition, and bring into force the required comprehensive safeguards agreements, together with the Model Additional Protocol, for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and to refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.

9. The view was expressed that the Treaty should be seen in its larger context of coherent commitments and credible progress towards nuclear disarmament. Without the fulfillment of Article VI over time, the Treaty, in which non-proliferation and disarmament were mutually interdependent and reinforcing, would lose its true value.

10. The importance of increased transparency 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 was confirmed. It was emphasized that accountability and transparency of nuclear disarmament measures by all States parties remained the main criteria with which to evaluate the Treaty's operation. The nuclear-weapon States were called upon to increase transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures.

11. States parties remained committed to implementing Article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and objectives of nuclear non-proliferation and disarmament" and the Final Document of the 2000 Review Conference, in particular the unequivocal undertakings and the thirteen practical steps for systematic and progressive efforts to implement nuclear disarmament that were agreed to. Disappointment continued to be expressed in the progress made in implementing these steps, notwithstanding the recognition of the incremental nature of the process involved. It was also noted that the goal of nuclear disarmament could best be achieved through a series of balanced, incremental and reinforcing steps. States parties stressed the importance of irreversibility in this context. 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 amounts to thousands.

12. The nuclear-weapon States reiterated their commitment to nuclear disarmament and informed other States parties of their respective measures taken in accordance with Article VI of the Treaty, for example, reductions of nuclear weapons arsenals, reduced reliance on nuclear weapons, and that new nuclear weapons were not being developed. In particular, the Russian Federation and the United States of America made a joint submission to the Preparatory Committee on the Treaty on Strategic Offensive Reductions (Moscow Treaty) signed by the Russian Federation and the United States of America on 24 May, 2002. The Treaty provides for legally binding reductions of strategic nuclear warheads by two thirds in comparison to the level established under the START Treaty. Several States parties welcomed the Moscow Treaty as a significant step toward nuclear disarmament and strategic stability. The hope was expressed that the Treaty would enter into force at an early date. Other achievements in nuclear disarmament over the past 20 years through unilateral and bilateral measures were also emphasized. France indicated that it was pursuing dismantlement of its fissile material installations and had dismantled its nuclear weapons testing site. The United Kingdom announced that it was taking forward work on the verification of nuclear disarmament. China presented a Working Paper on its basic positions on nuclear disarmament.

13. Concern and uncertainty about existing nuclear arsenals, new approaches to the future role of nuclear weapons, as well as the possible development of new generations of nuclear weapons were expressed. With regard to the Moscow Treaty, the view was expressed that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons.

14. Strong support was expressed for the Comprehensive Nuclear-Test-Ban Treaty, as reflected in the Final Declaration adopted at the Conference on Facilitating the Entry into Force of the CTBT in November 2001, and in the Joint Ministerial Statement on the CTBT, launched by the CTBT Foreign Ministers' Meeting organized by Australia, Japan and the Netherlands in September 2002. The importance and urgency of the early entry into force of the Treaty was underscored. States which had not ratified the Treaty, especially these remaining 13 States whose ratification was necessary, and in particular those two remaining nuclear-weapon States whose ratification was a prerequisite for its entry-into-force, were urged to do so without delay. Strong hope was expressed that more countries will sign and ratify the Treaty between now and the 2003 Conference on Facilitating the Entry into Force to be held on 3–5 September in Vienna. States parties reaffirmed the importance of maintaining a moratorium on nuclear-weapon-test explosions or any other nuclear explosions and noted the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the international monitoring system.

15. The withdrawal from the Anti-Ballistic Missile Treaty (ABM) by the United States of America and its decision on the development of missile defense systems was noted. Certain concerns were expressed that the withdrawal has brought an additional element of uncertainty to international security, has impacted negatively on strategic stability, and will have 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. It was noted that the Joint Declaration by the Russian Federation and the United States of America signed in May 2002 confirms close interconnection between strategic offensive and defensive armaments.

16. The importance of further reductions in non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process, was emphasized. There were calls for the formalization and increased transparency in the implementation of the Presidential Nuclear Initiatives of 1991 and 1992 of the Russian Federation and the United States of America on reducing non-strategic nuclear weapons. It was also pointed out that substantial reductions of non-strategic nuclear weapons had taken place through unilateral actions, and that the dismantling of these weapons under the 1991 Presidential Nuclear Initiative had been partly concluded. It was stressed by some States parties that non-strategic weapons must be further reduced in a transparent, accountable, verifiable and irreversible manner, and that negotiations should begin on further reductions of those weapons as soon as possible. Substantive proposals were made on this issue. It was argued that these proposals would also serve the purpose of helping to ensure that terrorists would not be able to gain access to non-strategic nuclear weapons, and the importance of enhancing security of transport and storage with regard to these weapons was also emphasized. A view was expressed that the issue of non-strategic nuclear weapons is of a comprehensive nature and is linked to other aspects of strategic stability and therefore cannot be considered separately from other types of weapons.

17. States parties emphasized that the commencement of negotiations 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 Shannon report and the mandate contained therein, was the next logical step in the process of nuclear disarmament. States that had not yet done so were called upon to declare moratoria on the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference on Disarmament was urged to agree on a programme of work. States parties reiterated the agreement to establish a subsidiary body to deal with nuclear disarmament. States parties encouraged the Conference on Disarmament to overcome the impasse so that the Conference may resume its substantive work. In this regard, States parties took note of a cross-group effort to develop a programme of work.

18. 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 IAEA or other relevant international verification, and arrangements for the disposition of such material for peaceful purposes was stressed. Some nuclear-weapon States reported on the actions they have taken in this regard.

19. It was noted that the first phase of the Trilateral Initiative — involving IAEA, the Russian Federation and the United States of America — for placing excess nuclear materials from dismantled weapons under international safeguards was successfully completed by September 2002. A model legal framework has been agreed that is now available to be used in new verification agreements between the IAEA and the Russian Federation or the United States of America. The Russian Federation and the United States of America were urged to approach the IAEA to carry out the verification requirements set forth in the Plutonium Management and Disposition Agreement signed by the two States. The Agency was urged to continue research and development into the practical aspects of verifying plutonium declared excess to military use. Consideration should also be given to the possible inclusion of other nuclear-weapon States. States parties were informed by the United States of America of the placement of fissile material under IAEA safeguards. It was also noted that several hundred tons of fissile material had been removed from military stockpiles and would

be disposed of so that it is no longer usable in nuclear weapons. Progress was welcomed in agreements for disposing of highly enriched uranium and plutonium. The G-8 Global Partnership announcement in June 2002 was highlighted as a positive contribution toward cooperation in reducing threats from all weapons of mass destruction through practical initiatives. Some States parties also noted the safeguards experience of IAEA in verifying nuclear materials and expressed the view that the Agency could play an important role in verifying nuclear disarmament agreements.

20. The view was held that the attainment of a nuclear-weapon-free world should be accompanied by the pursuit of other effective arms control agreements at the global and also particularly at the regional level, in line with the goal of general and complete disarmament.

21. Many States parties recalled that regular reports should be submitted by all States parties on the implementation of Article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document. It was stressed that such reporting would promote increased confidence in the overall nuclear Non-Proliferation Treaty regime through transparency. It was also expressed that such transparency provides valuable means to address and respond to compliance concerns. States parties recognized the value of reports and used them in substantive deliberation, in line with their wish for enhanced interaction.

22. States parties recalled the 2000 Final Document and the request that all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, should report to the United Nations Secretary-General, to the President of the 2005 Review Conference, as well as the Chairpersons of the Preparatory Committee meetings to be held in advance of that Conference, 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.

23. Support was expressed for the concept of internationally recognized nuclear-weapon-free zones (NWFZs) established on the basis of arrangements freely arrived at among States in the regions concerned. 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 has now exceeded 100. The establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba was considered as a positive step towards attaining the objective of global nuclear disarmament. Cuba's accession to the Tlatelolco Treaty was welcomed, as it made the nuclear-weapon-free zone in Latin America and the Caribbean complete. The importance of the entry into force of all the existing nuclear-weapon-free zone treaties was stressed. Support for Mongolia's nuclear-weapon-free status was also reiterated. Efforts aimed at establishing new nuclear-weapon-free zones in different regions of the world were welcomed. Some States parties were encouraged by the fact that Central Asian countries had been engaged in consultations and reached a draft agreement to establish a nuclear-weapon-free zone in the region, which would contribute to regional security and the prevention of nuclear terrorism. Hope was expressed that the consultations between the Central Asian States and the nuclear-weapon States would lead to a successful outcome. In this context, Central Asian and South-East Asian States were invited to respond to nuclear-weapon States' comments and suggestions. States parties noted that no progress had been achieved in the establishment of nuclear-weapon-free zones in the Middle East, South Asia and other regions.

24. On the issue of universality, States parties reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognized that the resolution remained valid until its goals and objectives were achieved. The resolution was 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 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. 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. States parties called upon Israel to accede to the Treaty as soon as possible and to place its nuclear facilities under comprehensive IAEA safeguards. Some States parties affirmed the importance of establishing a mechanism within the Non-Proliferation Treaty review process to promote the implementation of the 1995 resolution on the Middle East.

25. Some States parties noted the “road map” — the authoritative international plan for peace developed by the Quartet Group of the United States, the United Nations, the European Union and the Russian Federation — delivered on 30 April 2003. A view was expressed, that the “road map” could be an important step in the direction of the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

26. States parties recalled that there remained unresolved questions regarding Iraq’s programmes of weapons of mass destruction and their means of delivery, and noted the importance of clarifying those outstanding issues. In this context, the view was expressed that the objective of disarming Iraq of its weapons of mass destruction capabilities in accordance with United Nations Security Council Resolution 687 (1991) represented a step toward establishing in the Middle East a zone free of weapons of mass destruction and their means of delivery. Some States parties took note of the IAEA’s readiness to resume its verification activities in Iraq.

27. States parties expressed concern at the increased tension in South Asia and the continuing retention of nuclear weapons programmes and options by India and Pakistan. States parties urged both States to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards. States parties noted that both States have declared moratoria 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, and both States were called upon to sign the Comprehensive Nuclear-Test-Ban Treaty. States parties noted the willingness expressed by both States to participate in negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, States parties urged both States to commit to a moratorium on the production of such fissile material. The importance of the full implementation by both States of Security Council resolution 1172 (1998) was emphasized.

28. A wide range of concerns was expressed on the recent developments regarding the Democratic People’s Republic of Korea’s nuclear issue. In this regard, States parties called upon the DPRK to show its political will to cooperate with the international community in increasing mutual confidence. In particular, States parties expressed concern about or deplored the DPRK’s nuclear weapons programme, which undermines peace and security on the Korean Peninsula and beyond. States parties felt that the DPRK’s decision to withdraw from the Treaty represented a serious challenge to the global non-proliferation regime. States parties called upon the DPRK to dismantle its nuclear weapons programme in a prompt, verifiable and irreversible way. States parties called for a denuclearized Korean Peninsula and urged the DPRK to reconsider its course of action and to comply with all safeguards obligations pursuant to the Treaty. They stressed that the DPRK nuclear issue should be resolved peacefully, through diplomatic means, and urged the DPRK to take the necessary action to de-escalate and improve the situation and to engage in talks with countries concerned in a responsible, forthcoming and constructive manner. States parties welcomed the talks between the US, the DPRK and China held in Beijing from 23 to 25 April, 2003 and expressed the hope that these talks would prove to be an important first step towards resolution of the DPRK nuclear issue. States parties believed that this issue should continue to be dealt with multilaterally, with the participation of the concerned countries. The view was expressed that the

nuclear-weapon-free status of the Korean Peninsula should be maintained, that the legitimate security concerns of the DPRK should be addressed, and that the relevant sides should exercise restraint and demonstrate sincerity and flexibility. The Preparatory Committee took note of a statement by the Chair at the first meeting of the Session related to the views of States parties on the DPRK’s status in the Treaty.

29. 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 calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on security assurances. It was emphasized that negative security assurances, a key basis of the 1995 extension decision, remained essential and should be reaffirmed. Many States parties reaffirmed that non-nuclear-weapon States parties should be effectively assured by nuclear weapon States against the use or threat of use of nuclear weapons. Reaffirmations were expressed of commitments under Security Council resolution 984 (1995). Many States parties stressed 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. Some States parties were of the view that this could take the form of an agreement or protocol to the Treaty, without prejudice to the legally-binding security assurances already given by the five nuclear-weapon States in the framework of the treaties regarding nuclear-weapon-free zones. Pending the conclusion of such negotiations, the nuclear-weapon States were called upon to honour their commitments under the respective Security Council resolutions. Concern was expressed that recent developments might undermine commitments taken under the respective Security Council resolutions. A view was held that the issue of security assurances was linked with fulfillment of the Treaty obligations. Several States parties, including one nuclear-weapon State, emphasized the importance of a no-first use policy. A proposal was also made that a further subsidiary body be established to Main Committee I at the 2005 Review Conference to address the issue of security assurances for non-nuclear-weapon States.

30. States parties agreed that education on disarmament and non-proliferation was important to strengthening disarmament and non-proliferation for future generations. In that connection, they welcomed recommendations for utilizing education in pursuit of this objective, which were contained in 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 57th session. It was recalled that the General Assembly, in its resolution 57/60 entitled “United Nations study on disarmament and non-proliferation education”, conveyed the recommendations for implementation, as appropriate, by Member States, the United Nations and other international organizations, civil society, non-governmental organizations and the media. States parties were encouraged to include in their education and training programmes information on the Treaty, including its Review Conferences and the work of States parties to implement the Treaty.

31. States parties recognized IAEA safeguards as a fundamental pillar of the nuclear non-proliferation regime and commended the important work of the IAEA in implementing the safeguards system to verify compliance with the non-proliferation obligations of the Treaty. States parties reaffirmed their convictions that IAEA safeguards provide assurance that States are complying with their undertakings, and also provide the mechanism for States to demonstrate this compliance. IAEA safeguards thereby promote further confidence among States, help to strengthen their collective security and play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices.

32. States parties welcomed the efforts of the IAEA in strengthening safeguards and the Agency’s completion of the conceptual framework for integrated safeguards, as well as the first steps taken towards their application. The importance of the Model Additional Protocol as an essential tool for the efficient

and effective functioning of the IAEA safeguards system was underlined. Attention was drawn to the fact that States parties must have both a comprehensive safeguards agreement and an Additional Protocol in place for the IAEA to be able to provide assurance of both non-diversion of declared material and the absence of undeclared activities or material. States parties recognized that the efforts by the IAEA and interested States contributed to a wider adherence to a strengthened safeguard system. Many States voiced their expectation that the strengthened safeguards system (i.e. a comprehensive safeguards agreement coupled with the Additional Protocol) constitute the Non-Proliferation Treaty's safeguards standard, and that this will come to be recognized as a requirement for new arrangements for nuclear supply to non-nuclear-weapon States by the 2005 Review Conference. States that had not yet concluded comprehensive safeguards agreements with the IAEA were called upon to do so without further delay. States parties reaffirmed the need for the Additional Protocol to be universalized, and expressed their support for the implementation of the updated IAEA action plan. Many States parties called upon those that had not yet signed or ratified the Additional Protocol to do so as soon as possible. It was also stated that efforts to achieve the universal application of the Model Additional Protocol should not hamper efforts towards achieving universality of comprehensive safeguards agreements. Support was expressed for a properly funded IAEA safeguards system, and it was noted that the IAEA Director-General has proposed an increase in the 2004-05 budget for safeguards.

33. States Parties reaffirmed that IAEA is the competent authority responsible for verifying and assuring, in accordance with the Statute of IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfillment of their obligations under Article III, paragraph 1, of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It was also reaffirmed that nothing should be done to undermine the authority of the IAEA in this regard. It was recalled that States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by other 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 Statute.

34. The importance of building confidence in the peaceful character of nuclear activities, in particular through transparency measures required by the IAEA, was emphasized. All States parties, particularly those with advanced nuclear programmes, were called upon to conclude, bring into force and implement an Additional Protocol to their comprehensive safeguards agreement at the earliest opportunity, which enhances the confidence of States parties and helps eliminate concerns regarding their nuclear programmes. In this context, and in light of the scope of its nuclear programme, Iran was called upon to sign an Additional Protocol and to ensure full and forthcoming cooperation with the IAEA, whose Secretariat is expected to provide a comprehensive report at the June 2003 meeting of the IAEA Board of Governors. The inalienable right of all States parties in full compliance with the Treaty to develop the research, production and use of nuclear energy for peaceful purposes without discrimination, as well as the inviolability of nuclear facilities, were reaffirmed. States parties noted Iran's statement of 29 April 2003 solemnly declaring that it does not seek to acquire nuclear weapons and that it is engaged in addressing in a detailed and substantiated manner the questions which have been raised about its nuclear programme. States Parties also noted Iran's statement of 8 May 2003 underlining the need to avoid prejudgment about Iran's nuclear program in order to maintain the integrity of the IAEA process.

35. It was reiterated that export controls were a key element of the non-proliferation regime under the Non-Proliferation Treaty. State parties underlined that effective export controls, together with comprehensive safeguards, are central to cooperation in the peaceful uses of nuclear energy, which depends on the existence of a climate of confidence about

non-proliferation. The important role of 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. The importance of transparency in export controls was widely recognized. It was reaffirmed that nothing in the Treaty should be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and the use of nuclear energy for peaceful purposes in keeping with the non-proliferation obligations of Articles I and II of the Treaty.

36. States parties noted the importance of combating nuclear terrorism and strongly supported existing IAEA initiatives in this regard. The IAEA action plan on protection against nuclear terrorism was widely noted and supported. The Agency's work in support of States' efforts to prevent the illicit trafficking of nuclear and other radioactive material was also commended. In this context, States parties stressed the importance of contributions to the Nuclear Security Fund of the IAEA. States parties called for support of the G8's Kananaskis principles to prevent terrorists, and those harbouring them, from acquiring weapons of mass destruction and related material.

37. 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 noted the conclusion of the work to prepare a well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) and called for early action with respect to the strengthening of CPPNM. States parties recommended the early convening of a diplomatic conference to amend the CPPNM. Many States parties called upon States that had not yet done so to accede to the CPPNM. Support was expressed for the IAEA's International Physical Protection Service (IPPAS). States parties welcomed the organizing in March 2003 of the International Conference on the Security of Radiological Sources by the Russian Federation, the United States of America and the IAEA as well as its call for stronger national and international security over radioactive sources, especially those that could be used by terrorists to produce a "dirty bomb". The urgent need to deal with orphan sources was highlighted by many States. Support was expressed for a new initiative sponsored by the Russian Federation, the United States and the IAEA on the safe management of radioactive sources. All States were urged to implement the principles incorporated in the IAEA's Code of Conduct on the Safety and Security of Radiological Sources.

38. The importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management and the safe transport of radioactive materials 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 efforts of the IAEA in the promotion of safety in all its aspects were welcomed. States parties that had not yet acceded to the Convention on Nuclear Safety, as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, were encouraged to do so.

39. States parties emphasized that all transport of nuclear and radioactive material, including maritime transport, should be carried out in a safe and secure manner in strict conformity with international standards established by the relevant international organizations, such as the IAEA and the International Maritime Organization. Some States parties called for effective liability arrangements, prior notification and consultation. States carrying out international transport stated that those transports are carried out in a safe and secure manner and in strict conformity with all relevant international standards. States parties welcomed the conclusions on safety contained in the IAEA General Conference resolution GC(46)RES/9. States parties commended and looked forward to the International Conference on the Safety of Transport of Radioactive Material, to be organized by the IAEA in July 2003, which will facilitate mutual understanding on transport safety among participants.

40. States parties attached importance to resolution 56/24 L of the United Nations General Assembly on the Prohibition of the Dumping of Radioactive Wastes and called upon States to take appropriate measures to prevent any dumping of nuclear or radioactive wastes that would be in breach of established international law. Support for the effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories, was also expressed.

41. States parties reiterated their strong support for Article IV of the Treaty, which provides a framework for cooperation and confidence in the peaceful uses of nuclear energy. The inalienable right of the States parties to engage in research, production and use of nuclear energy for peaceful purposes without discrimination was reaffirmed. It was noted that full and transparent implementation of strengthened safeguards is necessary to build the confidence which is a prerequisite for international nuclear cooperation. A call was also made to fully ensure free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes. In this context, States parties expressed wide support for the technical cooperation activities of the IAEA, underlining that technical cooperation

plays an important role in further developing the application of nuclear energy for peaceful purposes. It was also stated that full compliance with all provisions of the Treaty is the basic condition for receiving the benefits of Article IV. The importance of aligning technical cooperation programmes with the development goals and needs of the country concerned was emphasized, as well as the need to increase public awareness in this regard. States parties stressed the importance of providing the Agency with adequate voluntary resources for those activities. Attention was drawn to the significance of developing proliferation resistant nuclear technologies and support was expressed for the work being carried out by the IAEA under the INPRO (International Project on Innovative Nuclear Reactors and Fuel Cycles) project.

42. States parties took note of proposals for the further strengthening of the Treaty's review process. The importance of interactivity was emphasized and broader participation of States parties was encouraged.

43. Many 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 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 unsafeguarded 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 unsafeguarded 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 III 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 III 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 unirradiated 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.

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.

16. 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 unsafeguarded 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.

Draft Rules of Procedure for the 2000 Review Conference

[Reproduced from NPT/CONF.2000/1]

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 a 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**

1. The costs of the Conference, including the sessions of the Preparatory Committee, will be met by the States Parties to the Treaty participating in the Conference in accordance with the

schedule for the division of costs as shown in the appendix to these Rules.

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, providing 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 number 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. 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 the 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 which 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 working groups 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 working group 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 working group 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 corrections on summaries of their own interventions to the Secretariat; 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 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 to 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 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.

Appendix 1 (to rule 12)

Schedule for the Division of Costs

1. The attached schedule shows the allocation of costs between States based on participation of States in the first, second or third sessions of the Preparatory Committee.

2. The schedule for the actual division of costs will be subject to review in the light of participation of States in the Conference, except that the shares designated in the schedule with an asterisk will remain as shown in the schedule. The balance of costs will be divided among the other States Parties in accordance with the United Nations assessment scale pro-rated to take into account differences between the United Nations membership and the number of States parties participating in the Conference. For States parties which are not members of the United Nations the share will be determined on the basis of the similarly pro-rated scale in force for determining this share in the activities in which they take part.

[Schedule not reproduced here — Ed.]

Indicative timetable for the Third session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 10 May–21 May 1999

[Reproduced from NPT/CONF.2000/PC.III/INF.2, 10 May 1999]

Monday, 10 May

10:00am–1:00pm Opening of the session (item 1 of the agenda - paragraph 8 of document NPT/CONF.2000/PC.I/32)

General exchange of views including in particular, discussion on and consideration of any proposals on expected products of the 2000 Review Conference.

3:00pm–6:00pm General exchange of views including in particular, discussion on and consideration of any proposals on expected products of the 2000 Review Conference.

Tuesday 11 May

10:00am–1:00pm Organization of the 2000 Review Conference (item 7 of the agenda - paragraph 8 of document NPT/CONF.2000/PC.I/32)

- Draft rules of procedure (item 7 (b) of the agenda)
- President of the Conference and other officers (item 7 (c) of the agenda)
- Appointment of the Secretary-General (item 7 (d) of the agenda)
- Provisional agenda (item 7 (e) of the agenda)
- Financing of the Review Conference, including its Preparatory Committee (item 7 (f) of the agenda)
- Background documentation (item 7 (g) of the agenda)
- Allocation of items to the Main Committees
- Paragraph 6 of Decision 1 (subsidiary bodies within the respective Main Committees for specific issues relevant to the Treaty)

3:00pm–6:00pm Time available for presentations by NGOs.

6:00pm–8:00pm Roundtable with NGOs.

Wednesday, 12 May

10:00am–1:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4). (NPT/CONF.1995.1 annex V, items under point 1: implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security: Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12).

- Presentation by the CTBTO PrepCom.

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with Article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4). Discussion on and consideration of any proposals on the provisions in Article VI of the Treaty and in paragraphs 3 and 4 (c) of the "Principles and Objectives for Nuclear Non-proliferation and Disarmament", dealing with "Nuclear disarmament".

Thursday, 13 May

10:00am–1:00pm Preparatory work for the review of the operation of the Treaty in accordance with Article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4). Discussion on and consideration of any proposals on the provision in paragraph 4 (b) of the "Principles and Objectives for Nuclear

Non-Proliferation and Disarmament" for "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".

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4). (NPT/CONF.1995/1, annex V, items under point 2: implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones: Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII)

Friday, 14 May

10:00am–1:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4). Discussion on and consideration of any proposals on the "Resolution on the Middle East".

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4). (NPT/CONF.1995/1, Annex V, items under point 3: implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II: Articles III(3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III(1), (2), (4) and preambular paragraphs 4 and 5, and article V)

Monday, 17 May

10:00am–1:00pm Organization of the 2000 Review Conference (item 7 of the agenda - paragraph 8 of document NPT/CONF.2000/PC.I/32).

- Presentation by the IAIEA.

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

Tuesday, 18 May

10:00am–1:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

Wednesday, 19 May

10:00am–1:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and

Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

Thursday, 20 May

10:00am–1:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

3:00pm–6:00pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference (item 4), with a view to formulating draft recommendations to the Review Conference.

Friday, 21 May

10:00am–1:00pm Consideration of the final report and recommendations of the Preparatory Committee to the Review Conference (item 8 of the agenda).

3:00pm–6:00pm Consideration and adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
Any other matters.

D — 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 VIII,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 VII 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 unsafeguarded 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 unsafeguarded 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.

E — Nuclear Weapon Testing Treaties

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water [Partial Test Ban Treaty]

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

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 of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

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

Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

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

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

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

Comprehensive Test Ban Treaty

[Opened for signature 24 September 1996, not in force at 31 January 2004]

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:

- When decided by the Conference;
- When requested by the Executive Council; or
- 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 VIII.

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

14. In discharging its responsibilities in the area of verification specified in this Treaty and the Protocol, in cooperation with the State Parties the Technical Secretariat shall, for the purpose of this Treaty :

(a) Make arrangements to receive and distribute data and reporting products relevant to the verification of this Treaty in accordance with its provisions, and to maintain a global communications infrastructure appropriate to this task;

(b) Routinely through its International Data Centre, which shall in principle be the focal point within the Technical Secretariat for data storage and data processing:

(i) Receive and initiate requests for data from the International Monitoring System;

(ii) Receive data, as appropriate, resulting from the process of consultation and clarification, from on-site inspections, and from confidence-building measures; and

(iii) Receive other relevant data from States Parties and international organizations in accordance with this Treaty and the Protocol;

(c) Supervise, coordinate and ensure the operation of the International Monitoring System and its component elements, and of the International Data Centre, in accordance with the relevant operational manuals;

(d) Routinely process, analyze and report on International Monitoring System data according to agreed procedures so as to permit the effective international verification of this Treaty and to contribute to the early resolution of compliance concerns;

(e) Make available all data, both raw and processed, and any reporting products, to all States Parties, each State Party taking responsibility for the use of International Monitoring System data in accordance with Article II, paragraph 7, and with paragraphs 8 and 13 of this Article;

(f) Provide to all States Parties equal, open, convenient and timely access to all stored data;

(g) Store all data, both raw and processed, and reporting products;

(h) Coordinate and facilitate requests for additional data from the International Monitoring system;

(i) Coordinate requests for additional data from one State Party to another State Party;

(j) Provide technical assistance in, and support for, the installation and operation of monitoring facilities and respective communication means, where such assistance and support are required by the State concerned;

(k) Make available to any State Party, on its request, techniques utilized by the Technical Secretariat and its International Data Centre in compiling, storing, processing, analyzing and reporting on data from the verification regime; and

(l) Monitor, assess and report on the overall performance of the International Monitoring System and of the International Data Centre.

15. The agreed procedures to be used by the Technical Secretariat in discharging the verification responsibilities referred to in paragraph 14 and detailed in the Protocol shall be elaborated in the relevant operational manuals.

B. The International Monitoring System

16. The International Monitoring System shall comprise facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydroacoustic monitoring, infrasound monitoring, and respective means of communication, and shall be supported by the International Data Centre of the Technical Secretariat.

17. The International Monitoring System shall be placed under the authority of the Technical Secretariat. All monitoring facilities of the International Monitoring System shall be owned and operated by the States hosting or otherwise taking responsibility for them in accordance with the Protocol.

18. Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

Funding the International Monitoring System

19. For facilities incorporated into the International Monitoring System and specified in Tables 1-A, 2-A, 3 and 4 of Annex 1 to the Protocol, and for their functioning, to the extent that such facilities are agreed by the relevant State and the Organization to provide data to the International Data Centre in accordance with the technical requirements of the Protocol and relevant operational manuals, the Organization, as specified in agreements or arrangements pursuant to Part I, paragraph 4 of the Protocol, shall meet the costs of:

(a) Establishing any new facilities and upgrading existing facilities unless the State responsible for such facilities meets these costs itself;

(b) Operating and maintaining International Monitoring System facilities, including facility physical security if appropriate, and application of agreed data authentication procedures;

(c) Transmitting International Monitoring System data (raw or processed) to the International Data Centre by the most direct and cost effective means available, including, if necessary, via appropriate communications nodes, from monitoring stations, laboratories, analytical facilities or from national data centres; or such data (including samples where appropriate) to laboratory and analytical facilities from monitoring stations; and

(d) Analyzing samples on behalf of the Organization.

20. For auxiliary network seismic stations specified in Table 1-B of Annex 1 to the Protocol the Organization, as specified in agreements or arrangements pursuant to Part I, paragraph 4 of the Protocol, shall meet the costs only of:

(a) Transmitting data to the International Data Centre;

(b) Authenticating data from such stations;

(c) Upgrading stations to the required technical standard, unless the State responsible for such facilities meets these costs itself; and

(d) If necessary, establishing new stations for the purposes of this Treaty where no appropriate facilities currently exist, unless the State responsible for such facilities meets these costs itself; and

(e) Any other costs related to the provision of data required by the Organization as specified in the relevant operational manuals.

21. The Organization shall also meet the cost of provision to each State Party of its requested selection from the standard range of International Data Centre reporting products and services, as specified in Part I, Section F of the Protocol. The cost of preparation and transmission of any additional data or products shall be met by the requesting State Party.

22. The agreements or, if appropriate, arrangements concluded with States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall contain provisions for meeting these costs. Such provisions may include modalities whereby a State Party meets any of the costs referred to in paragraphs 19 (a) and 20 (c) and (d) for facilities which it hosts or for which it is responsible, and is compensated by an appropriate reduction in its assessed financial contribution to the Organization. Such a reduction shall not exceed 50 percent of the annual assessed financial contribution of a State Party, but may be spread over successive years. A State Party may share such a reduction with another State Party by agreement or arrangement between themselves and with the concurrence of the Executive Council. The agreements or arrangements referred to in this paragraph shall be approved in accordance with Article II, paragraphs 26 (h) and 38 (i).

Changes to the International Monitoring System

23. Any measures referred to in paragraph 11 affecting the International Monitoring System by means of addition or deletion of a monitoring technology shall, when agreed, be incorporated into this Treaty and the Protocol pursuant to Article VII, paragraphs 1 to 6.

24. The following changes to the International Monitoring System, subject to the agreement of those States directly affected, shall be regarded as matters of an administrative or technical nature pursuant to Article VII, paragraphs 7 and 8:

(a) Changes to the number of facilities specified in the Protocol for a given monitoring technology; and

(b) Changes to other details for particular facilities as reflected in the Tables of Annex 1 to the Protocol (including, *inter alia*, State responsible for the facility; location; name of facility; type of facility; and attribution of a facility between the primary and auxiliary seismic networks).

If the Executive Council recommends, pursuant to Article VII, paragraph 8 (d) that such changes be adopted, it shall as a rule also recommend pursuant to Article VII, paragraph 8 (g) that such changes enter into force upon notification by the Director-General of their approval.

25. The Director-General, in submitting to the Executive Council and States Parties information and evaluation in accordance with Article VII, paragraph 8 (b), shall include in the case of any proposal made pursuant to paragraph 24:

(a) A technical evaluation of the proposal;

(b) A statement on the administrative and financial impact of the proposal; and

(c) A report on consultations with States directly affected by the proposal, including indication of their agreement.

Temporary Arrangements

26. In cases of significant or irretrievable breakdown of a monitoring facility specified in the Tables of Annex 1 to the Protocol, or in order to cover other temporary reductions of monitoring coverage, the Director-General shall, in consultation and agreement with those States directly affected, and with the approval of the Executive Council, initiate temporary arrangements of no more than one year's duration, renewable if necessary by agreement of the Executive Council and of the States directly affected for another year. Such arrangements shall not cause the number of operational facilities of the International Monitoring System to exceed the number specified for the relevant network; shall meet as far as possible the

technical and operational requirements specified in the operational manual for the relevant network; and shall be conducted within the budget of the Organization. The Director-General shall furthermore take steps to rectify the situation and make proposals for its permanent resolution. The Director-General shall notify all States Parties of any decision taken pursuant to this paragraph.

Cooperating National Facilities

27. States Parties may also separately establish cooperative arrangements with the Organization, in order to make available to the International Data Centre supplementary data from national monitoring stations that are not formally part of the International Monitoring System.

28. Such cooperative arrangements may be established as follows:

(a) Upon request by a State Party, and at the expense of that State, the Technical Secretariat shall take the steps required to certify that a given monitoring facility meets the technical and operational requirements specified in the relevant operational manuals for an International Monitoring System facility, and make arrangements for the authentication of its data. Subject to the agreement of the Executive Council, the Technical Secretariat shall then formally designate such a facility as a cooperating national facility. The Technical Secretariat shall take the steps required to revalidate its certification as appropriate;

(b) The Technical Secretariat shall maintain a current list of cooperating national facilities and shall distribute it to all States Parties and;

(c) The International Data Centre shall call upon data from cooperating national facilities, if so requested by a State Party, for the purposes of facilitating consultation and clarification and the consideration of on-site inspection requests, data transmission costs being borne by that State Party.

The conditions under which supplementary data from such facilities are made available, and under which the International Data Centre may request further or expedited reporting, or clarifications, shall be elaborated in the operational manual for the respective monitoring network.

C. Consultation and Clarification

29. Without prejudice to the right of any State Party to request an on-site inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, among themselves or with or through the Organization, any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty.

30. A State Party that receives a request pursuant to paragraph 29 directly from another State Party shall provide the clarification to the requesting State Party as soon as possible, but in any case no later than 48 hours after the request. The requesting and requested States Parties may keep the Executive Council and the Director-General informed of the request and the response.

31. A State Party shall have the right to request the Director-General to assist in clarifying any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. The Director-General shall provide appropriate information in the possession of the Technical Secretariat relevant to such a concern. The Director-General shall inform the Executive Council of the request and of the information provided in response, if so requested by the requesting State Party.

32. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. In such a case, the following shall apply:

(a) The Executive Council shall forward the request for clarification to the requested State Party through the Director-General no later than 24 hours after its receipt;

(b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case no later than 48 hours after receipt of the request;

(c) The Executive Council shall take note of the clarification and forward it to the requesting State Party no later than 24 hours after its receipt;

(d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain further clarification from the requested State Party.

The Executive Council shall inform without delay all other States Parties about any request for clarification pursuant to this paragraph as well as any response provided by the requested State Party.

33. If the requesting State Party considers the clarification obtained under paragraph 32 (d) to be unsatisfactory, it shall have the right to request a meeting of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. At such a meeting, the Executive Council shall consider the matter and may recommend any measure in accordance with Article V.

D. On-Site Inspections

Request for an On-Site Inspection

34. Each State Party has the right to request an on-site inspection in accordance with the provisions of this Article and Part II of the Protocol in the territory or in any other place under the jurisdiction or control of any State Party, or in any area beyond the jurisdiction or control of any State.

35. The sole Purpose of an on-site inspection shall be to clarify whether a nuclear weapon test explosion or any other nuclear explosion has been carried out in violation of Article I and, to the extent possible, to gather any fact which might assist in identifying any possible violator.

36. The requesting State Party shall be under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the request information in accordance with paragraph 37. The requesting State Party shall refrain from unfounded or abusive inspection requests.

37. The on-site inspection request shall be based on information collected by the International Monitoring System, on any relevant technical information obtained by national technical means of verification in a manner consistent with generally recognized principles of international law, or on a combination thereof. The request shall contain information pursuant to Part II, paragraph 41 of the Protocol.

38. The requesting State Party shall present the on-site inspection request to the Executive Council and at the same time to the Director-General for the latter to begin immediate processing.

Follow-up After Submission of an On-Site Inspection Request

39. The Executive Council shall begin its consideration immediately upon receipt of the on-site inspection request.

40. The Director-General, after receiving the on-site inspection request, shall acknowledge receipt of the request to the requesting State Party within two hours and communicate the request to the State Party sought to be inspected within six hours. The Director-General shall ascertain that the request meets the requirements specified in Part II, paragraph 41 of the Protocol, and, if necessary, shall assist the requesting State Party in filing the request accordingly, and shall communicate the request to the Executive Council and to all other States Parties within 24 hours.

41. When the on-site inspection request fulfils the requirements, the Technical Secretariat shall begin preparations for the on-site inspection without delay.

42. The Director-General, upon receipt of an on-site inspection request referring to an inspection area under the jurisdiction or control of a State Party, shall immediately seek clarification from the State Party sought to be inspected in order to clarify and resolve the concern raised in the request.

43. A State Party that receives a request for clarification pursuant to paragraph 42 shall provide the Director-General with explanations and with other relevant information available as soon as possible, but no later than 72 hours after receipt of the request for clarification.

44. The Director-General, before the Executive Council takes a decision on the on-site inspection request, shall transmit

immediately to the Executive Council any additional information available from the International Monitoring System or provided by any State Party on the event specified in the request, including any clarification provided pursuant to paragraphs 42 and 43, as well as any other information from within the Technical Secretariat that the Director-General deems relevant or that is requested by the Executive Council.

45. Unless the requesting State Party considers the concern raised in the on-site inspection request to be resolved and withdraws the request, the Executive Council shall take a decision on the request in accordance with paragraph 46.

Executive Council Decisions

46. The Executive Council shall take a decision on the on-site inspection request no later than 96 hours after receipt of the request from the requesting State Party. The decision to approve the on-site inspection shall be made by at least 30 affirmative votes of members of the Executive Council. If the Executive Council does not approve the inspection, preparations shall be stopped and no further action on the request shall be taken.

47. No later than 25 days after the approval of the on-site inspection in accordance with paragraph 46, the inspection team shall transmit to the Executive Council, through the Director-General, a progress inspection report. The continuation of the inspection shall be considered approved unless the Executive Council, no later than 72 hours after receipt of the progress inspection report, decides by a majority of all its members not to continue the inspection. If the Executive Council decides not to continue the inspection, the inspection shall be terminated, and the inspection team shall leave the inspection area and the territory of the inspected State Party as soon as possible in accordance with Part II, paragraphs 109 and 110 of the Protocol.

48. In the course of the on-site inspection, the inspection team may submit to the Executive Council, through the Director-General, a proposal to conduct drilling. The Executive Council shall take a decision on such a proposal no later than 72 hours after receipt of the proposal. The decision to approve drilling shall be made by a majority of all members of the Executive Council.

49. The inspection team may request the Executive Council, through the Director-General, to extend the inspection duration by a maximum of 70 days beyond the 60-day time-frame specified in Part II, paragraph 4 of the Protocol, if the inspection team considers such an extension essential to enable it to fulfil its mandate. The inspection team shall indicate in its request which of the activities and techniques listed in Part II, paragraph 6 of the Protocol it intends to carry out during the extension period. The Executive Council shall take a decision on the extension request no later than 72 hours after receipt of the request. The decision to approve an extension of the inspection duration shall be made by a majority of all members of the Executive Council.

50. Any time following the approval of the continuation of the on-site inspection in accordance with paragraph 47, the inspection team may submit to the Executive Council, through the Director-General, a recommendation to terminate the inspection. Such a recommendation shall be considered approved unless the Executive Council, no later than 72 hours after receipt of the recommendation, decides by a two-thirds majority of all its members not to approve the termination of the inspection. In case of termination of the inspection, the inspection team shall leave the inspection area and the territory of the inspected State Party as soon as possible in accordance with Part II, paragraphs 109 and 110 of the Protocol.

51. The requesting State Party and the State Party sought to be inspected may participate in the deliberations of the Executive Council on the on-site inspection request without voting. The requesting State Party and the inspected State Party may also participate without voting in any subsequent deliberations of the Executive Council related to the inspection.

52. The Director-General shall notify all States Parties within 24 hours about any decision by and reports, proposals, requests and recommendations to the Executive Council pursuant to paragraphs 46 to 50.

Follow-up after Executive Council Approval of an On-Site Inspection

53. An on-site inspection approved by the Executive Council shall be conducted without delay by an inspection team designated by the Director-General and in accordance with the provisions of this Treaty and the Protocol. The inspection team shall arrive at the point of entry no later than six days following the receipt by the Executive Council of the on-site inspection request from the requesting State Party.

54. The Director-General shall issue an inspection mandate for the conduct of the on-site inspection. The inspection mandate shall contain the information specified in Part II, paragraph 42 of the Protocol.

55. The Director-General shall notify the inspected State Party of the inspection no less than 24 hours before the planned arrival of the inspection team at the point of entry, in accordance with Part II, paragraph 43 of the Protocol.

The Conduct of an On-Site Inspection

56. Each State Party shall permit the Organization to conduct an on-site inspection on its territory or at places under its jurisdiction or control in accordance with the provisions of this Treaty and the Protocol. However, no State Party shall have to accept simultaneous on-site inspections on its territory or at places under its jurisdiction or control.

57. In accordance with the provisions of this Treaty and the Protocol, the inspected State Party shall have:

- (a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfil its mandate;
- (b) The right to take measures it deems necessary to protect national security interests and to prevent disclosure of confidential information not related to the purpose of the inspection;
- (c) The obligation to provide access within the inspection area for the sole purpose of determining facts relevant to the purpose of the inspection, taking into account sub-paragraph (b) and any constitutional obligations it may have with regard to proprietary rights or searches and seizures;
- (d) The obligation not to invoke this paragraph or Part II, paragraph 88 of the Protocol to conceal any violation of its obligations under Article I; and
- (e) The obligation not to impede the ability of the inspection team to move within the inspection area and to carry out inspection activities in accordance with this Treaty and the Protocol.

Access, in the context of an on-site inspection, means both the physical access of the inspection team and the inspection equipment to, and the conduct of inspection activities within, the inspection area.

58. The on-site inspection shall be conducted in the least intrusive manner possible, consistent with the efficient and timely accomplishment of the inspection mandate, and in accordance with the procedures set forth in the Protocol. Wherever possible, the inspection team shall begin with the least intrusive procedures and then proceed to more intrusive procedures only as it deems necessary to collect sufficient information to clarify the concern about possible non-compliance with this Treaty. The inspectors shall seek only the information and data necessary for the purpose of the inspection and shall seek to minimize interference with normal operations of the inspected State Party.

59. The inspected State Party shall assist the inspection team throughout the on-site inspection and facilitate its task.

60. If the inspected State Party, acting in accordance with Part II, paragraphs 86 to 96 of the Protocol, restricts access within the inspection area, it shall make every reasonable effort in consultations with the inspection team to demonstrate through alternative means its compliance with this Treaty.

Observer

61. With regard to an observer, the following shall apply:

- (a) The requesting State Party, subject to the agreement of the inspected State Party, may send a representative, who shall be a national either of the requesting State Party or of a third State Party, to observe the conduct of the on-site inspection;

(b) The inspected State Party shall notify its acceptance or nonacceptance of the proposed observer to the Director-General within 12 hours after approval of the on-site inspection by the Executive Council;

(c) In case of acceptance, the inspected State Party shall grant access to the observer in accordance with the Protocol;

(d) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the inspection report.

There shall be no more than three observers from an aggregate of requesting States Parties.

Reports of an On-Site Inspection

62. Inspection reports shall contain:

- (a) A description of the activities conducted by the inspection team;
- (b) The factual findings of the inspection team relevant to the purpose of the inspection;
- (c) An account of the cooperation granted during the on-site inspection;
- (d) A factual description of the extent of the access granted, including the alternative means provided to the team, during the on-site inspection; and
- (e) Any other details relevant to the purpose of the inspection. Differing observations made by inspectors may be attached to the report.

63. The Director-General shall make draft inspection reports available to the inspected State Party. The inspected State Party shall have the right to provide the Director-General within 48 hours with its comments and explanations, and to identify any information and data which, in its view, are not related to the purpose of the inspection and should not be circulated outside the Technical Secretariat. The Director-General shall consider the proposals for changes to the draft inspection report made by the inspected State Party and shall wherever possible incorporate them. The Director-General shall also annex the comments and explanations provided by the inspected State Party to the inspection report.

64. The Director-General shall promptly transmit the inspection report to the requesting State Party, the inspected State Party, the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council and to all other States Parties any results of sample analysis in designated laboratories in accordance with Part II, paragraph 104 of the Protocol, relevant data from the International Monitoring System, the assessments of the requesting and inspected States Parties, as well as any other information that the Director-General deems relevant. In the case of the progress inspection report referred to in paragraph 47 the Director-General shall transmit the report to the Executive Council within the time-frame specified in that paragraph.

65. The Executive Council, in accordance with its powers and functions, shall review the inspection report and any material provided pursuant to paragraph 64, and shall address any concerns as to:

- (a) Whether any non-compliance with this Treaty has occurred; and
- (b) Whether the right to request an on-site inspection has been abused.

66. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 65, it shall take the appropriate measures in accordance with Article V.

Frivolous or Abusive On-Site Inspection Requests

67. If the Executive Council does not approve the on-site inspection on the basis that the on-site inspection request is frivolous or abusive, or if the inspection is terminated for the same reasons, the Executive Council shall consider and decide on whether to implement appropriate measures to redress the situation, including the following:

- (a) Requiring the requesting State Party to pay for the cost of any preparations made by the Technical Secretariat;

- (b) Suspending the right of the requesting State Party to request an on-site inspection for a period of time, as determined by the Executive Council; and
- (c) Suspending the right of the requesting State Party to serve on the Executive Council for a period of time.

E. Confidence-Building Measures

68. In order to:

- (a) Contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of verification data relating to chemical explosions, and
- (b) Assist in the calibration of the stations that are part of the component networks of the International Monitoring System, each State Party undertakes to cooperate with the Organization and with other States Parties in implementing relevant measures as set out in Part III of the Protocol.

Article V Measures to Redress a Situation and to Ensure Compliance, Including Sanctions

1. The Conference, taking into account, *inter alia*, the recommendations of the Executive Council, shall take the necessary measures, as set forth in paragraphs 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty.

2. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference may, *inter alia*, decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference decides otherwise.

3. In cases where damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, the Conference may recommend to States Parties collective measures which are in conformity with international law.

4. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information and conclusions to the attention of the United Nations.

Article VI Settlement of Disputes

1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the application or interpretation of this Treaty, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Treaty and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article II, paragraph 26 (j).

5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International

Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article II, paragraph 38 (h).

6. This Article is without prejudice to Articles IV and V.

Article VII Amendments

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty, the Protocol, or the Annexes to the Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol or the Annexes thereto. Proposals for amendment shall be subject to the procedures in paragraphs 2 to 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

2. The proposed amendment shall be considered and adopted only by an Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Director-General no later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately following a regular session of the Conference unless all States Parties that support the convening of an Amendment Conference request that it be held earlier. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, Parts I and III of the Protocol and Annexes 1 and 2 to the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol and the Annexes thereto shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

(a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

(b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;

(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 7. No later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no state Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

(e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;

(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

(g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Article VIII **Review of the Treaty**

1. Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to this Treaty. On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted, it shall commence work without delay, with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions. Any such proposed amendment shall be communicated to the Director-General by any State Party and shall be dealt with in accordance with the provisions of Article VII.

2. At intervals of ten years thereafter, further Review Conferences may be convened with the same objective, if the Conference so decides as a matter of procedure in the preceding year. Such Conferences may be convened after an interval of less than ten years if so decided by the Conference as a matter of substance.

3. Normally, any Review Conference shall be held immediately following the regular annual session of the Conference provided for in Article II.

Article IX **Duration and Withdrawal**

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.

3. Withdrawal shall be effected by giving notice six months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event or events which a State Party regards as jeopardizing its supreme interests.

Article X **Status of the Protocol and the Annexes**

The Annexes to this Treaty, the Protocol, and the Annexes to the Protocol form an integral part of the Treaty. Any reference to this Treaty, includes the Annexes to this Treaty, the Protocol and the Annexes to the Protocol.

Article XI **Signature**

This Treaty shall be open to all States for signature before its entry into force.

Article XII **Ratification**

This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

Article XIII **Accession**

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

Article XIV **Entry into Force**

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.

2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification on the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.

4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.

5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

Article XV **Reservations**

The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

Article XVI **Depositary**

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.

2. The Depositary shall promptly inform all States Signatories and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The Depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.

4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVII **Authentic Texts**

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Annex 1 to the Treaty

List of States Pursuant to Article II, Paragraph 28

Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea,

Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

Eastern Europe

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Middle East and South Asia

Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakstan, 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

1. The procedures in this Part shall be implemented pursuant to the provisions for on-site inspections set out in Article IV.

2. The on-site inspection shall be carried out in the area where the event that triggered the on-site inspection request occurred.

3. The area of an on-site inspection shall be continuous and its size shall not exceed 1000 square kilometers. There shall be no linear distance greater than 50 kilometers in any direction.

4. The duration of an on-site inspection shall not exceed 60 days from the date of the approval of the on-site inspection request in accordance with Article IV, paragraph 46, but may be extended by a maximum of 70 days in accordance with Article IV, paragraph 49.

5. If the inspection area specified in the inspection mandate extends to the territory or other place under the jurisdiction or control of more than one State Party, the provisions on on-site inspections shall, as appropriate, apply to each of the States Parties to which the inspection area extends.

6. In cases where the inspection area is under the jurisdiction or control of the inspected State Party but is located on the territory of another State Party or where the access from the point of entry to the inspection area requires transit through the territory of a State Party other than the inspected State Party, the inspected State Party shall exercise the rights and fulfil the obligations concerning such inspections in accordance with this Protocol. In such a case, the State Party on whose territory the inspection area is located shall facilitate the inspection and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner. States Parties through whose territory transit is required to reach the inspection area shall facilitate such transit.

7. In cases where the inspection area is under the jurisdiction or control of the inspected State Party but is located on the territory of a State not Party to this Treaty, the inspected State Party shall take all necessary measures to ensure that the inspection can be carried out in accordance with this Protocol. A State Party that has under its jurisdiction or control one or more areas on the territory of a State not Party to this Treaty shall take all necessary measures to ensure acceptance by the State on whose territory the inspection area is located of inspectors and inspection assistants designated to that State Party. If an inspected State Party is unable to ensure access, it shall demonstrate that it took all necessary measures to ensure access.

8. In cases where the inspection area is located on the territory of a State Party but is under the jurisdiction or control of a State not Party to this Treaty, the State Party shall take all necessary measures required of an inspected State Party and a State Party on whose territory the inspection area is located, without prejudice to the rules and practices of international law, to ensure that the on-site inspection can be carried out in accordance with this Protocol. If the State Party is unable to ensure access to the inspection area, it shall demonstrate that it took all necessary measures to ensure access, without prejudice to the rules and practices of international law.

9. The size of the inspection team shall be kept to the minimum necessary for the proper fulfilment of the inspection mandate. The total number of members of the inspection team present on the territory of the inspected State Party at any given time, except during the conduct of drilling, shall not exceed 40 persons. No national of the requesting State Party or the inspected State Party shall be a member of the inspection team.

10. The Director-General shall determine the size of the inspection team and select its members from the list of inspectors and inspection assistants, taking into account the circumstances of a particular request.

11. The inspected State Party shall provide for or arrange the amenities necessary for the inspection team, such as communication means, interpretation services, transportation, working space, lodging, meals, and medical care.

12. The inspected State Party shall be reimbursed by the Organization, in reasonably short period of time after conclusion of the inspection, for all expenses, including those mentioned in paragraph 11 and 49, related to the stay and functional activities of the inspection team on the territory of the inspected State Party.

13. Procedures for the implementation of on-site inspections shall be detailed in the Operational Manual for On-Site Inspections.

B. Standing Arrangements

Designation of Inspectors and Inspection Assistants

14. An inspection team may consist of inspectors and inspection assistants. An on-site inspection shall only be carried out by qualified inspectors specially designated for this function. They may be assisted by specially designated inspection assistants, such as technical and administrative personnel, aircrew and interpreters.

15. Inspectors and inspection assistants shall be nominated for designation by the States Parties or, in case of staff of the Technical Secretariat, by the Director-General, on the basis of their expertise and experience relevant to the purpose and functions of on-site inspections. The nominees shall be

approved in advance by the States Parties in accordance with paragraph 18.

16. Each State Party, no later than 30 days after the entry into force of this Treaty for it, shall notify the Director-General of the names, dates of birth, sex, ranks, qualifications and professional experience of the persons proposed by the State Party for designation as inspectors and inspection assistants.

17. No later than 60 days after the entry into force of this Treaty, the Technical Secretariat shall communicate in writing to all States Parties an initial list of the names, nationalities, dates of birth, sex and ranks of the inspectors and inspection assistants proposed for designation by the Director-General and the States Parties, as well as a description of their qualifications and professional experience.

18. Each State Party shall immediately acknowledge receipt of the initial list of inspectors and inspection assistants proposed for designation. Any inspector or inspection assistant included in this list shall be regarded as accepted unless a State Party, no later than 30 days after acknowledgment of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection. In the case of non-acceptance, the proposed inspector or inspection assistant shall not undertake or participate in on-site inspection activities on the territory or in any other place under the jurisdiction or control of the State Party that has declared its non-acceptance. The Technical Secretariat shall immediately confirm receipt of the notification of objection.

19. Whenever additions or changes to the list of inspectors and inspection assistants are proposed by the Director-General or a State Party, replacement inspectors and inspection assistants shall be designated in the same manner as set forth with respect to the initial list. Each State Party shall promptly notify the Technical Secretariat if an inspector or inspection assistant nominated by it can no longer fulfil the duties of an inspector or inspection assistant.

20. The Technical Secretariat shall keep the list of inspectors and inspection assistants up to date and notify all States Parties of additions or changes to the list.

21. A State Party requesting an on-site inspection may propose that an inspector from the list of inspectors and inspection assistants serve as its observer in accordance with Article IV, paragraph 61.

22. Subject to paragraph 23, a State Party shall have the right at any time to object to an inspector or inspection assistant who has already been accepted. It shall notify the Technical Secretariat of its objection in writing and may include the reason for the objection. Such objection shall come into effect 30 days after receipt of the notification by the Technical Secretariat. The Technical Secretariat shall immediately confirm receipt of the notification of the objection and inform the objecting and nominating States Parties of the date on which the inspector or inspection assistant shall cease to be designated for that State Party.

23. A State Party that has been notified of an inspection shall not seek the removal from the inspection team of any of the inspectors or inspection assistants named in the inspection mandate.

24. The number of inspectors and inspection assistants accepted by a State Party must be sufficient to allow for availability of appropriate numbers of inspectors and inspection assistants. If, in the opinion of the Director-General, the non-acceptance by a State Party of proposed inspectors or inspection assistants impedes the designation of a sufficient number of inspectors and inspection assistants or otherwise hampers the effective fulfilment of the purposes of an on-site inspection, the Director-General shall refer the issue to the Executive Council.

25. Each inspector included in the list of inspectors and inspection assistants shall receive relevant training. Such training shall be provided by the Technical Secretariat pursuant to the procedures specified in the Operational Manual for On-Site Inspections. The Technical Secretariat shall co-ordinate, in agreement with the States Parties, a schedule of training for the inspectors.

Privileges and Immunities

26. Following acceptance of the initial list of inspectors and inspection assistants as provided for in paragraph 18 or as subsequently altered in accordance with paragraph 19, each State Party shall be obliged to issue, in accordance with its national procedures and upon application by an inspector or inspection assistant, multiple entry/exit and/or transit visas and other relevant documents to enable each inspector and inspection assistant to enter and to remain on the territory of that State Party for the sole purpose of carrying out inspection activities. Each State Party shall issue the necessary visa or travel documents for this purpose no later than 48 hours after receipt of the application or immediately upon arrival of the inspection team at the point of entry on the territory of the State Party. Such documents shall be valid for as long as is necessary to enable the inspector or inspection assistant to remain on the territory of the inspected State Party for the sole purpose of carrying out the inspection activities.

27. To exercise their functions effectively, members of the inspection team shall be accorded privileges and immunities as set forth in sub-paragraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Treaty and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party, and thereafter with respect to acts previously performed in the exercise of their official functions.

(a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961;

(b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Treaty shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations;

(c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat;

(d) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Treaty and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations;

(e) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations;

(f) The members of the inspection team carrying out prescribed activities pursuant to this Treaty shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations;

(g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations;

(h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions; and

(i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party.

28. When transiting the territory of States Parties other than the inspected State Party, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and

correspondence, including records, and samples and approved equipment carried by them, shall be accorded the privileges and immunities set forth in paragraph 27 (c) and (d).

29. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

30. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Treaty. Waiver must always be express.

31. Observers shall be accorded the same privileges and immunities accorded to members of the inspection team pursuant to this section, except for those accorded pursuant to paragraph 27 (d).

Points of Entry

32. Each State Party shall designate its points of entry and shall supply the required information to the Technical Secretariat no later than 30 days after this Treaty enters into force for it. These points of entry shall be such that the inspection team can reach any inspection area from at least on point of entry within 24 hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat. Points of entry may also serve as points of exit.

33. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective 30 days after the Technical Secretariat receives such notification, to allow appropriate notification to all States Parties.

34. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

Arrangements for Use of Non-Scheduled Aircraft

35. Where timely travel to the point of entry is not feasible using scheduled commercial flights, an inspection team may utilize non-scheduled aircraft. No later than 30 days after this Treaty enters into force for it each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting an inspection team and equipment necessary for inspection. Aircraft routings shall be along established international airways that are agreed upon between the State Party and the Technical Secretariat as the basis for such diplomatic clearance.

Approved Inspection Equipment

36. The Conference, at its initial session, shall consider and approve a list of equipment for use during on-site inspections. Each State Party may submit proposals for the inclusion of equipment in the list. Specifications for the use of the equipment, as detailed in the Operational Manual for On-Site Inspections, shall take account of safety and confidentiality considerations where such equipment is likely to be used.

37. The equipment for use during on-site inspections shall consist of core equipment for the inspection activities and techniques specified in paragraph 69 and auxiliary equipment necessary for the effective and timely conduct of on-site inspections.

38. The Technical Secretariat shall ensure that all types of approved equipment are available for on-site inspections when required. When required for an on-site inspection, the Technical Secretariat shall duly certify that the equipment has been calibrated, maintained and protected. To facilitate the

checking of the equipment at the point of entry by the inspected State Party, the Technical Secretariat shall provide documentation and attach seals to authenticate the certification.

39. Any permanently held equipment shall be in the custody of the Technical Secretariat. The Technical Secretariat shall be responsible for the maintenance and calibration of such equipment.

40. As appropriate, the Technical Secretariat shall make arrangements with States Parties to provide equipment mentioned in the list. Such States Parties shall be responsible for the maintenance and calibration of such equipment.

C. On-Site Inspection Request, Inspection Mandate And Notification Of Inspection

On-Site Inspection Request

41. Pursuant to Article IV, paragraph 37, the on-site inspection request shall contain at least the following information:

- (a) The estimated geographical and vertical co-ordinates of the location of the event that triggered the request with an indication of the possible margin of error;
- (b) The proposed boundaries of the area to be inspected, specified on a map and in accordance with paragraphs 2 and 3;
- (c) The State Party or States Parties to be inspected or an indication that the area to be inspected or part thereof is beyond the jurisdiction or control of any State;
- (d) The probable environment of the event that triggered the request;
- (e) The estimated time of the event that triggered the request with indication of the possible margin of error;
- (f) All data upon which the request is based;
- (g) The personal details of the proposed observer, if any; and
- (h) The results of a consultation and clarification process in accordance with Article IV, or an explanation, if relevant, of the reasons why such a consultation and clarification process has not been carried out.

Inspection Mandate

42. The mandate for an on-site inspection shall contain:

- (a) The decision of the Executive Council on the on-site inspection request;
- (b) The name of the State Party or States Parties to be inspected or an indication that the inspection area or part thereof is beyond the jurisdiction or control of any State;
- (c) The location and boundaries of the inspection area specified on a map, taking into account all information on which the request was based and all other available technical information, in consultation with the requesting State Party;
- (d) The planned types of activity of the inspection team in the inspection area;
- (e) The point of entry to be used by the inspection team;
- (f) Any transit or basing points, as appropriate;
- (g) The name of the head of the inspection team;
- (h) The names of members of the inspection team;
- (i) The name of the proposed observer, if any; and
- (j) The list of equipment to be used in the inspection area.

If a decision by the Executive Council pursuant to Article IV, paragraphs 46 to 49 necessitates a modification of the inspection mandate, the Director-General may update the mandate with respect to sub-paragraphs (d), (h) and (j), as appropriate. The Director-General shall immediately notify the inspected State Party of any such modification.

Notification of Inspection

43. The notification made by the Director-General pursuant to Article IV, paragraph 55 shall include the following information:

- (a) The inspection mandate;
- (b) The date and estimated time of arrival of the inspection team at the point of entry;
- (c) The means of arrival at the point of entry;
- (d) If appropriate, the standing diplomatic clearance number for non-scheduled aircraft; and

(e) A list of any equipment which the Director-General requests the inspected State Party to make available to the inspection team for use in the inspection area.

44. The inspected State Party shall acknowledge receipt of the notification by the Director-General no later than 12 hours after having received the notification.

D. Pre-Inspection Activities

Entry Into the Territory of the Inspected State Party, Activities at the Point of Entry and Transfer to the Inspection Area

45. The inspected State Party that has been notified of the arrival of the inspection team shall ensure the immediate entry of the inspection team into its territory.

46. When a non-scheduled aircraft is used for travel to the point of entry, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the flight of the aircraft from the last airfield prior to entering the airspace of that State Party to the point of entry, no less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. The Technical Secretariat shall include in the remarks section of the flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft. If a military aircraft is used, the Technical Secretariat shall request prior authorization from the inspected State Party to enter its airspace.

47. No less than three hours before the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the inspected State Party, the inspected State Party shall ensure that the flight plan filed in accordance with paragraph 46 is approved, so that the inspection team may arrive at the point of entry by the estimated arrival time.

48. Where necessary, the head of the inspection team and the representative of the inspected State Party shall agree on a basing point and a flight plan from the point of entry to the basing point and, if necessary, to the inspection area.

49. The inspected State Party shall provide for or arrange parking, security protection, servicing and fuel as required by the Technical Secretariat for the aircraft of the inspection team at the point of entry and, where necessary, at the basing point and at the inspection area. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. This paragraph shall also apply to aircraft used for overflight during the on-site inspection.

50. Subject to paragraph 51, there shall be no restriction by the inspected State Party on the inspection team bringing approved equipment that is in conformity with the inspection mandate into the territory of that State Party, or on its use in accordance with the provisions of the Treaty and this Protocol.

51. The inspected State Party shall have the right, without prejudice to the time-frame specified in paragraph 54, to check in the presence of inspection team members at the point of entry that the equipment has been approved and certified in accordance with paragraph 38. The inspected State Party may exclude equipment that is not in conformity with the inspection mandate or that has not been approved and certified in accordance with paragraph 38.

52. Immediately upon arrival at the point of entry and without prejudice to the time-frame specified in paragraph 54, the head of the inspection team shall present to the representative of the inspected State Party the inspection mandate and an initial inspection plan prepared by the inspections team specifying the activities to be carried out by it. The inspection team shall be briefed by representatives of the inspected State Party with aid of maps and other documentation as appropriate. The briefing shall include relevant natural terrain features, safety and confidentiality issues, and logistical arrangements for the inspection. The inspected State Party may indicate locations within the inspection area that, in its view, are not related to the purpose of the inspection.

53. After the pre-inspection briefing, the inspection team shall, as appropriate, modify the initial inspection plan, taking into account any comments by the inspected State Party. The

modified inspection plan shall be made available to the representative of the inspected State Party.

54. The inspected State Party shall do everything in its power to provide assistance and to ensure the safe conduct of the inspection team, the approved equipment specified in paragraphs 50 and 51 and baggage from the point of entry to the inspection area no later than 36 hours after arrival at the point of entry, if no other timing has been agreed upon within the time-frame specified in paragraph 57.

55. To confirm that the area to which the inspection team has been transported corresponds to the inspection area specified in the inspection mandate, the inspection team shall have the right to use approved location-finding equipment. The inspected State Party shall assist the inspection team in this task.

E. Conduct Of Inspections

General Rules

56. The inspection team shall discharge its functions in accordance with the provisions for the Treaty and this Protocol.

57. The inspection team shall begin its inspection activities in the inspection area as soon as possible, but in no case later than 72 hours after arrival at the point of entry.

58. The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State Party and disturbance to the inspection area.

59. In cases where the inspected State Party has been requested, pursuant to paragraph 43 (e) or in the course of the inspection, to make available any equipment for use by the inspection team in the inspection area, the inspected State Party shall comply with the request to the extent it can.

60. During the on-site inspection the inspection team shall have, *inter alia*:

- (a) The right to determine how the inspection will proceed, consistent with the inspection mandate and taking into account any steps taken by the inspected State Party consistent with the provisions on managed access;
- (b) The right to modify the inspection plan, as necessary, to ensure the effective execution of the inspection;
- (c) The obligation to take into account the recommendations and suggested modifications by the inspected State Party to the inspection plan;
- (d) The right to request clarifications in connection with ambiguities that may arise during the inspection;
- (e) The obligation to use only those techniques specified in paragraph 69 and to refrain from activities that are not relevant to the purpose of the inspection. The team shall collect and document such facts as are related to the purpose of the inspection, but shall neither seek nor document information that is clearly unrelated thereto. Any material collected and subsequently found not to be relevant shall be returned to the inspected State Party;
- (f) The obligation to take into account and include in its report date and explanations on the nature of the event that triggered the request, provided by the inspected State Party from the national monitoring networks of the inspected State Party and from other sources;
- (g) The obligation to provide the inspected State Party, at its request, with copies of the information and data collected in the inspection area; and
- (h) The obligation to respect the confidentiality and the safety and health regulations of the inspected State Party.

61. During the on-site inspection the inspected State Party shall have, *inter alia*:

- (a) The right to make recommendations at any time to the inspection team regarding possible modification of the inspection plan;
- (b) The right and the obligation to provide a representative to liaise with the inspection team;
- (c) The right to have representatives accompany the inspection team during the performance of its duties and observe all inspection activities carried out by the inspection team. This shall not delay or otherwise hinder the inspection team in the exercise of its functions;

- (d) The right to provide additional information and to request the collection and documentation of additional facts it believes are relevant to the inspection;
- (e) The right to examine all photographic and measurement products as well as samples and to retain any photographs or parts thereof showing sensitive sites not related to the purpose of the inspection. The inspected State Party shall have the right to receive duplicate copies of all photographic and measurement products. The inspected State Party shall have the right to retain photographic originals and first-generation photographic products and to put photographs or parts thereof under joint seal within its territory. The inspected State Party shall have the right to provide its own camera operator to take still/video photographs as requested by the inspection team. Otherwise, these functions shall be performed by members of the inspection team;
- (f) The right to provide the inspection team, from its national monitoring networks and from other sources, with data and explanations on the nature of the event that triggered the request; and
- (g) The obligation to provide the inspection team with such clarification as may be necessary to resolve any ambiguities that arise during the inspection.

Communications

62. The members of the inspection team shall have the right at all times during the on-site inspection to communicate with each other and with the Technical Secretariat. For this purpose they may use their own duly approved and certified equipment with the consent of the inspected State Party to the extent that the inspected State Party does not provide them with access to other telecommunication.

Observer

63. In accordance with Article IV, paragraph 61, the requesting State Party shall liaise with the Technical Secretariat to co-ordinate the arrival of the observer at the same point of entry or basing point as the inspection team within a reasonable period of the arrival of the inspection team.

64. The observer shall have the right throughout the inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself.

65. The observer shall have the right to arrive at the inspection area and to have access to and within the inspection area as granted by the inspected State Party.

66. The observer shall have the right to make recommendations to the inspection team throughout the inspection.

67. Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

68. Throughout the inspection, the inspected State Party shall provide or arrange for the amenities necessary for the observer similar to those enjoyed by the inspection team as described in paragraph 11. All costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

Inspection Activities and Techniques

69. The following inspection activities may be conducted and technique used, in accordance with the provisions on managed access, on collection, handling and analysis of samples, and on overflights:

- (a) Position finding from the air and at the surface to confirm the boundaries of the inspection area and establish co-ordinates of locations therein, in support of the inspection activities;
- (b) Visual observation, video and still photography and multi-spectral imaging, including infrared measurements, at and below the surface, and from the air, to search for anomalies or artifacts;
- (c) Measurement of levels of radioactivity above, at and below the surface, using gamma radiation monitoring and energy resolution analysis from the air, and at or under the surface, to search for and identify radiation anomalies;

- (d) Environmental sampling and analysis of solids, liquids and gases from above, at and below the surface to detect anomalies;
- (e) Passive seismological monitoring for aftershocks to localize the search area and facilitate determination of the nature of an event;
- (f) Resonance seismometry and active seismic surveys to search for and locate underground anomalies, including cavities and rubble zones;
- (g) Magnetic and gravitational field mapping, ground penetrating radar and electrical conductivity measurements at the surface and from the air, as appropriate, to detect anomalies or artifacts; and
- (h) Drilling to obtain radioactive samples.

70. Up to 25 days after the approval of the on-site inspection in accordance with Article IV, paragraph 46, the inspection team shall have the right to conduct any of the activities and use any of the techniques listed in paragraph 69 (a) to (e). Following the approval of the continuation of the inspection in accordance with Article IV, paragraph 47, the inspection team shall have the right to conduct any of the activities and use any of the techniques listed in paragraph 69 (a) to (g). The inspection team shall only conduct drilling after the approval of the Executive Council in accordance with Article IV, paragraph 48. If the inspection team requests an extension of the inspection duration in accordance with Article IV, paragraph 49, it shall indicate in its request which of the activities and techniques listed in paragraph 69 it intends to carry out in order to be able to fulfil its mandate.

Overflights

71. The inspection team shall have the right to conduct an overflight over the inspection area during the on-site inspection for the purposes of providing the inspection team with a general orientation of the inspection area, narrowing down and optimizing the locations for ground-based inspection and facilitating the collection of factual evidence, using equipment specified in paragraph 79.

72. The overflight shall be conducted as soon as practically possible. The total duration of the overflight over the inspection area shall be no more than 12 hours.

73. Additional overflights using equipment specified in paragraphs 79 and 80 may be conducted subject to the agreement of the inspected State Party.

74. The area to be covered by overflights shall not extend beyond the inspection area.

75. The inspected State Party shall have the right to impose restrictions or, in exceptional cases and with reasonable justification, prohibitions on the overflight of sensitive sites not related to the purpose of the inspection. Restrictions may relate to the flight altitude, the number of passes and circling, the duration of hovering, the type of aircraft, the number of inspectors on board, and the type of measurements or observations. If the inspection team considers that the restrictions or prohibitions on the overflight of sensitive sites may impede the fulfilment of its mandate, the inspected State Party shall make every reasonable effort to provide alternative means of inspection.

76. Overflights shall be conducted according to a flight plan duly filed and approved in accordance with aviation rules and regulations of the inspected State Party. Flight safety regulations of the inspected State Party shall be strictly observed throughout all flying operations.

77. During overflights landing should normally be authorized only for purposes of staging or refueling.

78. Overflights shall be conducted at altitudes as requested by the inspection team consistent with the activities to be conducted, visibility conditions, as well as the aviation and the safety regulations of the inspected State Party and its right to protect sensitive information not related to the purposes of the inspection. Overflights shall be conducted up to a maximum altitude of 1500 metres above the surface.

79. For the overflight conducted pursuant to paragraphs 71 and 72, the following equipment may be used on board the aircraft:

- (a) Field glasses;
- (b) Passive location-finding equipment;
- (c) Video cameras; and

(d) Hand-held still cameras.

80. For any additional overflights conducted pursuant to paragraph 73, inspectors on board the aircraft may also use portable, easily installed equipment for:

- (a) Multi-spectral (including infrared) imagery;
- (b) Gamma spectroscopy; and
- (c) Magnetic field mapping.

81. Overflights shall be conducted with a relatively slow fixed or rotary wing aircraft. The aircraft shall afford a broad, unobstructed view of the surface below.

82. The inspected State Party shall have the right to provide its own aircraft, pre-equipped as appropriate in accordance with the technical requirements of the relevant operational manual, and crew. Otherwise, the aircraft shall be provided or rented by the Technical Secretariat.

83. If the aircraft is provided or rented by the Technical Secretariat, the inspected State Party shall have the right to check the aircraft to ensure that it is equipped with approved inspection equipment. Such checking shall be completed within the time-frame specified in paragraph 57.

84. Personnel on board the aircraft shall consist of:

- (a) The minimum number of flight crew consistent with the safe operation of the aircraft;
- (b) Up to four members of the inspection team;
- (c) Up to two representatives of the inspected State Party;
- (d) An observer, if any, subject to the agreement of the inspected State Party; and
- (e) An interpreter, if necessary.

85. Procedures for the implementation of overflights shall be detailed in the Operational Manual for On-Site Inspections.

Managed Access

86. The inspection team shall have the right to access the inspection area in accordance with the provisions of the Treaty and this Protocol.

87. The inspected State Party shall provide access within the inspection area in accordance with the time-frame specified in paragraph 57.

88. Pursuant to Article IV, paragraph 57 and paragraph 86 above, the rights and obligations of the inspected State Party shall include:

- (a) The right to take measures to protect sensitive installations on locations in accordance with this Protocol;
- (b) The obligation, when access is restricted within the inspection area, to make every reasonable effort to satisfy the requirements of the inspection mandate through alternative means. Resolving any questions regarding one or more aspects of the inspection shall not delay or interfere with the conduct of the inspection team of other aspects of the inspection; and
- (c) The right to make the final decision regarding any access of the inspection team, taking into account its obligations under this Treaty and the provisions on managed access.

89. Pursuant to Article IV, paragraph 57 (b) and paragraph 88 (a) above, the inspected State Party shall have the right throughout the inspection area to take measures to protect sensitive installations and locations and to prevent disclosure of confidential information not related to the purpose of the inspection. Such measures may include, *inter alia*:

- (a) Shrouding of sensitive displays, stores, and equipment;
- (b) Restricting measurements of radionuclide activity and nuclear radiation to determining the presence or absence of those types and energies of radiation relevant to the purpose of the inspection;
- (c) Restricting the taking of or analyzing of samples to determining the presence or absence of radioactive or other products relevant to the purpose of the inspection;
- (d) Managing access to buildings and other structures in accordance with paragraphs 90 and 91; and
- (e) Declaring restricted-access sites in accordance with paragraphs 92 to 96.

90. Access to buildings and other structures shall be deferred until after the approval of the continuation of the on-site inspection in accordance with Article IV, paragraph 47, except for access to buildings and other structures housing the entrance to a mine, other excavations, or caverns of large volume not otherwise accessible. For such buildings and

structures, the inspection team shall have the right only of transit, as directed by the inspected State Party, in order to enter such mines, caverns or other excavations.

91. If, following the approval of the continuation of the inspection in accordance with Article IV, paragraph 47, the inspection team demonstrates credibly to the inspected State Party that access to buildings and other structures is necessary to fulfil the inspection mandate and that the necessary activities authorized in the mandate could not be carried out from the outside, the inspection team shall have the right to gain access to such buildings or other structures. The head of the inspection team shall request access to a specific building or structure indicating the purpose of such access, the specific number of inspectors, as well as the intended activities. The modalities for access shall be subject to negotiation between the inspection team and the inspected State Party. The inspected State Party shall have the right to impose restrictions or, in exceptional cases and with reasonable justification, prohibitions, on the access to buildings and other structures.

92. When restricted-access sites are declared pursuant to paragraph 89 (e), each such site shall be no larger than four square kilometres. The inspected State Party has the right to declare up to 50 square kilometers of restricted-access sites. If more than one restricted-access site is declared, each such site shall be separated from any other such site by a minimum distance of 20 metres. Each restricted-access site shall have clearly defined and accessible boundaries.

93. The size, location, and boundaries of restricted-access sites shall be presented to the head of the inspection team no later than the time that the inspection team seeks access to a location that contains all or part of such a site.

94. The inspection team shall have the right to place equipment and take other steps necessary to conduct its inspection up to the boundary of a restricted-access site.

95. The inspection team shall be permitted to observe visually all open places within the restricted-access site from the boundary of the site.

96. The inspection team shall make every reasonable effort to fulfil the inspection mandate outside the declared restricted-access sites prior to requesting access to such sites. If at any time the inspection team demonstrates credibly to the inspected State Party that the necessary activities authorized in the mandate could not be carried out from the outside and that access to a restricted-access site is necessary to fulfil the mandate, some members of the inspection team shall be granted access to accomplish specific tasks within the site. The inspected State Party shall have the right to shroud or otherwise protect sensitive equipment, objects and materials not related to the purpose of the inspection. The number of inspectors shall be kept to the minimum necessary to complete the tasks related to the inspection. The modalities for such access shall be subject to negotiation between the inspection team and the inspected State Party.

Collection, Handling and Analysis of Samples

97. Subject to paragraphs 86 to 96 and 98 to 100, the inspection team shall have the right to collect and remove relevant samples from the inspection area.

98. Whenever possible, the inspection team shall analyse samples on-site. Representatives of the inspected State Party shall have the right to be present when samples are analyzed on-site. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site. The inspection team shall have the right to transfer samples for off-site analysis at laboratories designated by the Organization only if it demonstrates that the necessary sample analysis can not be performed on-site.

99. The inspected State Party shall have the right to retain portions of all samples collected when these samples are analysed and may take duplicate samples.

100. The inspected State Party shall have the right to request that any unused samples or portions thereof be returned.

101. The designated laboratories shall conduct chemical and physical analysis of the samples transferred for off-site

analysis. Details of such analysis shall be elaborated in the Operational Manual for On-Site Inspections.

102. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for off-site analysis is protected. The Director-General shall do so in accordance with procedures contained in the Operational Manual for On-Site Inspections. The Director-General shall in any case:

- (a) Establish a stringent regime governing the collection, handling, transport and analysis of samples;
- (b) Certify the laboratories designated to perform different types of analysis;
- (c) Oversee the standardization of equipment and procedures at these designated laboratories and of mobile analytical equipment and procedures;
- (d) Monitor quality control and overall standards in relation to the certification of these laboratories and in relation to mobile equipment and procedures; and
- (e) Select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

103. When off-site analysis is to be performed, samples shall be analyzed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples or portions thereof shall be returned to the Technical Secretariat.

104. The Technical Secretariat shall compile the results of the laboratory analysis of samples relevant to the purpose of the inspection. Pursuant to Article IV, paragraph 63, the Director-General shall transmit any such results promptly to the inspected State Party for comments and thereafter to the Executive Council and to all other States Parties and shall include detailed information concerning the equipment and methodology employed by the designated laboratories.

Conduct of Inspections in Areas beyond the Jurisdiction or Control of any State

105. In case of an on-site inspection in an area beyond the jurisdiction or control of any State, the Director-General shall consult with the appropriate States Parties and agree on any transit or basing points to facilitate a speedy arrival of the inspection team in the inspection area.

106. The States Parties on whose territory transit or basing points are located shall, as far as possible, assist in facilitating the inspection, including transporting the inspection team, its baggage and equipment to the inspection area, as well as providing the relevant amenities specified in paragraph 11. The Organization shall reimburse assisting States Parties for all costs incurred.

107. Subject to the approval of the Executive Council, the Director-General may negotiate standing arrangements with States Parties to facilitate assistance in the event of an on-site inspection in an area beyond the jurisdiction or control of any State.

108. In cases where one or more States Parties have conducted an investigation of an ambiguous event in an area beyond the jurisdiction or control of any State before a request is made for an on-site inspection in that area, any results of such investigation may be taken into account by the Executive Council in its deliberations pursuant to Article IV.

Post-Inspection Procedures

109. Upon conclusion of the inspection, the inspection team shall meet with the representative of the inspected State Party to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide the representative of the inspected State Party with its preliminary findings in written form according to a standardized format, together with a list of any samples and other material taken from the inspection area pursuant to paragraph 98. The document shall be signed by the head of the inspection team. In order to indicate that he or she has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. The meeting shall be completed no later than 24 hours after the conclusion of the inspection.

Departure

110. Upon completion of the Post-inspection procedures, the inspection team and the observer shall leave, as soon as possible, the territory of the inspected State Party. The inspected State Party shall do everything in its power to provide assistance and to ensure the safe conduct of the inspection team, equipment and baggage to the point of exit. Unless agreed otherwise by the inspected State Party and the inspection team, the point of exit used shall be the same as the point of entry.

Part III — Confidence-Building Measures

1. Pursuant to Article IV, paragraph 68, each State Party shall, on a voluntary basis, provide the Technical Secretariat with notification of any chemical explosion using 300 tonnes or greater of TNT-equivalent blasting material detonated as a single explosion anywhere on its territory, or at any place under its jurisdiction or control. If possible, such notification shall be provided in advance. Such notification shall include details on location, time, quantity and type of explosive used, as well as on the configuration and intended purpose of the blast.

2. Each State Party shall, on a voluntary basis, as soon as possible after the entry into force of this Treaty provide to the Technical Secretariat, and at annual intervals thereafter update, information related to its national use of all other chemical explosions greater than 300 tonnes TNT-equivalent. In particular, the State Party shall seek to advise:

- (a) The geographic locations of sites where the explosions originate;
 - (b) The nature of activities producing them and the general profile and frequency of such explosions;
 - (c) Any other relevant detail, if available; and
- 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

#	State Responsible for Station	Location	Lat.	Long.	Type
1	Argentina	PLCA Paso Flores	40.7 S	70.6 W	3-C
2	Australia	WRA Warramunga, NT	19.9 S	134.3 E	array
3	Australia	ASAR Alice Springs, NT	23.7 S	133.9 E	array
4	Australia	STKA Stephens Creek, SA	31.9 S	141.6 E	3-C
5	Australia	MAW Mawson, Antarctica	67.6 S	62.9 E	3-C
6	Bolivia	LPAZ La Paz	16.3 S	68.1 W	3-C
7	Brazil	BDFB Brasília	15.6 S	48.0 W	3-C
8	Canada	ULMC Lac du Bonnet, Man.	50.3 N	95.9 W	3-C
9	Canada	YKAC Yellowknife, N.W.T.	62.5 N	114.6 W	array
10	Canada	SCH Schefferville, Quebec	54.9 N	66.8 W	3-C
11	Central African Republic	BGCA Bangui	05.2 N	18.4 E	3-C
12	China	HAI Hailar	49.3 N	119.7 E	3-C > array
13	China	LZH Lanzhou	36.1 N	103.8 E	3-C > array

#	State Responsible for Station	Location	Lat.	Long.	Type
14	Colombia	XSA El Rosal	04.9 N	74.3 W	3-C
15	Côte d'Ivoire	DBIC Dimbroko	06.7 N	04.9 W	3-C
16	Egypt	LXEG Luxor	26.0 N	33.0 E	array
17	Finland	FINES Lahti	61.4 N	26.1 E	array
18	France	PPT Tahiti	17.6 S	149.6 W	3-C
19	Germany	GEC2 Freyung	48.9 N	13.7 E	array
20	To be determined	To be determined	TBD	TBD	TBD
21	Iran (Islamic Republic of)	THR Tehran	35.8 N	51.4 E	3-C
22	Japan	MJAR Matsushiro	36.5 N	138.2 E	array
23	Kazakstan	MAK Makanchi	46.8 N	82.0 E	array
24	Kenya	KMBO Kilimambogo	01.3 S	36.8 E	3-C
25	Mongolia	JAVM Javhlant	48.0 N	106.8 E	3-C > array
26	Niger	New Site	TBD	TBD	3-C > array
27	Norway	NAO Hamar	60.8 N	10.8 E	array
28	Norway	ARAO Karasjok	69.5 N	25.5 E	array
29	Pakistan	PRPK Pari	33.7 N	73.3 E	array
30	Paraguay	CPUP Villa Florida	26.3 S	57.3 W	3-C
31	Republic of Korea	KSRS Wonju	37.5 N	127.9 E	array
32	Russian Federation	KBZ Khabaz	43.7 N	42.9 E	3-C
33	Russian Federation	ZAL Zalesovo	53.9 N	84.8 E	3-C > array
34	Russian Federation	NRI Norilsk	69.4 N	88.1 E	3-C
35	Russian Federation	PDYO Peleduy	59.6 N	112.7 E	3-C array
36	Russian Federation	PTKM Petropavlovsk-Kamchatskiy	53.1 N	157.8 E	3-C > array
37	Russian Federation	USU Ussuriysk	44.3 N	132.1 E	3-C > array
38	Saudi Arabia	New Site	TBD	TBD	array
39	South Africa	BOSA Boshof	28.6 S	25.6 E	3-C
40	Spain	ESDC Sonseca	39.7 N	04.0 W	array
41	Thailand	CMTO Chiang Mai	18.8 N	99.0 E	array
42	Tunisia	THA Thala	35.6 N	08.7 E	3-C
43	Turkey	BRTR Belbashi [The array is subject to redeployment at Keskin]	39.9 N	32.8 E	array
44	Turkmenistan	GEYT Alibeck	37.9 N	58.1 E	array
45	Ukraine	AKASG Malin	50.4 N	29.1 E	array
46	United States of America	LJTX Lajitas, TX	29.3 N	103.7 W	array
47	United States of America	MNV Mina, NV	38.4 N	118.2 W	array
48	United States of America	PIWY Pinedale, WY	42.8 N	109.6 W	array
49	United States of America	ELAK Eielson, AK	64.8 N	146.9 W	array
50	United States of America	VNDA Vanda, Antarctica	77.5 S	161.9 E	3-C

TBD = To be determined
 3-C > array: indicates that the site could start operations in the International Monitoring System as a three-component station and be upgraded to an array at a later time.

Table 1-B — List of Seismological Stations Comprising the Auxiliary Network

#	State Responsible for Station	Location	Lat.	Long.	Type
1	Argentina	CFA Coronel Fontana	31.6 S	68.2 W	3-C
2	Argentina	USHA Ushuaia	55.0 S	68.0 W	3-C
3	Armenia	GNI Garni	40.1 N	44.7 E	3-C
4	Australia	CTA Charters Towers, QLD	20.1 S	146.3 E	3-C
5	Australia	FITZ Fitzroy Crossing, WA	18.1 S	125.6 E	3-C
6	Australia	NWAO Narrogin, WA	32.9 S	117.2 E	3-C
7	Bangladesh	CHT Chittagong	22.4 N	91.8 E	3-C
8	Bolivia	SIV San Ignacio	16.0 S	61.1 W	3-C
9	Botswana	LBTB Lobatse	25.0 S	25.6 E	3-C
10	Brazil	PTGA Pitinga	0.7 S	60.0 W	3-C
11	Brazil	RGNB Rio Grande do Norte	6.9 S	37.0 W	3-C
12	Canada	FPB Iqaluit, N.W.T.	63.7 N	68.5 W	3-C
13	Canada	DLBC Dease Lake, B.C.	58.4 N	130.1 W	3-C
14	Canada	SADO Sadown, Ont.	44.8 N	79.1 W	3-C
15	Canada	BBB Bella Bella, B.C.	52.2 N	128.1 W	3-C
16	Canada	MBC Mould Bay, N.W.T.	76.2 N	119.4 W	3-C
17	Canada	INK Inuvik, N.W.T.	68.3 N	133.5 W	3-C
18	Chile	RPN Easter Island	27.2 S	109.4 W	3-C
19	Chile	LVC Limon Verde	22.6 S	68.9 W	3-C
20	China	BJT Baijiatuan	40.0 N	116.2 E	3-C
21	China	KMI Kunming	25.2 N	102.8 E	3-C
22	China	SSE Sheshan	31.1 N	121.2 E	3-C
23	China	XAN Xi'an	34.0 N	108.9 E	3-C
24	Cook Islands	RAR Rarotonga	21.2 S	159.8 W	3-C
25	Costa Rica	JTS Las Juntas de Abangares	10.3 N	85.0 W	3-C
26	Czech Republic	VRAC Vranov	49.3 N	16.6 E	3-C
27	Denmark	SFJ Sondre Stromfjord, Greenland	67.0 N	50.6 W	3-C
28	Djibouti	ATD Arta Tunnel	11.5 N	42.9 E	3-C
29	Egypt	KEG Kottamya	29.9 N	31.8 E	3-C
30	Ethiopia	FURI Furi	8.9 N	38.7 E	3-C
31	Fiji	MSVF Monasavu, Viti Levu	17.8 S	178.1 E	3-C
32	France	NOUC Port Laguerre, New Caledonia	22.1 S	166.3 E	3-C
33	France	KOG Kourou, French Guiana	5.2 N	52.7 W	3-C
34	Gabon	BAMB Bambay	1.7 S	13.6 E	3-C

E — Nuclear Testing

E—Nuclear Testing	#	State Responsible for Station	Location	Lat.	Long.	Type	#	State Responsible for Station	Location	Lat.	Long.	Type
		35	Germany/South Africa	--- SANA E Station, Antarctica	71.7 S	2.9 W	3-C	70	New Zealand	RAO Raoul Island	29.2 S	177.9 W
	36	Greece	IDI Anogia, Crete	35.3 N	24.9 E	3-C	71	New Zealand	UPZ Urewera, North Island	38.3 S	177.1 E	3-C
	37	Guatemala	RDG Rabir	15.0 N	90.5 W	3-C	72	Norway	SPITS Spitsbergen	78.2 N	16.4 E	array
	38	Iceland	BORG Borgarnes	64.8 N	21.3 W	3-C	73	Norway	JMI Jan Mayen	70.9 N	8.7 W	3-C
	39	To be determined	To be determined	TBD	TBD	TBD	74	Oman	WSAR Wadi Sarin	23.0 N	58.0 E	3-C
	40	Indonesia	PACI Cibinong, Jawa Barat	6.5 S	107.0 E	3-C	75	Papua New Guinea	PMG Port Moresby	9.4 S	147.2 E	3-C
	41	Indonesia	JAY Jayapura, Irian Jaya	2.5 S	140.7 E	3-C	76	Papua New Guinea	BIAL Bialla	5.3 S	151.1 E	3-C
	42	Indonesia	SWI Sorong, Irian Jaya	0.9 S	131.3 E	3-C	77	Peru	CAJP Cajamarca	7.0 S	78.0 W	3-C
	43	Indonesia	PSI Parapat, Sumatera	2.7 N	98.9 E	3-C	78	Peru	NNA Nana	12.0 S	76.8 W	3-C
	44	Indonesia	KAPI Kappang, Sulawesi Selatan	5.0 S	119.8 E	3-C	79	Philippines	DAV Davao, Mindanao	7.1 N	125.6 E	3-C
	45	Indonesia	KUG Kupang, Nusatenggara Timur	10.2 S	123.6 E	3-C	80	Philippines	TGY Tagaytay, Luzon	14.1 N	120.9 E	3-C
	46	Iran (Islamic Republic of)	KRM Kerman	30.3 N	57.1 E	3-C	81	Romania	MLR Muntele Rosu	45.5 N	25.9 E	3-C
	47	Iran (Islamic Republic of)	MSN Masjed-e-Soleyman	31.9 N	49.3 E	3-C	82	Russian Federation	KIRV Kirov	58.4 N	50.0 E	3-C
	48	Israel	MBH Eilath	29.8 N	34.9 E	3-C	83	Russian Federation	KIVO Kislovodsk	44.0 N	42.7 E	array
	49	Israel	PARD Parod	32.6 N	35.3 E	array	84	Russian Federation	OBN Obninsk	55.1 N	36.6 E	3-C
	50	Italy	ENAS Enna, Sicily	37.5 N	14.3 E	3-C	85	Russian Federation	ARU Arti	56.4 N	58.6 E	3-C
	51	Japan	JNU Ohita, Kyushu	33.1 N	130.9 E	3-C	86	Russian Federation	SEY Seymchan	62.9 N	152.4 E	3-C
	52	Japan	JOW Kunigami, Okinawa	26.8 N	128.3 E	3-C	87	Russian Federation	TLY Talaya	51.7 N	103.6 E	3-C
	53	Japan	JHJ Hachijojima, Izu Islands	33.1 N	139.8 E	3-C	88	Russian Federation	YAK Yakutsk	62.0 N	129.4 E	3-C
	54	Japan	JKA Kamikawa-asahi, Hokkaido	44.1 N	142.6 E	3-C	89	Russian Federation	URG Urgal	51.1 N	132.4 E	3-C
	55	Japan	JCJ Chichijima, Ogasawara	27.1 N	142.2 E	3-C	90	Russian Federation	BIL Bilibino	68.0 N	166.4 E	3-C
	56	Jordan	--- Ashqof	32.5 N	37.6 E	3-C	91	Russian Federation	TIXI Tiksi	71.7 N	128.9 E	3-C
	57	Kazakstan	BRVK Borovoye	53.1 N	70.3 E	array	92	Russian Federation	YSS Yuzhno-Sakhalinsk	47.0 N	142.8 E	3-C
	58	Kazakstan	KURK Kurchatov	50.7 N	78.6 E	array	93	Russian Federation	MA2 Magadan	59.6 N	150.8 E	3-C
	59	Kazakstan	AKTO Aktyubinsk	50.4 N	58.0 E	3-C	94	Russian Federation	ZIL Zilim	53.9 N	57.1 E	3-C
	60	Kyrgyzstan	AAK Ala-Archa	42.6 N	74.5 E	3-C	95	Samoa	AFI Afiamalu	13.9 S	171.8 W	3-C
	61	Madagascar	TAN Antananarivo	18.9 S	47.6 E	3-C	96	Saudi Arabia	RAYN Ar Rayn	23.6 N	45.6 E	3-C
	62	Mali	KOWA Kowa	14.5 N	4.0 W	3-C	97	Senegal	MBO Mbour	14.4 N	17.0 W	3-C
	63	Mexico	TEYM Tepich, Yucatan	20.2 N	88.3 W	3-C	98	Solomon Islands	HNR Honiara, Guadalcanal	9.4 S	160.0 E	3-C
	64	Mexico	TUVM Tuzandepeti, Veracruz	18.0 N	94.4 W	3-C	99	South Africa	SUR Sutherland	32.4 S	20.8 E	3-C
	65	Mexico	LPBM La Paz, Baja California Sur	24.2 N	110.2 W	3-C	100	Sri Lanka	COC Colombo	6.9 N	79.9 E	3-C
	66	Morocco	MDT Midelt	32.8 N	4.6 W	3-C	101	Sweden	HPS Hagfors	60.1 N	13.7 E	array
	67	Namibia	TSUM Tsumeb	19.1 S	17.4 E	3-C	102	Switzerland	DAVOS Davos	46.8 N	9.8 E	3-C
	68	Nepal	EVN Everest	28.0 N	86.8 E	3-C	103	Uganda	MBRU Mbarara	0.4 S	30.4 E	3-C
	69	New Zealand	EWZ Erewhon, South Island	43.5 S	170.9 E	3-C	104	United Kingdom	EKA Eskdalemuir	55.3 N	3.2 W	array
							105	United States of America	GUMO Guam, Marianas Islands	13.6 N	144.9 E	3-C

#	State Responsible for Station	Location	Lat.	Long.	Type	#	State Responsible for Station	Location	Latitude	Longitude
106	United States of America	PMSA Palmer Station, Antarctica	64.8 S	64.1 W	3-C	31	France	Cayenne, French Guiana	5.0 N	52.0 W
107	United States of America	TKL Tuckaleechee Caverns, TN	35.7 N	83.8 W	3-C	32	France	Dumont d'Urville, Antarctica	66.0 S	140.0 E
108	United States of America	PFOA Pinon Flat, CA	33.6 N	116.5 W	3-C	33	Germany	Schauinsland/Freiburg	47.9 N	7.9 E
109	United States of America	YBH Yreka, CA	41.7 N	122.7 W	3-C	34	Iceland	Reykjavik	64.4 N	21.9 W
110	United States of America	KDC Kodiak Island, AK	57.8 N	152.5 W	3-C	35	To be determined	To be determined	TBD	TBD
111	United States of America	AL QAlbuquerque, NM	35.0 N	106.5 W	3-C	36	Iran (Islamic Republic of)	Tehran	35.0 N	52.0 E
112	United States of America	ATTU Attu Island, AK	52.8 N	172.7 E	3-C	37	Japan	Okinawa	26.2 N	127.2 E
113	United States of America	ELK Elko, NV	40.7 N	115.2 W	3-C	38	Japan	Takasaki, Gunma	36.3 N	139.0 E
114	United States of America	SPA South Pole, Antarctica	90.0 S	--	3-C	39	Kiribati	Kiritimati	2.0 N	157.0 W
115	United States of America	NEW Newport, WA	48.3 N	117.1 W	3-C	40	Kuwait	Kuwait City	29.0 N	48.0 E
116	United States of America	SJG San Juan, PR	18.1 N	66.2 W	3-C	41	Libya	Misratah	32.5 N	15.0 E
117	Venezuela	SDV Santo Domingo	8.9 N	70.6 W	3-C	42	Malaysia	Kuala Lumpur	2.6 N	101.5 E
118	Venezuela	PCRV Puerto la Cruz	10.2 N	64.6 W	3-C	43	Mauritania	Nouakchott	18.0 N	17.0 W
119	Zambia	LSZ Lusaka	15.3 S	28.2 E	3-C	44	Mexico	Baja California	28.0 N	113.0 W
120	Zimbabwe	BUL Bulawayo	to be advised	to be advised	3-C	45	Mongolia	Ulaanbaatar	47.5 N	107.0 E
						46	New Zealand	Chatham Island	44.0 S	176.5 W
						47	New Zealand	Kaitaia	35.1 S	173.3 E
						48	Niger	Bilma	18.0 N	17.0 E
						49	Norway	Spitsbergen	78.2 N	16.4 E
						50	Panama	Panama City	8.9 N	79.6 W
						51	Papua New Guinea	New Hanover	3.0 S	150.0 E
						52	Philippines	Quezon City	14.5 N	121.0 E
						53	Portugal	Ponta Delgada, Sao Miguel, Azores	37.4 N	25.4 W
						54	Russian Federation	Kirvov	58.6 N	49.7 E
						55	Russian Federation	Norilsk	69.0 N	88.1 E
						56	Russian Federation	Peleduy	59.6 N	112.7 E
						57	Russian Federation	Bilibino	68.0 N	166.3 E
						58	Russian Federation	Ussuriysk	43.7 N	131.9 E
						59	Russian Federation	Zalesovo	53.9 N	84.8 E
						60	Russian Federation	Petropavlovsk-Kamchatskiy	53.0 N	158.0 E
						61	Russian Federation	Dubna	56.8 N	37.1 E
						62	South Africa	Marion Island	46.5 S	37.0 E
						63	Sweden	Stockholm	59.4 N	18.0 E
						64	Tanzania	Dar es Salaam	6.0 S	39.0 E
						65	Thailand	Bangkok	13.8 N	100.5 E
						66	United Kingdom	BIOT/Chagos Archipelago	7.0 S	72.0 E
						67	United Kingdom	St. Helena	16.0 S	6.0 W
						68	United Kingdom	Tristan da Cunha	37.0 S	12.3 W
						69	United Kingdom	Halley, Antarctica	76.0 S	28.0 W
						70	United States of America	Sacramento, CA	38.7 N	121.4 W
						71	United States of America	Sand Point, AK	55.0 N	160.0 W
						72	United States of America	Melbourne, FL	28.3 N	80.6 W
						73	United States of America	Palmer Station, Antarctica	64.5 S	64.0 W
						74	United States of America	Ashland, KS	37.2 N	99.8 W
						75	United States of America	Charlottesville, VA	38.0 N	78.0 W
						76	United States of America	Salchaket, AK	64.4 N	147.1 W
						77	United States of America	Wake Island	19.3 N	166.6 E
						78	United States of America	Midway Islands	28.0 N	177.0 W

Table 2-A — List of Radionuclide Stations

#	State Responsible for Station	Location	Latitude	Longitude
1	Argentina	Buenos Aires	34.0 S	58.0 W
2	Argentina	Salta	24.0 S	65.0 W
3	Argentina	Bariloche	41.1 S	71.3 W
4	Australia	Melbourne, VIC	37.5 S	144.6 E
5	Australia	Mawson, Antarctica	67.6 S	62.5 E
6	Australia	Townsville, QLD	19.2 S	146.8 E
7	Australia	Macquarie Island	54.0 S	159.0 E
8	Australia	Cocos Islands	12.0 S	97.0 E
9	Australia	Darwin, NT	12.4 S	130.7 E
10	Australia	Perth, WA	31.9 S	116.0 E
11	Brazil	Rio de Janeiro	22.5 S	43.1 W
12	Brazil	Recife	8.0 S	35.0 W
13	Cameroon	Douala	4.2 N	9.9 E
14	Canada	Vancouver, B.C.	49.3 N	123.2 W
15	Canada	Resolute, N.W.T.	74.7 N	94.9 W
16	Canada	Yellowknife, N.W.T.	62.5 N	114.5 W
17	Canada	St. John's, N.L.	47.0 N	53.0 W
18	Chile	Punta Arenas	53.1 S	70.6 W
19	Chile	Hanga Roa, Easter Island	27.1 S	108.4 W
20	China	Beijing	39.8 N	116.2 E
21	China	Lanzhou	35.8 N	103.3 E
22	China	Guangzhou	23.0 N	113.3 E
23	Cook Islands	Rarotonga	21.2 S	159.8 W
24	Ecuador	Isla San Crista, Galapagos Islands	1.0 S	89.2 W
25	Ethiopia	Filtu	5.5 N	42.7 E
26	Fiji	Nadi	18.0 S	177.5 E
27	France	Papeete, Tahiti	17.0 S	150.0 W
28	France	Pointe-a-Pitre, Guadeloupe	17.0 N	62.0 W
29	France	Réunion	21.1 S	55.6 E
30	France	Port-aux-Francais, Kerguelen	49.0 S	70.0 E

#	State Responsible for Station	Location	Latitude	Longitude
79	United States of America	Oahu, HI	21.5 N	158.0 W
80	United States of America	Upi, Guam	13.7 N	144.9 E

#	State Responsible for Station	Location	Lat.	Long.
4	Australia	Narrogin, WA	32.9 S	117.2 E
5	Australia	Hobart, TAS	42.1 S	147.2 E
6	Australia	Cocos Islands	12.3 S	97.0 E
7	Australia	Warramunga, NT	19.9 S	134.3 E
8	Bolivia	La Paz	16.3 S	68.1 W
9	Brazil	Brasilia	15.6 S	48.0 W
10	Canada	Lac du Bonnet, Man.	50.2 N	95.9 W
11	Cape Verde	Cape Verde Islands	16.0 N	24.0 W

Table 2-B — List of Radionuclide Laboratories

#	State Responsible for Laboratory	Name and place of laboratory
1	Argentina	National Board of Nuclear Regulation Buenos Aires
2	Australia	Australian Radiation Laboratory Melbourne, VIC
3	Austria	Austrian Research Center Seibersdorf
4	Brazil	Institute of Radiation Protection and Dosimetry Rio de Janeiro
5	Canada	Health Canada Ottawa, Ont.
6	China	Beijing
7	Finland	Centre for Radiation and Nuclear Safety Helsinki
8	France	Atomic Energy Commission Monthery
9	Israel	Soreq Nuclear Research Centre Yavne
10	Italy	Laboratory of the National Agency for the Protection of the Environment Rome
11	Japan	Japan Atomic Energy Research Institute Tokai, Ibaraki
12	New Zealand	National Radiation Laboratory Christchurch
13	Russian Federation	Central Radiation Control Laboratory, Ministry of Defense Special Verification Service, Dubna, Moscow
14	South Africa	Atomic Energy Corporation Pelindaba
15	United Kingdom	AWE Blacknest Chilton
16	United States of America	McClellan Central Laboratories Sacramento, CA

#	State Responsible for Station	Location	Lat.	Long.
12	Central African Republic	Bangui	5.2 N	18.4 E
13	Chile	Easter Island	27.0 S	109.2 W
14	Chile	Juan Fernandez Island	33.8 S	80.7 W
15	China	Beijing	40.0 N	116.0 E
16	China	Kunming	25.0 N	102.8 E
17	Côte d'Ivoire	Dimbokro	6.7 N	4.9 W
18	Denmark	Dundas, Greenland	76.5 N	68.7 W
19	Djibouti	Djibouti	11.3 N	43.5 E
20	Ecuador	Galapagos Islands	0.0 N	91.7 W
21	France	Marquesas Islands	10.0 S	140.0 W
22	France	Port LaGuerre, New Caledonia	22.1 S	166.3 E
23	France	Kerguelen	49.2 S	69.1 E
24	France	Tahiti	17.6 S	149.6 W
25	France	Kourou, French Guiana	5.2 N	52.7 W
26	Germany	Freyung	48.9 N	13.7 E
27	Germany	Georg von Neumayer, Antarctica	70.6 S	8.4 W
28	To be determined	To be determined	TBD	TBD
29	Iran (Islamic Republic of)	Tehran	35.7 N	51.4 E
30	Japan	Tsukuba	36.0 N	140.1 E
31	Kazakstan	Aktyubinsk	50.4 N	58.0 E
32	Kenya	Kilmanbogo	1.3 S	36.8 E
33	Madagascar	Antananarivo	18.8 S	47.5 E
34	Mongolia	Javhlant	48.0 N	106.8 E
35	Namibia	Tsumeb	19.1 S	17.4 E
36	New Zealand	Chatham Island	44.0 S	176.5 W
37	Norway	Karasjok	69.5 N	25.5 E
38	Pakistan	Rahimyar Khan	28.2 N	70.3 E
39	Palau	Palau	7.5 N	134.5 E
40	Papua New Guinea	Rabaul	4.1 S	152.1 E
41	Paraguay	Villa Florida	26.3 S	57.3 W
42	Portugal	Azores	37.8 N	25.5 W
43	Russian Federation	Dubna	56.8 N	37.1 E
44	Russian Federation	Petropavlovsk-Kamchatskiy	53.0 N	158.0 E
45	Russian Federation	Ussuriysk	44.0 N	132.0 E
46	Russian Federation	Zalesovo	53.9 N	84.8 E
47	South Africa	Boshof	28.6 S	25.4 E
48	Tunisia	Thala	35.6 N	8.7 E
49	United Kingdom	Tristan da Cunha	37.0 S	12.3 W
50	United Kingdom	Ascension	8.0 S	14.3 W
51	United Kingdom	Bermuda	32.0 N	64.5 W
52	United Kingdom	BIOT/Chagos Archipelago	5.0 S	72.0 E
53	United States of America	Eielson, AK	64.8 N	146.9 W
54	United States of America	Siple Station, Antarctica	75.5 S	83.6 W
55	United States of America	Windless Bight, Antarctica	77.5 S	161.8 E
56	United States of America	Newport, WA	48.3 N	117.1 W
57	United States of America	Pineon Flat, CA	33.6 N	116.5 W
58	United States of America	Midway Islands	28.1 N	177.2 W

Table 3 — List of Hydroacoustic Stations

#	State Responsible for Station	Location	Lat.	Long.	Type
1	Australia	Cape Lecuwin, WA	34.4 S	115.1 E	Hydrophone
2	Canada	Queen Charlotte Islands, B.C.	53.3 N	132.5 W	T-phase
3	Chile	Juan Fernandez Island	33.7 S	78.8 W	Hydrophone
4	France	Crozet Islands	46.5 S	52.2 E	Hydrophone
5	France	Guadeloupe	16.3 N	61.1 W	T-phase
6	Mexico	Clarion Island	18.2 N	114.6 W	T-phase
7	Portugal	Flores	39.3 N	31.3 W	T-phase
8	United Kingdom	BIOT/Chagos Archipelago	7.3 S	72.4 E	Hydrophone
9	United Kingdom	Tristan da Cunha	37.2 S	12.5 W	T-phase
10	United States of America	Ascension	8.0 S	14.4 W	Hydrophone
11	United States of America	Wake Island	19.3 N	166.6 E	Hydrophone

Table 4 — List of Infrasound Stations

#	State Responsible for Station	Location	Lat.	Long.
1	Argentina	Paso Flores	40.7 S	70.6 W
2	Argentina	Ushuaia	55.0 S	68.0 W
3	Australia	Davis Base, Antarctica	68.4 S	77.6 E

#	State Responsible for Station	Location	Lat.	Long.
59	United States of America	Hawaii, HI	19.6 N	155.3 W
60	United States of America	Wake Island	19.3 N	166.6 E

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 of 31 January 2004]

- Albania — 27 September 1996, ratified 23 April 2003
 Afghanistan — 24 September 2003, ratified 24 September 2003
 † Algeria — 15 October 1996, ratified 11 July 2003
 Andorra — 24 September 1996
 Angola — 27 September 1996
 Antigua and Barbuda — 16 April 1997
 † Argentina — 24 September 1996, ratified 4 December 1998

- Armenia — 1 October 1996
 † Australia — 24 September 1996, ratified 9 July 1998
 † Austria — 24 September 1996, ratified 13 March 1998
 Azerbaijan — 28 July 1997, ratified 2 February 1999
 Bahrain — 24 September 1996
 † Bangladesh — 24 October 1996, ratified 8 March 2000
 Belarus — 24 September 1996, ratified 13 September 2000
 † Belgium — 24 September 1996, ratified 29 June 1999
 Belize — 14 November 2001
 Benin — 27 September 1996, ratified 6 March 2001
 Bolivia — 24 September 1996, ratified 4 October 1999
 Bosnia and Herzegovina — 24 September 1996
 Botswana — 16 September 2002, ratified 28 October 2002
 † Brazil — 24 September 1996, ratified 24 July 1998
 Brunei Darussalam — 22 January 1997
 † Bulgaria — 24 September 1996, ratified 29 September 1999
 Burkina Faso — 27 September 1996, ratified 17 April 2002
 Burundi — 24 September 1996
 Cambodia — 26 September 1996, ratified 10 November 2000
 Cameroon — 16 November 2001
 † Canada — 24 September 1996, ratified 18 December 1998
 Cape Verde — 1 October 1996
 Central African Republic — 19 December 2001
 Chad — 8 October 1996
 † Chile — 24 September 1996, ratified 12 July 2000
 † China — 24 September 1996
 † Colombia — 24 September 1996
 Comoros — 12 December 1996
 Congo — 11 February 1997
 Cook Islands — 5 December 1997
 Costa Rica — 24 September 1996, ratified 25 September 2001
 Côte d'Ivoire — 25 September 1996, ratified 11 March 2003
 Croatia — 24 September 1996, ratified 2 March 2001
 Cyprus — 24 September 1996, ratified 18 July 2003
 Czech Republic — 12 November 1996, ratified 11 September 1997
 † Democratic Republic of the Congo — 4 October 1996
 Denmark — 24 September 1996, ratified 21 December 1998
 Djibouti — 21 October 1996
 Dominican Republic — 3 October 1996
 Ecuador — 24 September 1996, ratified 12 November 2001
 † Egypt — 14 October 1996
 El Salvador — 24 September 1996, ratified 11 September 1998
 Equatorial Guinea — 9 October 1996
 Eritrea — 11 November 2003, ratified 11 November 2003
 Estonia — 20 November 1996, ratified 13 August 1999
 Ethiopia — 25 September 1996
 Fiji — 24 September 1996, ratified 10 October 1996
 † Finland — 24 September 1996, ratified 15 January 1999
 † France — 24 September 1996, ratified 6 April 1998
 Gabon — 7 October 1996, ratified 20 September 2000
 Georgia — 24 September 1996, ratified 27 September 2002
 † Germany — 24 September 1996, ratified 20 August 1998
 Ghana — 3 October 1996
 Greece — 24 September 1996, ratified 21 April 1999
 Grenada — 10 October 1996, ratified 19 August 1998
 Guatemala — 20 September 1999
 Guinea — 3 October 1996
 Guinea-Bissau — 11 April 1997
 Guyana — 7 September 2000, ratified 7 March 2001
 Haiti — 24 September 1996
 Holy See — 24 September 1996, ratified 18 July 2001
 Honduras — 25 September 1996, ratified 30 October 2003
 † Hungary — 25 September 1996, ratified 13 July 1999
 Iceland — 24 September 1996, ratified 26 June 2000
 † Indonesia — 24 September 1996
 † Iran (Islamic Republic of) — 24 September 1996
 Ireland — 24 September 1996, ratified 15 July 1999
 † Israel — 25 September 1996
 † Italy — 24 September 1996, ratified 1 February 1999
 Jamaica — 11 November 1996, ratified 13 November 2001
 † Japan — 24 September 1996, ratified 8 July 1997
 Jordan — 26 September 1996, ratified 25 August 1998
 Kazakhstan — 30 September 1996, ratified 14 May 2002
 Kenya — 14 November 1996, ratified 30 November 2000
 Kiribati — 7 September 2000, ratified 7 September 2000
 Kuwait — 24 September 1996, ratified 6 May 2003
 Kyrgyzstan — 8 October 1996, ratified 2 October 2003
 Lao People's Democratic Republic — 30 July 1997, ratified 5 October 2000
 Latvia — 24 September 1996, ratified 20 November 2001
 Lesotho — 30 September 1996, ratified 14 September 1999

Liberia — 1 October 1996
 Libyan Arab Jamahiriya — 13 November 2001, ratified 6 January 2004
 Liechtenstein — 27 September 1996
 Lithuania — 7 October 1996, ratified 7 February 2000
 Luxembourg — 24 September 1996, ratified 26 May 1999
 Madagascar — 9 October 1996
 Malawi — 9 October 1996
 Malaysia — 23 July 1998
 Maldives — 1 October 1997, ratified 7 September 2000
 Mali — 18 February 1997, ratified 4 August 1999
 Malta — 24 September 1996, ratified 23 July 2001
 Marshall Islands — 24 September 1996
 Mauritania — 24 September 1996, ratified 30 April 2003
 † Mexico — 24 September 1996, ratified 5 October 1999
 Micronesia (Federated States of) — 24 September 1996, ratified 25 July 1997
 Monaco — 1 October 1996, ratified 18 December 1998
 Mongolia — 1 October 1996, ratified 8 August 1997
 Morocco — 24 September 1996, ratified 17 April 2000
 Mozambique — 26 September 1996
 Myanmar — 25 November 1996
 Namibia — 24 September 1996, ratified 29 June 2001
 Nauru — 8 September 2000, ratified 12 November 2001
 Nepal — 8 October 1996
 † Netherlands — 24 September 1996, ratified 23 March 1999
 New Zealand — 27 September 1996, ratified 19 March 1999
 Nicaragua — 24 September 1996, ratified 5 December 2000
 Niger — 3 October 1996, ratified 9 September 2002
 Nigeria — 8 September 2000, ratified 27 September 2001
 † Norway — 24 September 1996, ratified 15 July 1999
 Oman — 23 September 1999, ratified 13 June 2003
 Panama — 24 September 1996, ratified 23 March 1999
 Papua New Guinea — 25 September 1996
 Paraguay — 25 September 1996, ratified 4 October 2001
 † Peru — 25 September 1996, ratified 12 November 1997
 Philippines — 24 September 1996, ratified 23 February 2001
 † Poland — 24 September 1996, ratified 25 May 1999
 Portugal — 24 September 1996, ratified 26 June 2000
 Qatar — 24 September 1996, ratified 3 March 1997
 † Republic of Korea — 24 September 1996, ratified 24 September 1999
 Republic of Moldova — 24 September 1997
 † Romania — 24 September 1996, ratified 5 October 1999
 † Russian Federation — 24 September 1996, ratified 30 June 2000
 Saint Lucia — 4 October 1996, ratified 5 April 2001
 Samoa — 9 October 1996, ratified 27 September 2002
 San Marino — 7 October 1996, ratified 12 March 2002
 Sao Tome and Principe — 26 September 1996
 Senegal — 26 September 1996, ratified 9 June 1999
 Serbia and Montenegro — 8 June 2001
 Seychelles — 24 September 1996
 Sierra Leone — 8 September 2000, ratified 17 September 2001
 Singapore — 14 January 1999, ratified 10 November 2001
 † Slovakia — 30 September 1996, ratified 3 March 1998
 Slovenia — 24 September 1996, ratified 31 August 1999
 Solomon Islands — 3 October 1996
 † South Africa — 24 September 1996, ratified 30 March 1999
 † Spain — 24 September 1996, ratified 31 July 1998
 Sri Lanka — 24 October 1996
 Suriname — 14 January 1997
 Swaziland — 24 September 1996
 † Sweden — 24 September 1996, ratified 2 December 1998
 † Switzerland — 24 September 1996, ratified 1 October 1999
 Tajikistan — 7 October 1996, ratified 10 June 1998
 Thailand — 12 November 1996
 The former Yugoslav Republic of Macedonia — 29 October 1998, ratified 14 March 2000
 Togo — 2 October 1996
 Tunisia — 16 October 1996
 † Turkey — 24 September 1996, ratified 16 February 2000
 Turkmenistan — 24 September 1996, ratified 20 February 1998
 Uganda — 7 November 1996, ratified 14 March 2001
 † Ukraine — 27 September 1996, ratified 23 February 2001
 United Arab Emirates — 25 September 1996, ratified 18 September 2000
 † United Kingdom — 24 September 1996, ratified 6 April 1998
 † United States of America — 24 September 1996
 Uruguay — 24 September 1996, ratified 21 September 2001
 Uzbekistan — 3 October 1996, ratified 29 May 1997
 Vanuatu — 24 September 1996
 Venezuela — 3 October 1996, ratified 13 May 2001

† Viet Nam — 24 September 1996
 Yemen — 30 September 1996
 Zambia — 3 December 1996
 Zimbabwe — 13 October 1999

† indicates those states that are listed in Annex 2 of the CTBT. Three states listed in Annex 2 have not signed the CTBT: Democratic People's Republic of Korea, India and Pakistan.

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.

**Conference on Facilitating the Entry into Force
of the Comprehensive Nuclear-Test-Ban Treaty,
6-8 October 1999**

[Reproduced from CTBT-Art.XIV/1999/5]

FINAL DECLARATION

1. Recalling the responsibilities which we assumed by signing the Comprehensive Nuclear-Test-Ban Treaty and pursuant to Article XIV of that Treaty, we the ratifiers, together with the Signatory States, met in Vienna from 6-8 October 1999 to promote its entry into force at the earliest possible date. We welcomed the presence of representatives of non-Signatory States, international organizations and non-governmental organizations.

2. Determined to enhance international peace and security throughout the world, we reaffirmed the importance of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty. We reiterated that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects and thus a meaningful step in the realization of a systematic process to achieve nuclear disarmament. We therefore renewed our strong determination to work for universal ratification of the Treaty, and its early entry into force as provided for in Article XIV.

3. In accordance with the provisions of Article XIV of the Treaty, we examined the extent to which the requirement set out in paragraph 1 had been met and 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.

4. Since the Treaty was adopted at the United Nations General Assembly and opened for signature three years ago, 154 States have signed and 51 States have deposited their

instruments of ratification. Of the 44 States listed in Annex 2 to the Treaty whose ratification is required for the entry into force of the Treaty, 41 have signed, and 26 have both signed and ratified the Treaty. A list of those States is provided in the Appendix. The ratification process has accelerated. We welcomed this as evidence of the determination of States not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under their jurisdiction or control.

5. Since the opening for signature of the CTBT, nuclear explosions have been carried out. The countries concerned subsequently declared that they would not conduct further nuclear explosions and indicated their willingness not to delay the entry into force of the Treaty.

6. We noted with satisfaction the report of the Executive Secretary of the Preparatory Commission of the Comprehensive Nuclear-Test Ban Treaty Organization (CTBTO) to the Conference on progress made by the Preparatory Commission and its Provisional Technical Secretariat since November 1996 in fulfilment of the requirement to take all necessary measures to ensure the effective establishment of the future CTBTO.

7. Conscious of the objectives we all share and of the importance of universal adherence to the Treaty, welcoming the ratifications of all the States that have done so, and stressing particularly the steps required to achieve its early entry into force, as provided for in Article XIV of the Treaty, we:

(a) Call upon all States that have not yet signed the Treaty to sign and ratify it as soon as possible and refrain from acts which would defeat its object and purpose in the meanwhile;

(b) Call upon 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 their early successful conclusion;

(c) Recall the fact that two States whose ratification is needed for the Treaty's entry into force but which have not yet signed it have expressed their willingness not to delay the entry into force of the Treaty, and call upon them to fulfil these pledges;

(d) Note the fact that one State whose ratification is needed for the Treaty's entry into force but which has not yet signed it has not expressed its intention towards the Treaty, and call upon this State to sign and ratify it so as to facilitate the entry into force of the Treaty;

(e) Note the ratification by two nuclear weapon States, and call upon the remaining three to accelerate their ratification processes with a view to their early successful conclusion;

(f) In pursuit of the early entry into force of the Treaty, undertake ourselves to use all avenues open to us in conformity with international law, to encourage further signature and ratification of the Treaty; and urge all States to sustain the momentum generated by this Conference by continuing to remain seized of the issue at the highest political level;

(g) Agree that ratifying States will select one of their number to promote cooperation to facilitate the early entry into force of the Treaty, through informal consultations with all interested countries;

(h) Urge all States to share legal and technical information and advice in order to facilitate the processes of signature, ratification and implementation by the States concerned, and upon their request. We encourage the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Secretary-General of the United Nations to support actively these efforts consistent with their respective mandates;

(i) Call upon the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to continue its international cooperation activities demonstrating the benefits of the application of verification technologies for peaceful purposes in accordance with the provisions of the Treaty, thus encouraging signature and ratification of the Treaty by the States concerned;

(j) Appeal to all relevant sectors of civil society to raise awareness of and support for the objectives of the Treaty, as well as its early entry into force as provided for in Article XIV of the Treaty.

8. We reaffirm our commitment to the Treaty's basic obligations and our undertaking to refrain from acts which would

defeat the object and purpose of the Treaty pending its entry into force.

9. We remain steadfast in our commitment to pursue the efforts to ensure that the Treaty's verification regime shall be capable of meeting the verification requirements of the Treaty at entry into force, in accordance with the provisions of Article IV of the Treaty; We will continue to provide the support required to enable the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to complete its tasks.

10. The Conference addressed the issue of possible future conferences and took note of the provisions contained in paragraph 3 of Article XIV of the Treaty.

Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, 11–13 November 2001

[Reproduced from CTBT-ART.XIV/2001/6, 15
November 2001]

Report of the Conference

I. 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, was opened on 11 November 2001 by the Secretary-General of the United Nations, Kofi A. Annan, who delivered a statement on that occasion.

2. The following 109 States that had already deposited their instruments of ratification of the Treaty before the opening of the Conference and States signatories which had not yet deposited their instruments of ratification before the opening of the Conference participated in the Conference: Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Haiti, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mexico, Monaco, Mongolia, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yugoslavia, Zambia and Zimbabwe.

3. In conformity with rule 40 of the rules of procedure, the following other States attended the Conference: Barbados, Cameroon, Central African Republic, Cuba, Iraq, Libyan Arab Jamahiriya,¹ Pakistan, Saudi Arabia and Sudan.

4. In accordance with rule 41 of the rules of procedure, the following specialized agencies, related organizations and intergovernmental organizations attended the Conference: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, International Atomic Energy Agency and Pacific Islands Forum.

5. In accordance with rule 42 of the rules of procedure, Palestine attended the Conference.

6. In accordance with rule 43 of the rules of procedure, 24 non-governmental organizations attended the Conference.

7. A list of the delegations to the Conference, including participating States, other States, specialized agencies, related organizations, intergovernmental organizations, entities having been granted observer status in the United Nations General Assembly and non-governmental organizations, is contained in document CTBT-Art.XIV/2001/INF.2/Rev.1.

II. Organizational and procedural decisions

8. At its 1st plenary meeting, on 11 November 2001, the Conference elected, by acclamation, as President of the Conference, Miguel Marin Bosch (Mexico). On that occasion, the President delivered a statement.

9. At the same meeting, the Conference adopted the rules of procedure for the Conference (CTBT-Art.XIV/2001/2).

10. Also at the same meeting, the Conference adopted the provisional agenda and timetable (CTBT-Art.XIV/2001/1/Rev.2), with the following agenda items:

1. Opening of the Conference by the Secretary-General of the United Nations.
2. Election of the President.
3. Adoption of the rules of procedure.
4. Adoption of the agenda and other organizational matters.
5. Election of officers other than the President.
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. Address by the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.
9. Presentation of a progress report on cooperation to facilitate the entry into force of the Treaty.
10. General exchange of views by ratifiers and signatories on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
11. Statements by non-signatory States.
12. Statement on behalf of non-governmental organizations.
13. Consideration and adoption of a final document.
14. Any matters arising from paragraph 3 of article XIV of the Treaty.
15. Adoption of the report of the Conference.
16. Closure of the Conference.

11. Also at the same meeting, in accordance with rule 6 of the rules of procedure, the Conference elected the representatives of Austria, Peru, the Republic of Korea, Slovakia and South Africa as Vice-Presidents of the Conference.

12. Also at the same 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 Hannelore Hoppe, Chief of the Weapons of Mass Destruction Branch, Department for Disarmament Affairs, United Nations Secretariat, as Secretary of the Conference.

13. Also at the same meeting, in accordance with rule 4 of the rules of procedure, upon the proposal of the President, the Conference established a Credentials Committee composed of representatives of Chile, Japan, Kenya, Sweden and Ukraine. The report of the Credentials Committee (CTBT-Art.XIV/2001/5) was adopted by the Conference at its 5th plenary meeting, on 13 November.

III. Work of the Conference

14. The Conference held a total of five plenary meetings and had before it the following documents:

CTBT-Art.XIV/2001/1/Rev.2 Draft provisional agenda and proposed timetable for the work of the Conference

CTBT-Art.XIV/2001/2 and Corr.1 Draft rules of procedure of the Conference

CTBT-Art.XIV/2001/3 and Corr.1 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 Treaty (New York, 2001)

CTBT-Art.XIV/2001/4 Letter dated 9 November from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the text of an address by the President of the

Russian Federation

CTBT-Art.XIV/2001/5 Report of the Credentials Committee
 CTBT-Art.XIV/2001/WP.1 Draft final declaration
 CTBT-Art.XIV/2001/WP.2 Draft report of the Conference
 CTBT-Art.XIV/2001/INF.1 Information note
 CTBT-Art.XIV/2001/INF.2/Rev.1 List of participants

15. At the 1st plenary meeting, Wolfgang Hoffmann, Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, addressed the Conference.

16. At the same meeting, Nobuyasu Abe (Japan) presented a progress report on cooperation to facilitate the entry into force of the Treaty.

17. At its 1st to 5th plenary meetings, from 11 to 13 November, under agenda item 10, the Conference held a general exchange of views by ratifiers and signatories on facilitating the entry into force of the Treaty.

Statements by representatives of participating States were made in the following order: Austria, Belgium (on behalf of the European Union and associated States Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey), Malta, Sweden, Finland, Ireland, Peru, Russian Federation, Czech Republic, Slovenia, Mexico, Lesotho, Iceland, Australia, Indonesia, Bangladesh, Germany, Republic of Korea, Egypt, United Kingdom of Great Britain and Northern Ireland, New Zealand, Netherlands, Iran (Islamic Republic of), Belarus, Greece, Argentina, Morocco, Bulgaria, Thailand, Nauru (on behalf of the Pacific Islands Forum Group), Poland, Slovakia, Norway, Malaysia, Israel, Holy See, Senegal, Chile (on behalf of the Group of Rio), Switzerland, Croatia, Algeria, Portugal, Venezuela, Canada, Turkey, Luxembourg, Paraguay, Azerbaijan, Italy, Uruguay (on behalf of the MERCOSUR Group), Japan, China, Lithuania, Spain, Hungary, France, Guatemala, Yugoslavia, Costa Rica, Ecuador, Ukraine, Uzbekistan, Brazil, Zambia, Philippines, Singapore, Kazakhstan, Colombia, Qatar, Chile, Denmark, Zimbabwe, Nicaragua, South Africa, Viet Nam, Nigeria, Romania, Armenia and Gabon.

18. At its 5th plenary meeting, on 13 November, in accordance with rule 40 of the rules of procedure, under agenda item 11, a statement was made by the representative of the Libyan Arab Jamahiriya.

19. At the same meeting, in accordance with rule 43 of the rules of procedure, under agenda item 12, a statement on behalf of non-governmental organizations attending the Conference was made by Rebecca Johnson, of the Acronym Institute for Disarmament Diplomacy.

IV. Conclusion of the Conference

20. At the 5th plenary meeting, on 13 November, under agenda item 13, the Conference considered and adopted its Final Declaration, the text of which is contained in the annex to the present report. At the time of the adoption of the Final Declaration, the Conference noted that representatives of the following non-signatory States had attended the Conference: Barbados, Cameroon, Central African Republic, Cuba, Iraq, Libyan Arab Jamahiriya, Pakistan, Saudi Arabia and Sudan. The Conference welcomed them and expressed its appreciation for their presence.

21. At the same meeting, the Conference considered agenda item 14, entitled "Any matters arising from paragraph 3 of article XIV of the Treaty", and took note of the provisions contained in paragraph 3 of article XIV of the Treaty.

22. Also at the same meeting, the Conference considered and adopted its report.

Notes

1 The Libyan Arab Jamahiriya signed the Treaty before the closure of the Conference on 13 November 2001.

ANNEX

Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (New York, 2001)

Final Declaration

1. Fully conscious of the responsibilities which we assumed by signing the Comprehensive Nuclear-Test-Ban Treaty, pursuant to article XIV of that Treaty, and recalling the Final Declaration adopted by the Conference, held in Vienna, from 6 to 8 October 1999, we the ratifiers, together with the States Signatories, met in New York from 11 to 13 November 2001 to promote the entry into force of the Treaty at the earliest possible date. We welcomed the presence of representatives of non-signatory States, international organizations and non-governmental organizations.

2. We reaffirmed our strong determination to enhance international peace and security throughout the world and stressed the importance of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty as a major instrument in the field of nuclear disarmament and non-proliferation in all its aspects. We reiterated that the cessation of all nuclear-weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects and thus a meaningful step in the realization of a systematic process to achieve nuclear disarmament. We therefore renewed our commitment to work for universal ratification of the Treaty, and its early entry into force as provided for in article XIV.

3. We reviewed the overall progress made since the opening for signature of the Treaty and, in particular, the progress made after the Conference held in Vienna from 6 to 8 October 1999. We noted with appreciation the overwhelming support for the Treaty that has been expressed: the United Nations General Assembly and other multilateral organs have called for signatures and ratifications of the Treaty as soon as possible and have urged all States to remain seized of the issue at the highest political level. We highlighted the importance of the Treaty and its entry into force for the practical steps for systematic and progressive efforts towards nuclear disarmament and non-proliferation, which were identified in 2000 at international forums dealing with nuclear disarmament and non-proliferation. We believe that the cessation of all nuclear-weapon test explosions or any other nuclear explosions will contribute to the accomplishment of those efforts.

4. In accordance with the provisions of article XIV of the Treaty, we examined the extent to which the requirement set out in paragraph 1 had been met and 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.

5. Since the Treaty was adopted by the United Nations General Assembly and opened for signature five years ago, progress has been made in the ratification process. As of today, 162 States have signed and 87 States have deposited their instruments of ratification, an increase of over 70 per cent compared with the number of ratifications at the time of the Conference held in 1999. Of the 44 States listed in Annex 2 to the Treaty whose ratification is required for the entry into force of the Treaty, 41 have signed, and of these, 31 have also ratified the Treaty. A list of those States is provided in the appendix. Progress in ratification has been sustained. We welcomed this as evidence of the strong determination of States not to carry out any nuclear-weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under their jurisdiction or control.

6. Despite the progress made and our strong support for the Treaty, we noted with concern that it has not entered into force five years after its opening for signature. We therefore stressed our determination to strengthen efforts aimed at promoting its entry into force at the earliest possible date in accordance with the provisions of the Treaty.

7. After the opening for signature of the CTBT, nuclear explosions were carried out. The countries concerned subsequently declared that they would not conduct further nuclear explosions and indicated their willingness not to delay the entry into force of the Treaty.

8. In the light of the CTBT and bearing in mind its purpose and objectives, we affirm that the conduct of nuclear-weapon test explosions or any other nuclear explosion constitutes a serious threat to global efforts towards nuclear disarmament and non-proliferation.

9. We call upon all States to maintain a moratorium on nuclear-weapon test explosions or any other nuclear explosions and underline the importance of signature and ratification of the Treaty.

10. We noted with satisfaction the report of the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) to the Conference on progress made by the Preparatory Commission and its Provisional Technical Secretariat since November 1996 in fulfilment of the requirement to take all necessary measures to ensure the effective establishment of the future CTBTO.

11. In this connection, we welcomed the momentum which has been developed by the Preparatory Commission and its Provisional Technical Secretariat across the Major Programmes of the Commission, as identified by the Executive Secretary in his report. We also welcomed the progress in building the global infrastructure for Treaty verification, including the International Monitoring System, with a view to ensuring that the verification regime shall be capable of meeting the verification requirements of the Treaty at entry into force. We further welcomed the conclusion of a significant number of related agreements and arrangements with States and with international organizations.

12. Convinced of the importance of achieving universal adherence to the Treaty, welcoming the ratifications of all the States that have done so since the 1999 Conference, and stressing in particular the steps required to achieve its early entry into force, as provided for in article XIV of the Treaty, we:

(a) Call upon all States that have not yet signed the Treaty to sign and ratify it as soon as possible and to refrain from acts which would defeat its object and purpose in the meanwhile;

(b) Call upon 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 early successful conclusion;

(c) Recall the fact that two States out of three whose ratifications are needed for the Treaty's entry into force but which have not yet signed it have expressed their willingness not to delay the entry into force of the Treaty, and call upon them to sign and ratify it as soon as possible;

(d) Note the fact that one State out of three whose ratifications are needed for the Treaty's entry into force but which have not yet signed it has not expressed its intention towards the Treaty, and call upon this State to sign and ratify it as soon as possible so as to facilitate the entry into force of the Treaty;

(e) Note the ratification by three nuclear-weapon States and call upon the remaining two to accelerate their ratification processes with a view to early successful conclusion;

(f) In pursuit of the early entry into force of the Treaty, undertake ourselves to use all avenues open to us in conformity with international law, to encourage further signature and ratification of the Treaty; and urge all States to sustain the momentum generated by this Conference by continuing to remain seized of the issue at the highest political level;

(g) Agree that ratifying States will select one of their number to promote cooperation to facilitate the early entry into force of the Treaty, through informal consultations with all interested countries; and encourage bilateral, regional and multilateral initiatives aimed at promoting further signatures and ratification;

(h) Urge all States to share legal and technical information and advice in order to facilitate the processes of signature, ratification and implementation by the States concerned, and upon their request. We encourage the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Secretary-General of the United Nations to continue supporting actively these efforts consistent with their respective mandates;

(i) Call upon the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to

continue its international cooperation activities to promote understanding of the Treaty, including by demonstrating the benefits of the application of verification technologies for peaceful purposes in accordance with the provisions of the Treaty, in order to further encourage signature and ratification of the Treaty;

(j) Reiterate the appeal to all relevant sectors of civil society to raise awareness of and support for the objectives of the Treaty, as well as its early entry into force as provided for in article XIV of the Treaty.

13. We reaffirm our commitment to the Treaty's basic obligations and our undertaking to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force.

14. We remain steadfast in our commitment to pursue the efforts to ensure that the Treaty's verification regime shall be capable of meeting the verification requirements of the Treaty at entry into force, in accordance with the provisions of article IV of the Treaty. In this context, we will continue to provide the support required to enable the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to complete its tasks in the most efficient and cost-effective way.

15. The Conference addressed the issue of possible future conferences, expressed the determination of its participants to continue working towards entry into force of the Treaty and took note of the provisions contained in paragraph 3 of article XIV of the Treaty.

Appendix to the Final Declaration of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, New York, 2001

List of States

A. States which have ratified the Treaty

Argentina	Iceland	Peru
Australia	Ireland	Philippines
Austria	Italy	Poland
Azerbaijan	Japan	Portugal
Bangladesh	Jordan	Qatar
Belarus	Kenya	Republic of Korea
Belgium	Kiribati	Romania
Benin	Lao People's	Russian Federation
Bolivia	Democratic Republic	Saint Lucia
Brazil	Lesotho	Senegal
Bulgaria	Lithuania	Sierra Leone
Cambodia	Luxembourg	Singapore
Canada	Maldives	Slovakia
Chile	Mali	Slovenia
Costa Rica	Malta	South Africa
Croatia	Mexico	Spain
Czech Republic	Micronesia (Fed. States of)	Sweden
Denmark	Monaco	Switzerland
Ecuador	Mongolia	Tajikistan
El Salvador	Morocco	The former Yugoslav Republic of Macedonia
Estonia	Namibia	Turkey
Finland	Nauru	Turkmenistan
France	Netherlands	Uganda
Gabon	New Zealand	Ukraine
Germany	Nicaragua	United Arab Emirates
Greece	Nigeria	United Kingdom of Great Britain and Northern Ireland
Grenada	Norway	Uruguay
Guyana	Panama	Uzbekistan
Holy See	Paraguay	
Hungary		

B. The following 44 States, whose ratification is required for the entry into force of the Treaty in accordance with article XIV, are listed in Annex 2 to the Treaty

Algeria	Egypt	Poland
Argentina	Finland	Republic of Korea
Australia	France	Romania
Austria	Germany	Russian Federation
Bangladesh	Hungary	Slovakia
Belgium	India	South Africa
Brazil	Indonesia	Spain
Bulgaria	Iran (Islamic Rep. of)	Sweden
Canada	Israel	Switzerland
Chile	Italy	Turkey
China	Japan	Ukraine
Colombia	Mexico	United Kingdom of Great Britain and Northern Ireland
Democratic People's Republic of Korea	Netherlands	
	Norway	

Democratic Republic of the Congo
Pakistan
Peru

United States of America
Viet Nam

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

Argentina
Australia
Austria
Bangladesh
Belgium
Brazil
Bulgaria
Canada
Chile
Finland
France

Germany
Hungary
Italy
Japan
Mexico
Netherlands
Norway
Peru
Poland
Republic of Korea
Romania

Russian Federation
Slovakia
South Africa
Spain
Sweden
Switzerland
Turkey
Ukraine
United Kingdom of Great Britain and Northern Ireland

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

Algeria
China
Colombia
Democratic Republic of the Congo
Egypt
Indonesia
Iran (Islamic Republic of)
Israel
United States of America
Viet Nam

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

Democratic People's Republic of Korea
India
Pakistan

F — Nuclear-Weapon-Free Zones

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]

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,

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 neighbourliness,

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a co-ordinated 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 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 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, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American 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 — 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, faithful to its tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideas of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

Have agreed as follows:

OBLIGATIONS

Article 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or

in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

DEFINITION OF THE CONTRACTING PARTIES

Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

DEFINITION OF TERRITORY

Article 3

For the purposes of this Treaty, the term 'territory' shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

ZONE OF APPLICATION

Article 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfilment of the requirements of article 28, 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, 50° 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 36° 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 General Secretary.

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, hereinafter referred to as 'the Agency'. Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the

Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

ORGANS

Article 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

THE GENERAL CONFERENCE

Article 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty;

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions;

(c) Shall elect the Members of the Council and the General Secretary;

(d) May remove the General Secretary 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 General Secretary;

(f) Shall initiate and consider studies designed to facilitate the optimum fulfilment of the aims of this Treaty, without prejudice to the power of the General Secretary 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 organisations 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 General Secretary, 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 General Secretary, 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 General Secretary, 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 General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary 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 General Secretary, 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 General Secretary 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 General Secretary 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 General Secretary may deem desirable.

5. The General Secretary 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 General Secretary 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 General Secretary and the staff and not to seek the influence of them in the discharge of their responsibilities.

CONTROL SYSTEM

Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13-18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons;

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad; and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

IAEA SAFEGUARDS

Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *Force Majeure*.

REPORTS OF THE 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 shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

SPECIAL REPORTS REQUESTED BY THE GENERAL SECRETARY

Article 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary 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 and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5;

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5. The above request will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, subparagraph (b), sections (i) and (ii) shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, subparagraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, subparagraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

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.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information

supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS **Article 19**

1. 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.

2. 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.

3. 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 20**

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 21**

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 States Members of the Organization of American States, under existing regional treaties.

PRIVILEGES AND IMMUNITIES **Article 22**

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 fulfilment 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 agreement 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 23**

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 24**

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 25**

1. This Treaty shall be open indefinitely for signature by:
 - (a) All the Latin American Republics, and
 - (b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.
2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signature, of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

RATIFICATION AND DEPOSIT**Article 26**

1. This Treaty shall be subject to ratification by signatory State in accordance with their respective constitutional procedures.
2. This Treaty and the instrument of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depository Government.
3. The Depository 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 27**

This treaty shall not be subject to reservations.

ENTRY INTO FORCE**Article 28**

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 Depository Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, 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 agreement 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 Depository 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 29**

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, 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 General Secretary, 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 28 of this Treaty have been complied with.

DURATION AND DENUNCIATION**Article 30**

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary 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 General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary 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 31**

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depository Government in accordance with article 102 of the United Nations Charter. The Depository 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 28, 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 THEREOF 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, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) 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 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 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 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, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) 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 in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America 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.

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 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 26, 27, 30 and 31 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 instrument 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.

Amendments to the Treaty of Tlatelolco

[As proposed in 1990, 1991 and 1992]

There have been three sets of amendments to the Treaty of Tlatelolco. Amendments only enter into force for a state once it has ratified them. As of 31 January 2003, many states have not ratified the amendments.

First amendment

The first amendment of the Treaty of Tlatelolco was pursuant to Resolution 267 (E-V), of the General Conference of OPANAL approved in Mexico City on 30 July 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.

Second amendment

The second amendment of the Treaty was pursuant to Resolution 268 (XII), approved in Mexico City on 10 May 1991 and replaced paragraph 2 of Article 25.

Article 25

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.

Third amendment

The third amendment, proposed by Mexico, replaced Articles 14(2), 14(3), 15, 16 and 19, and inserted a new article as Article 20, with subsequent renumbering of the following Articles. This amendment was pursuant to Resolution 290 (E-VII), approved by the General Conference in Mexico City on 26 August 1992.

Article 14

[Paragraph 1 remains unchanged – eds.]

2. The Parties to the Treaty will simultaneously forward to the Agency a copy of the reports submitted to the International

Atomic Energy Agency with regard to matters that are the subject of this Treaty that are relevant to the work of the Agency.

3. The information furnished by the Contracting Parties to the Treaty cannot be, totally or partially, disclosed or transmitted to the third parties, by the destinatories of the reports, except when the Contracting Parties confer their express consent.

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 connected with compliance with this Treaty, explaining his reasons. The Contracting Parties to the Treaty undertake to cooperate promptly and fully with the Secretary General.

2. The Secretary General shall immediately inform the Council and the Contracting Parties of such requests and the respective replies.

Article 16

1. The International Atomic Energy Agency has the power of carrying out special inspections subject to Article 12 and to the agreements referred to in Article 13 of this Treaty.

2. At the request of any of the Contracting Parties in accordance with the procedures established in Article 15 of this Treaty, the Council shall 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 IAEA to opportunely transmit to him the information forwarded for the knowledge of the Board of Governors of the IAEA with regard to the conclusion of the special inspection. The Secretary General will promptly make this information known to the Council.

4. The Council, through the Secretary General, will transmit said information to all the Contracting Parties to the Treaty.

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 in the present Treaty.

Article 20

1. The Agency may also enter into relations with any international organization or body, specially 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.

South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga]

[Opened for signature 6 August 1985, entered into force 11 December 1986]

Preamble

The Parties to this Treaty

United in their commitment to a world at peace,

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people,

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth,

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all,

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security,

Noting, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

Noting that the prohibitions of emplantation and emplacement of nuclear weapons on the sea-bed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific,

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water applies in the South Pacific,

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter,

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the 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

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 depository, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depository three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depository of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

PROTOCOL 2

The Parties to this Protocol
Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)
Have agreed as follows:

Article 1

Each Party 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 depository, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty 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.

African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba]

[Opened for signature 11 April 1996, not in force at 31 January 2004]

F—NWFZS

The Parties to this Treaty,

Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/RES.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifth-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/RES.1342 (LIV) and CM/RES.1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognizing that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have decided by this treaty to establish the African NWFZ and hereby agree as follows:

Article 1 Definition/Usage of terms

For the purpose of this Treaty and its Protocols:

(a) 'African nuclear-weapon-free zone' means the territory of the continent of Africa, islands States members of OAU and

all islands considered by the Organisation of African Unity in its resolutions to be part of Africa;

(b) 'Territory' means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;

(c) 'Nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) 'Stationing' means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;

(e) '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.

(f) 'Nuclear material' means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

Article 2 **Application of the Treaty**

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in annex I.

2. Nothing in this Treaty shall prejudice of in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

Article 3 **Renunciation of nuclear explosive devices**

Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;

(c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, of possession of any nuclear explosive device.

Article 4 **Prevention of stationing of nuclear explosive devices**

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.

2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5 **Prohibition of testing of nuclear explosive devices**

Each Party undertakes:

(a) Not to test any nuclear explosive device;

(b) To prohibit in its territory the testing of any nuclear explosive device;

(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6 **Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture**

Each Party undertakes:

(a) To declare any capability for the manufacture of nuclear explosive devices;

(b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;

(c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;

(d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7 **Prohibition of dumping of radioactive wastes**

Each Party undertakes:

(a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8 **Peaceful nuclear activities**

1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.

2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.

3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9 **Verification of Peaceful Uses**

Each Party undertakes:

(a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;

(b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;

(c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10 **Physical protection of nuclear materials and facilities**

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material

and in recommendations and guidelines developed by IAEA for that purpose.

Article 11
Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12
Mechanism for compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.

2. The Commission shall be responsible *inter alia* for:
- Collating the reports and the exchange of information as provided for in article 13;
 - Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
 - Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
 - Bringing into effect the complaints procedure elaborated in annex IV;
 - Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
 - Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

Article 13
Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14
Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depository as soon as possible after the entry into force of the Treaty to, *inter alia*, elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15
Interpretation of the Treaty

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16
Reservations

This Treaty shall not be subject to reservations.

Article 17
Duration

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18
Signature, ratification and entry into force

1. This Treaty shall be open for signature by any state in the African nuclear-weapon-free zone. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19
Amendments

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.
3. An amendment so adopted shall enter into force for all parties after receipt by the Depository of the instrument of ratification by the majority of Parties.

Article 20
Withdrawal

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.
2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other parties.

Article 21
Depository functions

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depository of the Treaty.
2. The Depository shall:
- Receive instruments of ratification;
 - Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
 - Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22
Status of the annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

Annex I
Map of an African Nuclear-weapon-Free Zone

[not reproduced]

Annex II
Safeguards of the International Atomic Energy Agency

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the

International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

Annex III

African Commission on Nuclear Energy

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to included Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.

2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.

3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.

4. (a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;

(b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

Annex IV

Complaints procedure and settlement of disputes

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol III is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the 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, which ever is later.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdrawal from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, which ever is later.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol III

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3,4,5,6,7,8,9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by France and Spain.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. *In witness whereof* the undersigned, being duly authorised by their Governments have signed this Protocol.

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

[Reproduced from the ASEAN Summit press release,
15 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 communiques, declarations and other legal instruments;

Recalling the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) signed in Kuala Lumpur on 27 November 1971 and the Programme of Action on ZOPFAN adopted at the 26th ASEAN Ministerial Meeting in Singapore in July 1993;

Convinced that the establishment of a Southeast Asia Nuclear Weapon-Free Zone, as an essential component of the ZOPFAN, will contribute towards strengthening the security of States within the Zone and towards enhancing international peace and security as a whole;

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing towards international peace and security;

Recalling Article VII of the NPT which recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Recalling the Final Document of the Tenth Special Session of the United Nations General Assembly which encourages the establishment of nuclear weapon-free zones;

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the NPT, that the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is important for the maximum effectiveness of this nuclear weapon-free zone treaty and its relevant protocol;

Determined to protect the region from environmental pollution and the hazards posed by radioactive wastes and other radioactive material;

Have agreed as follows:

**Article I
Use of Terms**

For the purposes of this Treaty and its Protocol:

(a) 'Southeast Asia Nuclear Weapon-Free Zone', hereinafter referred to as the 'Zone', means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);

(b) 'territory' means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;

(c) 'nuclear weapon' means any explosive device capable of releasing nuclear energy in an uncontrolled manner but does not include the means, transport or delivery of such device if separable from and not an indivisible part thereof;

(d) 'station' means to deploy, emplace, emplant, install, stockpile or store;

(e) 'radioactive material' means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);

(f) 'radioactive wastes' means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen; and

(g) 'dumping' means

(i) any deliberate disposal at sea, including seabed, and subsoil insertion of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and

(ii) any deliberate disposal at sea, including seabed and subsoil insertion, of vessels, aircraft, platforms or other man-made structures at sea containing radioactive material,

but does not include the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose, of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.

**Article 2
Application of the Treaty**

1. This Treaty and its Protocol shall apply to the territories, continental shelves and EEZ of the States Parties within the Zone in which the Treaty is in force.

2. Nothing in this Treaty shall prejudice the rights or the exercise of these rights by any State under the provisions of the United Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.

**Article 3
Basic Undertakings**

1. Each State Party undertakes not to, anywhere inside or outside the Zone:

- (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
- (b) station or transport nuclear weapons by any means; or
- (c) test or use nuclear weapons.

2. Each State Party also undertakes not to allow, in its territory, any other State to:

- (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
- (b) station nuclear weapons; or
- (c) test or use nuclear weapons.

3. Each State Party also undertakes not to:

- (a) dump at sea or discharge into the atmosphere anywhere within the Zone any radioactive material or wastes;
- (b) dispose radioactive material or wastes on land in the territory of or under the jurisdiction of other States except as stipulated in Paragraph 2(e) of Article 4; or
- (c) allow, within in territory, any other State to dump at sea or discharge into the atmosphere any radioactive material or wastes.

4. Each State Party undertakes not to:

- (a) seek or receive any assistance in the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article; or
- (b) take any action to assist or encourage the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article.

Article 4 Use of Nuclear Energy for Peaceful Purposes

1. Nothing in this Treaty shall prejudice the right of the States Parties to use nuclear energy, in particular for their economic development and social progress.

2. Each State Party therefore undertakes:

- (a) to use exclusively for peaceful purposes nuclear material and facilities which are within its territory and areas under its jurisdiction and control;
- (b) prior to embarking on its peaceful nuclear energy programme, to subject its programme to rigorous nuclear safety assessment conforming to guidelines and standards recommended by the IAEA for the protection of health and minimization of danger to life and property in accordance with Paragraph 6 of Article III of the Statute of the IAEA;
- (c) upon request, to make available to another State Party the assessment except information relating to personal data, information protected by intellectual property rights or by industrial or commercial confidentiality, and information relating to national security;
- (d) to support the continued effectiveness of the international non-proliferation system based on the Treaty on Non-Proliferation of Nuclear Weapons (NPT) and the IAEA safeguards system; and
- (e) to dispose radioactive wastes and other radioactive material in accordance with IAEA standards and procedures on land within its territory or on land within the territory of another State which has consented to such disposal.

3. Each State Party further undertakes not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to:

- (a) any non-nuclear-weapon State except under conditions subject to the safeguards required by Paragraph 1 of Article III of the NPT; or
- (b) any nuclear-weapon State except in conformity with applicable safeguards agreements with the IAEA.

Article 5 IAEA Safeguards

Each State Party which has not done so shall conclude an agreement with the IAEA for the application of full scope safeguards to its peaceful nuclear activities not later than eighteen months after the entry into force for that State Party of this Treaty.

Article 6 Early Notification of a Nuclear Accident

Each State Party which has not acceded to the Convention on Early Notification of a Nuclear Accident shall endeavour to do so.

Article 7 Foreign Ships and Aircraft

Each State Party, on being notified, may decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships through its territorial sea or

archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passage, archipelagic sea lanes passage or transit passage.

Article 8 Establishment of the Commission for the Southeast Asia Nuclear Weapon-Free Zone

1. There is hereby established a Commission for the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Commission'.

2. All States Parties are *ipso facto* members of the Commission. Each State Party shall be represented by its Foreign Minister or his representative accompanied by alternates and advisers.

3. The function of the Commission shall be to oversee the implementation of this Treaty and ensure compliance with its provisions.

4. The Commission shall meet as and when necessary in accordance with the provisions of this Treaty including upon the request of any State Party. As far as possible, the Commission shall meet in conjunction with the ASEAN Ministerial Meeting.

5. At the beginning of each meeting, the Commission shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next meeting.

6. Unless otherwise provided for in this Treaty, two-thirds of the members of the Commission shall be present to constitute a quorum.

7. Each member of the Commission shall have one vote.

8. Except as provided for in this Treaty, decisions of the Commission shall be taken by consensus or, failing consensus, by a two-thirds majority of the members present and voting.

9. The Commission shall, by consensus, agree upon and adopt rules of procedure for itself as well as financial rules governing its funding and that of its subsidiary organs.

Article 9 The Executive Committee

1. There is hereby established, as a subsidiary organ of the Commission, the Executive Committee.

2. The Executive Committee shall be composed of all States Parties to this Treaty. Each State Party shall be represented by one senior official as its representative, who may be accompanied by alternates and advisers.

3. The functions of the Executive Committee shall be to:

- (a) ensure the proper operation of verification measures in accordance with the provisions on the Control System as stipulated in Article 10;
- (b) consider and decide on requests for clarification and for a fact-finding mission;
- (c) set up a fact-finding mission in accordance with the Annex of this Treaty;
- (d) consider and decide on the findings of a fact-finding mission and report to the Commission;
- (e) request the Commission to convene a meeting when appropriate and necessary;
- (f) conclude such agreements with the IAEA or other international organizations as referred to in Article 18 on behalf of the Commission after being duly authorized to do so by the Commission; and
- (g) carry out such other tasks as may, from time to time, be assigned by the Commission.

4. The Executive Committee shall meet as and when necessary for the efficient exercise of its functions. As far as possible, the Executive Committee shall meet in conjunction with the ASEAN Senior Officials Meeting.

5. The Chairman of the Executive Committee shall be the representative Chairman of the Commission. Any submission or communication made by a State Party to the Chairman of the Executive Committee shall be disseminated to the other members of the Executive Committee.

6. Two-thirds of the members of the Executive Committee shall be present to constitute a quorum.

7. Each member of the Executive Committee shall have one vote.

8. Decisions of the Executive Committee shall be taken by consensus or, failing consensus, by two-thirds of the members present and voting.

Article 10 Control System

1. There is hereby established a control system for the purpose of verifying compliance with the obligations of the States Parties under this Treaty.

2. The Control System shall comprise:

- (a) the IAEA safeguards system as provided for in Article 5;
- (b) report and exchange of information as provided for in Article 11;
- (c) request for clarification as provided for in Article 12; and
- (d) request and procedures for a fact-finding mission as provided for in Article 13.

Article 11 Report and Exchange of Information

1. Each State Party shall submit reports to the Executive Committee on any significant event within its territory and areas under its jurisdiction and control affecting the implementation of this Treaty.

2. The States Parties may exchange information on matters arising under or in relation to this Treaty.

Article 12 Request for Clarification

1. Each State Party shall have the right to request another State Party for clarification concerning any situation which may be considered ambiguous or which may give rise to doubts about the compliance of that State Party with this Treaty. It shall inform the Executive Committee of such a request. The requested State Party shall duly respond by providing without delay the necessary information and inform the Executive Committee of its reply to the requesting State Party.

2. Each State Party shall have the right to request the Executive Committee to seek clarification from another State Party concerning any situation which may be considered ambiguous or which may give rise to doubts about compliance of that State Party with this Treaty. Upon receipt of such a request, the Executive Committee shall consult the State Party from which clarification is sought for the purpose of obtaining the clarification requested.

Article 13 Request for a Fact-Finding Mission

A State Party shall have the right to request the Executive Committee to send a fact-finding mission to another State Party in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty.

Article 14 Remedial Measures

1. In case the Executive Committee decides in accordance with the Annex that there is a breach of this Treaty by a State Party, that State Party shall, within a reasonable time, take all steps necessary to bring itself in full compliance with this Treaty and shall promptly inform the Executive Committee of the action taken or proposed to be taken by it.

2. Where a State Party fails or refuses to comply with the provisions of Paragraph 1 of this Article, the Executive Committee shall request the Commission to convene a meeting in accordance with the provisions of Paragraph 3(e) of Article 9.

3. At the meeting convened pursuant to Paragraph 2 of this Article, the Commission shall consider the emergent situation and shall decide on any measure it deems appropriate to cope with the situation, including the submission of the matter to the IAEA and, where the situation might endanger international peace and security, the Security Council and the General Assembly of the United Nations.

4. In the event of breach of the Protocol attached to this Treaty by a State Party to the Protocol, the Executive Committee shall convene a special meeting of the Commission to decide on appropriate measures to be taken.

Article 15 Signature, Ratification, Accession, Deposit and Registration

1. This Treaty shall be open for signature by all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with the Government of the Kingdom of Thailand which is hereby designated as the Depository State.

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

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

5. The Depository State shall register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations.

Article 16 Entry Into Force

1. This Treaty shall enter into force on the date of the deposit of the seventh instrument of ratification and/or accession.

2. For States which ratify or accede to this Treaty after the date of this seventh instrument of ratification or accession, the Treaty shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 17 Reservations

This Treaty shall not be subject to reservations.

Article 18 Relations with Other International Organizations

The Commission may conclude such agreements with the IAEA or other international organizations as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

Article 19 Amendments

1. Any State Party may propose amendments to this Treaty and its Protocol and shall submit its proposals to the Executive Committee, which shall transmit them to all the other States Parties. The Executive Committee shall immediately request the Commission to convene a meeting to examine the proposed amendments. The quorum required for such a meeting shall be all the members of the Commission. Any amendment shall be adopted by a consensus decision of the Commission.

2. Amendments adopted shall enter into force 30 days after the receipt by the Deposit State of the seventh instrument of acceptance from the States Parties.

Article 20 Review

Ten years after this Treaty enters into force, a meeting of the Commission shall be convened for the purpose of reviewing the operation of this Treaty. A meeting of the Commission for the same purpose may also be convened at anytime thereafter if there is consensus among all its members.

Article 21 Settlement of Disputes

Any dispute arising from the interpretation of the provisions of this Treaty shall be settled by peaceful means as may be agreed upon by the States Parties to the dispute. If within one month,

the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

Article 22 Duration and Withdrawal

1. This Treaty shall remain in force indefinitely.

2. In the event of a breach by any State Party of this Treaty essential to the achievement of the objectives of this Treaty, every other State Party shall have the right to withdraw from this Treaty.

3. Withdrawal under Paragraph 2 of Article 22, shall be effected by giving notice twelve months in advance to the members of the Commission.

In witness whereof, the undersigned have signed this Treaty.

Done at Bangkok, this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

Annex Procedure for a Fact-Finding Mission

1. The State Party requesting a fact-finding mission as provided in Article 13, hereinafter referred to as the 'requesting State', shall submit the request to the Executive Committee specifying the following:

- the doubts or concerns and the reasons for such doubts or concerns;
- the location in which the situation which gives rise to doubts has allegedly occurred;
- the relevant provisions of the Treaty about which doubts of compliance have arisen; and
- any other relevant information.

2. Upon receipt of a request for a fact-finding mission, the Executive Committee shall:

- 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
- 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:

- respect the laws and regulations of the receiving State;
- refrain from activities inconsistent with the objectives and purposes of this Treaty;
- submit preliminary or interim reports to the Executive Committee; and
- 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:

- consider the reports submitted by the fact-finding mission and reach a decision on whether or not there is a breach of this Treaty;
- immediately communicate its decision to the requesting State and the receiving State; and
- 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

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Depository 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 Depository State. The Depository 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 this Protocol.

G — 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,

G-IAEA 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 XII, 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.

G-IAEA 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 view-point of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article.

2. To require the observance of any health and safety measures prescribed by the Agency;

3. To require maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;

4. To call for and receive progress reports;

5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above.

6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose referred to in sub-paragraph F-4 of article XI, with the health and safety measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the States concerned if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;

7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The Staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to present the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub-paragraph F-4 of article XI, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

Article XIII — Reimbursement of members

Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

Article XIV — Finance

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:

(a) Costs of the staff of the Agency other than the staff employed in connexion with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;

(b) Costs of implementing the safeguards referred to in article XII in relation to Agency projects or, under sub-paragraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and handling charges referred to in paragraph E below;

2. Expenses, other than those included in sub-paragraph 1 of this paragraph, in connexion with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services, equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1(b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and

facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

Article XV — Privileges and immunities

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the members.

Article XVI — Relationship with other organizations

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in sub-paragraphs B-4 and B-5 of Article III;
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 or this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

Article XXII — Registration with the United Nations

A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

Article XXIII — Authentic texts and certified copies

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article IV.

In witness whereof the undersigned, duly authorized, have signed this Statute.

DONE at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

ANNEX

PREPARATORY COMMISSION

A. A Preparatory Commission shall come into existence on the first day this Statute is open for signature. It shall be composed of one representative each of Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America, and one representative each of six other States to be chosen by the International Conference on the Statute of the International Atomic Energy Agency. The Preparatory Commission shall remain in existence until this Statute comes into force and thereafter until the General Conference has convened and a Board of Governors has been selected in accordance with Article VI.

B. The expenses of the Preparatory Commission may be met by a loan provided by the United Nations and for this

purpose the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for repayment of the loan by the Agency. Should these funds be insufficient, the Preparatory Commission may accept advances from Governments. Such advances may be set off against the contributions of the Governments concerned to the Agency.

C. The Preparatory Commission shall:

1. Elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
2. Appoint an executive secretary and staff as shall be necessary, who shall exercise such powers and perform such duties as the Commission may determine;
3. Make arrangements for the first session of the General Conference, including the preparation of a provisional agenda and draft rules of procedure, such session to be held as soon as possible after the entry into force of this Statute;
4. Make designations for membership on the first Board of Governors in accordance with sub-paragraph A-1 and A-2 and paragraph B of article VI;
5. Make studies, reports, and recommendations for the first session of the General Conference and for the first meeting of the Board of Governors on subjects of concern to the Agency requiring immediate attention, including (a) the financing of the Agency; (b) the programmes and budget for the first year of the Agency; (c) technical problems relevant to advance planning of Agency operations; (d) the establishment of a permanent Agency staff; and (e) the location of the permanent headquarters of the Agency;
6. Make recommendations for the first meeting of the Board of Governors concerning the provisions of a headquarters agreement defining the status of the Agency and the rights and obligations which will exist in the relationship between the Agency and host Government;
7. (a) Enter into negotiations with the United Nations with a view to the preparation of a draft agreement in accordance with article XVI of this Statute, such draft agreement to be submitted to the first session of the General Conference and to the first meeting of the Board of Governors; and
(b) make recommendations to the first session of the Conference and to the first meeting of the Board of Governors concerning the relationship of the Agency to other international organizations as contemplated in article XVI of this Statute.

Amendment to Article VI of the Statute

[Resolution GC(43)/RES/19, adopted by the IAEA
General Conference, September 1999]

The General Conference,

(a) *Recalling* its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,

(b) *Having examined* the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,

(c) *Having also examined* the proposal for the modification of the Japanese amendment submitted by Slovenia in accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,

(d) *Having also considered the report and recommendations* of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,

(e) *Having also considered* the Board's observations on the aforesaid Japanese proposal to amend Article VI,

(1) *Approves* the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;

- (2) *Approves* the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:
- I. Replace paragraph A of Article VI of the Agency's Statute by the following:

"A. The Board of Governors shall be composed as follows:

- (1) The outgoing Board of Governors shall designate for membership on the Board the eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

- (2) The General Conference shall elect to membership of the Board of Governors:

(a) Twenty-two members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, five representatives of the area of Africa, three representatives of the area of the Middle East and South Asia, two representatives of the area of South East Asia and the Pacific, and one representative of the area of Far East.

(b) Two further members from among the members

in the following areas:

Western Europe
Eastern Europe
Middle East and South Asia

(c) One further member from among the members

in the following areas:

Latin America
Eastern Europe"

and

- II. Add at the end of Article VI the following new paragraph:

"K The provisions of paragraph A of this Article as approved by the General Conference on 1 October 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change".

- (3) *Urges* all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII.C(ii) of the Statute;

(4) *Requests* the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.

G-IAEA

H — Safeguards Agreements with the International Atomic Energy Agency

The Agency's Safeguards System (1965, as provisionally extended in 1966 and 1968)

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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 XII.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 XII.A.7 and XII.C of the Statute.

II. CIRCUMSTANCES REQUIRING SAFEGUARDS

A. Nuclear materials subject to safeguards

19. Except as provided in paragraphs 21-28, *nuclear material* shall be subject to the Agency's safeguards if it is being or has been:

- (a) Supplied under a *project agreement*; or
- (b) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
- (c) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or
- (d) Produced, processed or used in a *principal nuclear facility* which has been:
 - (i) Supplied wholly or substantially under a *project agreement*; or
 - (ii) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
 - (iii) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or
- (e) Produced in or by the use of safeguarded *nuclear material*; or
- (f) Substituted, pursuant to paragraph 26(d), for safeguarded *nuclear material*.

20. A *principal nuclear facility* shall be considered as substantially supplied under a *project agreement* if the Board has so determined.

B. Exemption from Safeguards General Exemptions

21. *Nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request so exempted in that State may not at any time exceed:

- (a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (i) Plutonium;
 - (ii) Uranium with an *enrichment* of 0.2 (20%) above, taken account of by multiplying its weight by its *enrichment*.
 - (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its *enrichment*.
- (b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
- (c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
- (d) 20 metric tons of thorium.

Exemptions related to reactors

22. Produced or used *nuclear material* that would otherwise be subject to safeguards pursuant to paragraph 19(d) or (e) shall be exempted from safeguards if:

- (a) It is plutonium produced in the fuel of a *reactor* whose rate of production does not exceed 100 grams of plutonium per year; or

(b) It is produced in a *reactor* determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a *reactor* and would not be subject to safeguards except for such use, provided that the total power of the *reactors* with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

23. Produced special fissionable material that would otherwise be subject to safeguards pursuant only to paragraph 19(e) shall in part be exempted from safeguards if it is produced in a *reactor* in which the ratio of fissionable isotopes within safeguarded *nuclear material* to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the *reactor* and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

C. Suspension of safeguards

24. Safeguards with respect to *nuclear material* may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing, research or development within the State concerned or to any other member State or to an international organization, provided that the quantities of *nuclear material* with respect to which safeguards are thus suspended in a State may not at any time exceed:

- (a) 1 *effective kilogram* of special fissionable material;
- (b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
- (c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
- (d) 20 metric tons of thorium.

25. Safeguards with respect to *nuclear material* in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute *nuclear material* in accordance with paragraph 26(d) for the period of suspension. In addition, safeguards with respect to plutonium contained in irradiated fuel which is transferred for the purpose of reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose *enrichment* in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

D. Termination of Safeguards

26. *Nuclear material* shall no longer be subject to safeguards after:

- (a) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:
 - (i) It was not *improved* while under safeguards; or
 - (ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or
- (b) The Agency has determined that:
 - (i) It was subject to safeguards only by reason of its use in a *principal nuclear facility* specified in paragraph 19(d);
 - (ii) It has been removed from such facility; and
 - (iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or
- (c) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable; or
- (d) The State or States concerned have, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to

safeguards, as the Agency has determined contains fissionable isotopes:

(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and

(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material;

provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose *enrichment* is not greater than 0.05 (5%); or

(e) It has been transferred out of the State under paragraph 28(d), provided that such material shall again be subject to safeguards if it is returned to the State in which the Agency had safeguarded it; or

(f) The conditions specified in the *safeguards agreement* pursuant to which it was subject to Agency safeguards, no longer apply, by expiration of the agreement or otherwise.

27. If a State wishes to use safeguarded source material for non-nuclear purposes, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such material may be terminated.

E. Transfer of safeguarded nuclear material out of the State

28. No safeguarded *nuclear material* shall be transferred outside the jurisdiction of the State in which it is being safeguarded until the Agency has satisfied itself that one or more of the following conditions apply:

(a) The material is being returned, under the conditions specified in paragraph 26(a), to the State that originally supplied it; or

(b) The material is being transferred subject to the provisions of paragraph 24 or 24; or

(c) Arrangements have been made by the Agency to safeguard the material in accordance with this document in the State to which it is being transferred; or

(d) The material was not subject to safeguards pursuant to a *project agreement* and will be subject, in the State to which it is being transferred, to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

III. SAFEGUARDS PROCEDURES

A. General procedures Introduction

29. The safeguards procedures, set forth below shall be followed, as far as relevant with respect to safeguarded *nuclear materials*, whether they are being produced, processed or used in any *principal nuclear facility* or are outside any such facility. These procedures also extend to facilities containing or to contain such materials, including *principal nuclear facilities* to which the criteria in paragraph 19(d) apply.

Design review

30. The Agency shall review the design of *principal nuclear facilities*, for the sole purpose of satisfying itself that a facility will permit the effective application of safeguards.

31. The design review of a *principal nuclear facility* shall take place at as early a stage as possible. In particular, such review shall be carried out in the case of:

(a) An Agency project, before the project is approved;

(b) A bilateral or multilateral arrangement under which the responsibility for administering safeguards is to be transferred to the Agency, or an activity *unilaterally submitted* by a State, before the Agency assumes safeguards responsibilities with respect to the facility;

(c) A transfer of safeguarded *nuclear material* to a *principal nuclear facility* whose design has not previously been reviewed, before such transfer takes place; and

(d) A significant modification of a *principal nuclear facility* whose design has previously been reviewed, before such modification is undertaken.

32. To enable the Agency to perform the required design review, the State shall submit to it relevant design information sufficient for the purpose, including information on such basic characteristics of the *principal nuclear facility* as may bear on the Agency's safeguards procedures. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibility under this section. It shall complete the review promptly after the submission of this information by the State and shall notify the latter of its conclusions without delay.

Records

33. The State shall arrange for the keeping of records with respect to *principal nuclear facilities* and also with respect to all safeguarded *nuclear material* outside such facilities. For this purpose the State and the Agency shall agree on a system of records with respect to each facility and also with respect to such material, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the records need to be kept.

34. If the records are not kept in one of the working languages of the Board, the State shall make arrangements to facilitate their examination by inspectors.

35. The records shall consist, as appropriate, of:

(a) Accounting records of all safeguarded *nuclear material*, and

(b) Operating records for *principal nuclear facilities*.

36. All records shall be retained for at least two years.

Reports

General Requirements

37. The State shall submit to the Agency reports with respect to the production, processing and use of safeguarded *nuclear material* in or outside *principal nuclear facilities*. For this purpose the State and the Agency shall agree on a system of reports with respect to each facility and also with respect to safeguarded *nuclear material* outside such facilities, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the reports need to be submitted. The reports need include only such information as is relevant for the purpose of safeguards.

38. Unless otherwise provided in the applicable *safeguards agreement*, reports shall be submitted in one of the working languages of the Board.

Routine reports

39. Routine reports shall be based on the records compiled in accordance with paragraphs 33-36 and shall consist, as appropriate, of:

(a) Accounting reports showing the receipt, transfer out, inventory and use of all safeguarded *nuclear material*. The inventory shall indicate the nuclear and chemical composition and physical form of all material and its location on the date of the report; and

(b) Operating reports showing the use that has been made of each *principal nuclear facility* since the last report and, as far as possible, the programme of future work in the period until the next routine report is expected to reach the Agency.

40. The first routine report shall be submitted as soon as:

(a) There is any safeguarded *nuclear material* to be accounted for; or

(b) The *principal nuclear facility* to which it relates is in a condition to operate.

Progress in construction

41. The Agency may, if so provided in a *safeguards agreement*, request information as to when particular stages in the construction of a *principal nuclear facility* have been or are to be reached.

Special reports

42. The State shall report to the Agency without delay:
 (a) If any unusual incident occurs involving actual or potential loss or destruction of, or damage to, any safeguarded *nuclear material* or *principal nuclear facility*; or
 (b) If there is good reason to believe that safeguarded *nuclear material* is lost or unaccounted for in quantities that exceed the normal operating and handling losses that have been accepted by the Agency as characteristic of the facility.

43. The State shall report to the Agency, as soon as possible, and in any case within two weeks, any transfer not requiring advance notification that will result in a significant change (to be defined by the Agency in agreement with the State) in the quantity of safeguarded *nuclear material* in a facility, or in a complex of facilities considered as a unit for this purpose by agreement with the Agency. Such report shall indicate the amount and nature of the material and its intended use.

Amplification of reports

44. At the Agency's request, the State shall submit amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General procedures

45. The Agency may inspect safeguarded *nuclear materials* and *principal nuclear facilities*.

46. The purpose of safeguards inspections shall be to verify compliance with *safeguards agreements* and to assist States in complying with such agreements and in resolving any questions arising out of the implementation of safeguards.

47. The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.

48. Inspectors shall neither operate any facility themselves nor direct the staff of a facility to carry out any particular operation.

Routine inspections

49. Routine inspections may include, as appropriate:
 (a) Audit of records and reports;
 (b) Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;
 (c) Examination of *principal nuclear facilities*, including a check of their measuring instruments and operating characteristics; and
 (d) Check of the operations carried out at *principal nuclear facilities* and at *research and development facilities* containing safeguarded *nuclear material*.

50. Whenever the Agency has the right of access to a *principal nuclear facility* at all times, it may perform inspections of which notice as required by paragraph 4 of the *Inspectors Document* need not be given, in so far as this is necessary for the effective application of safeguards. The actual procedures to implement these provisions shall be agreed upon between the parties concerned in the *safeguards agreement*.

Initial inspections

51. To verify that the construction of a *principal nuclear facility* is in accordance with the design reviewed by the Agency, an initial inspection or inspections of the facility may be carried out, if so provided in a *safeguards agreement*.
 (a) As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or
 (b) Before the facility starts to operate, in other cases.

52. The measuring instruments and operating characteristics of the facility shall be reviewed to the extent necessary for the purpose of implementing safeguards. Instruments that will be used to obtain data on the *nuclear materials* in the facility may be tested to determine their satisfactory functioning. Such testing may include the

observation by inspectors of commissioning or routine tests by the staff of the facility, but shall not hamper or delay the construction, commissioning or normal operation of the facility.

Special inspections

53. The Agency may carry out special inspections if:
 (a) The study of a report indicates that such inspection is desirable; or
 (b) Any unforeseen circumstance requires immediate action.
 The Board shall subsequently be informed of the reasons for and the results of each such inspection.

54. The Agency may also carry out special inspections of substantial amounts of safeguarded *nuclear material* that are to be transferred outside the jurisdiction of the State in which it is being safeguarded, for which purpose the State shall give the Agency sufficient advance notice of any such proposed transfer.

B. Special procedures for reactors

Reports

55. The frequency of submission of routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections. However, at least two such reports shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Inspections

56. One of the initial inspections of a *reactor* shall if possible be made just before the reactor first reaches criticality.

57. The maximum frequency of routine inspections of a *reactor* and of the safeguarded *nuclear material* in it shall be determined from the following table:

Whichever is the largest of: (a) Facility inventory (including loading); (b) Annual <i>throughput</i> ; (c) Maximum potential annual production of special fissionable material (<i>Effective kilograms of nuclear material</i>)	Maximum number of routine inspections annually
Up to 1	0
More than 1 and up to 5	1
More than 5 and up to 10	2
More than 10 and up to 15	3
More than 15 and up to 20	4
More than 20 and up to 25	5
More than 25 and up to 30	6
More than 30 and up to 35	7
More than 35 and up to 40	8
More than 40 and up to 45	9
More than 45 and up to 50	10
More than 50 and up to 55	11
More than 55 and up to 60	12
More than 60	Right of access at all times

58. The actual frequency of inspection of a *reactor* shall take account of:
 (a) Whether the State possesses irradiated-fuel reprocessing facilities;
 (b) The nature of the *reactor*; and
 (c) The nature and amount of the *nuclear material* produced or used in the *reactor*.

**C. Special procedures relating to safeguarded nuclear material outside principal nuclear facilities
 Nuclear material in research and development facilities**

Routine reports

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities*. The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

Source materials in sealed storage

61. The following simplified procedures for safeguarding stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

Design of storage facilities

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

Routine reports

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

Routine inspections

64. The Agency may perform one routine inspection of each sealed storage facility annually.

Removal of material

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

Nuclear material in other locations

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

Routine reports

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms*, and shall be determined from the table in paragraph 57 if the amount is greater.

IV. DEFINITIONS

69. 'Agency' means the International Atomic Energy Agency.

70. 'Board' means the Board of Governors of the Agency.

71. 'Director General' means the Director General of the Agency.

72. 'Effective kilograms' means:

- In the case of plutonium, its weight in kilograms;
- 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*;
- 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:

- The concentration of fissionable isotopes in it has been increased; or
- The amount of chemically separable fissionable isotopes in it has been increased; or
- 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:

- An Agency project;
- A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or
- Any of a State's nuclear activities *unilaterally submitted* to Agency safeguards.

83. 'Statute' means the Statute of the Agency.

84. 'Throughput' means the rate at which *nuclear material* is introduced into a facility operating at full capacity.

85. 'Unilaterally submitted' means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement*.

ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

Introduction

1. The Agency's Safeguards System (1965) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of *reprocessing plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two year's experience of their application has been gained.

Special procedures Reports

2. The frequency of submission of routine reports shall be once each calendar month.

Inspections

3. A *reprocessing plant* having an annual *throughput* not exceeding 5 *effective kilograms* of *nuclear material*, and the safeguarded *nuclear material* in it, may be routinely inspected

twice a year. A *reprocessing plant* having an annual throughput exceeding 5 *effective kilograms* of *nuclear material*, and the safeguarded *nuclear material* in it, may be inspected at all times. The arrangements for inspections set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *reprocessing plant* is under Agency safeguards only because it contains safeguarded *nuclear material*, the inspection frequency shall be based on the rate of delivery of safeguarded *nuclear material*.

5. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the taking, shipping or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

Mixtures of safeguarded and unsafeguarded nuclear material

6. By agreement between the State and the Agency, the following special arrangements may be made in the case of a *reprocessing plant* to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded *nuclear materials* are present:

(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which irradiated fuel is stored, until such time as all or any part of such fuel is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to apply to the storage area or plant when either contains no safeguarded *nuclear material*; and

(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded material, and at as early a stage as possible. Where separate measurement, sampling or processing are not possible, the whole of the material being processed in that *campaign* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of the processing the *nuclear material* that is thereafter to be safeguarded shall be selected by agreement between the State and the Agency from the whole output of the plant resulting from that *campaign*, due account being taken of any processing losses accepted by the Agency.

Definitions

7. 'Reprocessing plant' means a facility to separate irradiated *nuclear materials* and fission products, and includes the facility's head-end treatment section and its associated storage and analytical sections.

8. 'Campaign' means the period during which the chemical processing equipment in a *reprocessing plant* is operated between two successive wash-outs of the *nuclear material* present in the equipment.

ANNEX II. PROVISIONS FOR SAFEGUARDED NUCLEAR MATERIAL IN CONVERSION PLANTS AND FABRICATION PLANTS

Introduction

1. The Agency's Safeguards System (1965, as Provisionally Extended in 1966) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to safeguarded *nuclear material* in *conversion plants* and *fabrication plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two 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* 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.

The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

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PART I

Basic Undertaking

1. The Agreement should contain, in accordance with Article III.1 of the Treaty on the Non-Proliferation of Nuclear Weapons, an undertaking by the State to accept safeguards, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Application of Safeguards

2. The Agreement should provide for the Agency's right and obligation to ensure that safeguards will be applied, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Co-operation Between the Agency and the State

3. The Agreement should provide that the Agency and the State shall co-operate to facilitate the implementation of the safeguards provided for therein.

Implementation of Safeguards

4. The Agreement should provide that safeguards shall be implemented in a manner designed:

(a) To avoid hampering the economic and technological development of the State or international co-operation in the field of peaceful nuclear activities, including international exchange of *nuclear material*;

(b) To avoid undue interference in the State's peaceful nuclear activities, and in particular in the operation of *facilities*; and

(c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

5. The Agreement should provide that the Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of the Agreement, except that specific information relating to such implementation in the State may be given to the Board of Governors and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the Agreement. Summarized information on *nuclear material* being safeguarded by the Agency under the Agreement may be published upon decision of the Board if the states directly concerned agree.

6. The Agreement should provide that in implementing safeguards pursuant thereto the Agency shall take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of *nuclear material* subject to safeguards under the Agreement by use of instruments and other techniques at certain *strategic points* to the extent that present or future technology permits. In order to ensure optimum cost-effectiveness, use should be made, for example, of such means as:

- (a) Containment as a means of defining *material balance points* for accounting purposes;
- (b) Statistical techniques and random sampling in evaluating the flow of *nuclear material*; and
- (c) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of *nuclear material* from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other *nuclear material* on condition that this does not hamper the Agency in applying safeguards under the Agreement.

National System of Accounting for and Control of Nuclear Material

7. The Agreement should provide that the State shall establish and maintain a system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and that such safeguards shall be applied in such a manner as to enable the Agency to verify, in ascertaining that there has been no diversion of *nuclear material* from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the State's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II below. The Agency, in its verification, shall take due account of the technical effectiveness of the State's system.

Provision of Information to the Agency

8. The Agreement should provide that to ensure the effective implementation of safeguards thereunder the Agency shall be provided, in accordance with the provisions set out in Part II below, with information concerning *nuclear material* subject to safeguards under the Agreement and the features of *facilities* relevant to safeguarding such material. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under the Agreement. Information pertaining to *facilities* shall be the minimum necessary for safeguarding *nuclear material* subject to safeguards under the Agreement. In examining design information, the Agency shall, at the request of the State, be prepared to examine on premises of the State design information which the State regards as being of particular sensitivity. Such information would not have to be physically transmitted to the Agency provided that it remained available for ready further examination by the Agency on premises of the State.

Agency Inspectors

9. The Agreement should provide that the State shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under the Agreement. The Agency shall secure the consent of the State to the designation of Agency inspectors to that State. If the State, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the State an alternative designation or designations. The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to appropriate action. The visits and activities of Agency Inspectors shall be so arranged as to reduce to a minimum the possible inconvenience and disturbance to the State and to the peaceful nuclear activities inspected, as well as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

Privileges and Immunities

10. The Agreement should specify the privileges and immunities which shall be granted to the Agency and its staff in respect of their functions under the Agreement. In the case of a State party to the Agreement on the Privileges and Immunities of the Agency, the provisions thereof, as in force for such State,

shall apply. In the case of other States, the privileges and immunities granted should be such as to ensure that:

- (a) The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and
- (b) No such State will be placed thereby in a more favourable position than States party to the Agreement on the Privileges and Immunities of the Agency.

Termination of Safeguards

Consumption or dilution of nuclear material

11. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

Transfer of nuclear material out of the State

12. The Agreement should provide, with respect to *nuclear material* subject to safeguards thereunder, for notification of transfers of such material out of the State, in accordance with the provisions set out in paragraphs 92-94 below. The Agency shall terminate safeguards under the Agreement on *nuclear material* when the recipient State has assumed responsibility therefore, as provided for in paragraph 91. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred *nuclear material*.

Provisions relating to nuclear material to be used in non-nuclear activities

13. The Agreement should provide that if the State wishes to use *nuclear material* subject to safeguards thereunder in non-nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such *nuclear material* may be terminated.

Non-application of Safeguards to Nuclear Material to be Used in Non-peaceful Activities

14. The Agreement should provide that if the State intends to exercise its discretion to use *nuclear material* which is required to be safeguarded thereunder in a nuclear activity which does not require the application of safeguards under the Agreement, the following procedures will apply:

- (a) The State shall inform the Agency of the activity, making it clear:

(i) That the use of the *nuclear material* is a non-prescribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the *nuclear material* will be used only in a peaceful nuclear activity; and

(ii) That during the period of non-application of safeguards the *nuclear material* will not be used for the production of nuclear weapons or other nuclear explosive devices;

(b) The State and the Agency 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 XII 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 II of the Agreement could be achieved by recourse to a simplified procedure. The Director General shall promptly inform all Member States of any amendment to the Agreement.

Suspension of application of Agency safeguards under other agreements

24. Where applicable and where the State desires such a provision to appear, the Agreement should provide that the application of Agency safeguards in the State under other safeguards agreements with the Agency shall be suspended while the Agreement is in force. If the State has received assistance from the Agency for a project, the State's undertaking in the Project Agreement not to use items subject thereto in such a way as to further any military purpose shall continue to apply.

Entry into force and duration

25. The Agreement should provide that it shall enter into force on the date on which the Agency receives from the State written notification that the statutory and constitutional requirements for entry into force have been met. The Director General shall promptly inform all Member States of the entry into force.

26. The Agreement should provide for it to remain in force as long as the State is party to the Treaty on the Non-Proliferation of Nuclear Weapons.

PART II Introduction

27. The Agreement should provide that the purpose of Part II thereof is to specify the procedures to be applied for the implementation of the safeguards provisions of Part I.

Objective of Safeguards

28. The Agreement should provide that the objective of safeguards is the timely detection of diversion of significant quantities of *nuclear material* from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

29. To this end the Agreement should provide for the use of material accountancy as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

30. The Agreement should provide that the technical conclusion of the Agency's verification activities shall be a statement, in respect of each *material balance area*, of the amount of *material unaccounted for* over a specific period, giving the limits of accuracy of the amounts stated.

National System of Accounting for and Control of Nuclear Material

31. The Agreement should provide that pursuant to paragraph 7 above the Agency, in carrying out its verification activities, shall make full use of the State's system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and shall avoid unnecessary duplication of the State's accounting and control activities.

32. The Agreement should provide that the State's system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement shall be based on a structure of material balance areas, and shall make provision as appropriate and specified in the Subsidiary Arrangements for the establishment of such measures as:

- (a) A measurement system for the determination of the quantities of *nuclear material* received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) Procedures for taking a *physical inventory*;
- (e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) A system of records and reports showing, for each *material balance area*, the inventory of *nuclear material* and the changes in that inventory including receipts into and transfers out of the *material balance area*;
- (g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) Procedures for the submission of reports to the Agency in accordance with paragraphs 59–69 below.

Starting Point of Safeguards

33. The Agreement should provide that safeguards shall not apply thereunder to material in mining or ore processing activities.

34. The Agreement should provide that:

- (a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in sub-paragraph (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 sub-paragraph (c) below is imported, the State shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and
- (c) When any *nuclear material* of a composition and purity suitable for fuel fabrication or for being isotopically enriched leaves the plant or the process stage in which it has been produced, or when such *nuclear materials*, or any other *nuclear material* produced at a later stage in the nuclear fuel cycle, is imported into the State, the *nuclear material* shall become subject to the other safeguards procedures specified in the Agreement.

Termination of Safeguards

35. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder under the conditions set forth in paragraph 11 above. Where the conditions of that paragraph are not met, but the State considers that the recovery of safeguarded *nuclear material* from residues is not for the time being practicable or desirable, the Agency and the State shall consult on the appropriate safeguards measures to be applied. It should further be provided that safeguards shall terminate on *nuclear material* subject to safeguards under the Agreement under the conditions set forth in paragraph 13 above, provided that the State and the Agency agree that such *nuclear material* is practically irrecoverable.

Exemptions from Safeguards

36. The Agreement should provide that the Agency shall, at the request of the State, exempt *nuclear material* from safeguards, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) *Nuclear material*, when it is used in non-nuclear activities in accordance with paragraph 13 above, if such *nuclear material* is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

37. The Agreement should provide that *nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State, provided that *nuclear material* so exempted in the State may not at any time exceed:

- (a) One kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (i) Plutonium;
 - (ii) Uranium with an *enrichment* of 0.2 (20%) and above, taken account of by multiplying its weight by its *enrichment*, and
 - (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight five times the square of its *enrichment*;
 - (b) Ten metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
 - (c) Twenty metric tons of depleted uranium with 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) 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) Description of features of the *facility* relating to material accountancy, containment and surveillance; and
- (d) Description of the existing and proposed procedures at the *facility* for *nuclear material* accountancy and control, with special reference to *material balance points* 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) 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) 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) The 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) The description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

Reports System

General

59. The Agreement should specify that the State shall provide the Agency with reports as detailed in paragraphs 60-69 below in respect of *nuclear material* subject to safeguards thereunder.

60. The Agreement should provide that reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the Subsidiary Arrangements.

61. The Agreement should provide that reports shall be based on the records kept in accordance with paragraphs 51-58 above and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

62. The Agreement should stipulate that the Agency shall be provided with an initial report on all *nuclear material* which is to be subject to safeguards thereunder. It should also be provided that the initial report shall be dispatched by the State to the Agency within 30 days of the last day of the calendar month in which the Agreement enters into force, and shall reflect the situation as of the last day of that month.

63. The Agreement should stipulate that for each *material balance area* the State shall provide the Agency with the following accounting reports:

- (a) *inventory change* reports showing changes in the inventory of *nuclear material*. The reports shall be dispatched as soon as possible and in any event within 30 days after the end of the month in which the *inventory changes* occurred or were established; and
- (b) Material balance reports showing the material balance based on a *physical inventory of nuclear material* actually present in the *material balance area*. The report shall be dispatched as soon as possible and in any event within 30 days after the *physical inventory* has been taken. The reports shall be based on data available as of the date of reporting and may be corrected at a later date as required.

64. The Agreement should provide that *inventory change* reports shall specify identification and *batch data* for each *batch of nuclear material*, the date of the *inventory change* and, as appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient. These reports shall be accompanied by concise notes:

- (a) Explaining the *inventory changes*, on the basis of the operating data contained in the operating records provided for under sub-paragraph 58(a) above; and
- (b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a *physical inventory*.

65. The Agreement should provide that the State shall report each *inventory change*, *adjustment* and *correction* either periodically in a consolidated list or individually. The *inventory changes* shall be reported in terms of *batches*; small amounts, such as analytical samples, as specified in the Subsidiary Arrangements, may be combined and reported as one *inventory change*.

66. The Agreement should stipulate that the Agency shall provide the State with semi-annual statements of *book inventory of nuclear material* subject to safeguards, for each *material balance area*, as based on the *inventory change* reports for the period covered by each such statement.

67. The Agreement should specify that the material balance reports shall include the following entries, unless otherwise agreed by the Agency and the State:

- (a) Beginning *physical inventory*;
- (b) *inventory changes* (first increases, then decreases);
- (c) Ending *book inventory*;
- (d) *shipper/receiver differences*;
- (e) Adjusted ending *book inventory*;
- (f) Ending *physical inventory*; and
- (g) *material accounted for*.

A statement of the *physical inventory*, listing all *batches* separately and specifying material identification and *batch data* for each *batch*, shall be attached to each material balance report.

Special reports

68. The Agreement should provide that the State shall make special reports without delay:

- (a) If any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material* that exceeds the limits to be specified for this purpose in the Subsidiary Arrangements; or
- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of *nuclear material* has become possible.

Amplification and clarification of reports

69. The Agreement should provide that at the Agency's request the State shall supply amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General

70. The Agreement should stipulate that the Agency shall have the right to make inspections as provided for in paragraphs 71-82 below.

Purposes of inspections

71. The Agreement should provide that the Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial report on the *nuclear material* subject to safeguards under the Agreement;
- (b) Identify and verify changes in the situation which have occurred since the date of the initial report; and
- (c) Identify, and if possible verify the quantity and composition of, *nuclear material* in accordance with paragraphs 93 and 96 below, before its transfer out of or upon its transfer into the State.

72. The Agreement should provide that the Agency may make routine inspections in order to:

- (a) Verify that reports are consistent with records;
- (b) Verify the location, identity, quantity and composition of all *nuclear material* subject to safeguards under the Agreement; and
- (c) Verify information on the possible causes of *material unaccounted for*, *shipper/receiver differences* and uncertainties in the *book inventory*.

73. The Agreement should provide that the Agency may make special inspections subject to the procedures laid down in paragraph 77 below:

- (a) In order to verify the information contained in special reports; or
- (b) If the Agency considers that information made available by the State, including explanations from the State and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under the Agreement. An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in paragraphs 78-82 below, or involves access to information or locations in addition to the access specified in paragraph 76 for ad hoc and routine inspections, or both.

Scope of inspections

74. The Agreement should provide that for the purposes stated in paragraphs 71-73 above the Agency may:

- (a) Examine the records kept pursuant to paragraphs 51-58;
- (b) Make independent measurements of all *nuclear material* subject to safeguards under the Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

75. It should further be provided that within the scope of paragraph 74 above the Agency shall be enabled:

- (a) To observe that samples at *key measurement points* for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) To observe that the measurements of *nuclear material* at *key measurement points* for material balance accounting are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with the State that, if necessary:
 - (i) Additional measurements are made and additional samples taken for the Agency's use;
 - (ii) The Agency's standard analytical samples are analysed;
 - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements, to arrange to install such equipment;
- (e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with the State for the shipping of samples taken for the Agency's use.

Access for inspections

76. The Agreement should provide that:

- (a) For the purposes specified in sub-paragraphs 71(a) and (b) above and until such time as the *strategic points* have been specified in the Subsidiary Arrangements, the Agency's inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that *nuclear material* is present;
- (b) For the purposes specified in sub-paragraph 71(c) above the inspectors shall have access to any location of which the Agency has been notified in accordance with sub-paragraphs 92(c) or 95(c) below;
- (c) For the purposes specified in paragraph 72 above the Agency's inspectors shall have access only to the *strategic points* specified in the Subsidiary Arrangements and to the records maintained pursuant to paragraphs 51-58; and
- (d) In the event of the State concluding that any unusual circumstances require extended limitations on access by the Agency, the State and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations.

The Director General shall report each such arrangement to the Board.

77. The Agreement should provide that in circumstances which may lead to special inspections for the purposes specified in paragraph 73 above the State and the Agency shall consult forthwith. As a result of such consultations the Agency may make inspections in addition to the routine inspection effort provided for in paragraphs 78-82 below, and may obtain access in agreement with the State to information or locations in addition to the access specified in paragraph 76 above for ad hoc and routine inspections. Any disagreement concerning the need for additional access shall be resolved in accordance with paragraphs 21 and 22; in case action by the State is essential and urgent, paragraph 18 above shall apply.

Frequency and intensity of routine inspections

78. The Agreement should provide that the number, intensity, duration and timing of routine inspections shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth therein, and that the Agency shall make the optimum and most economical use of available inspection resources.

79. The Agreement should provide that in the case of *facilities* and *material balance area* outside *facilities* with a content or *annual throughput*, whichever is greater, of *nuclear material* not exceeding five *effective kilograms*, routine inspections shall not exceed one per year. For other *facilities* the number, intensity, duration, timing and mode of inspections shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of *nuclear material*.

80. The Agreement should provide that the maximum routine inspection effort in respect of *facilities* with a content or *annual throughput* of *nuclear material* exceeding five *effective kilograms* shall be determined as follows:

- (a) For reactors and sealed stores, the maximum total of routine inspection per year shall be determined by allowing one sixth of a *man-year of inspection* for each such *facility* in the State;
- (b) For other *facilities* involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* $30 \times \sqrt{E}$ man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material*, whichever is greater, expressed in *effective kilograms*. The maximum established for any such *facility* shall not, however, be less than 1.5 *man-years of inspection*; and
- (c) For all other *facilities*, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* one third of a *man-year of inspection* plus $0.4 \times E$ man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material*, whichever is greater, expressed in *effective kilograms*.

The Agreement should further provide that the Agency and the State may agree to amend the maximum figures specified in this paragraph upon determination by the Board that such amendment is reasonable.

81. Subject to paragraphs 78-80 above the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections of any *facility* shall include:

- (a) The form of *nuclear material*, in particular, whether the material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high *enrichment*, and its accessibility;
- (b) The effectiveness of the State's accounting and control system, including the extent to which the operators of *facilities* are functionally independent of the State's accounting and control system; the extent to which the measures specified in paragraph 32 above have been implemented by the State; the promptness of reports submitted to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the *material unaccounted for*, as verified by the Agency;

(c) Characteristics of the State's nuclear fuel cycle, in particular, the number and types of *facilities* containing *nuclear material* subject to safeguards, the characteristics of such *facilities* relevant to safeguards, notably the degree of containment; the extent to which the design of such *facilities* facilitates verification of the flow and inventory of *nuclear material*; and the extent to which information from different *material balance points* can be correlated;

(d) International interdependence, in particular, the extent to which *nuclear material* is received from or sent to other States for use or processing; any verification activity by the Agency in connection therewith; and the extent to which the State's nuclear activities are interrelated with those of other States; and

(e) Technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of *nuclear material*.

82. The Agreement should provide for consultation between the Agency and the State if the latter considers that the inspection effort is being deployed with undue concentration on particular *facilities*.

Notice of inspections

83. The Agreement should provide that the Agency shall give advance notice to the State before arrival of inspectors at *facilities* or *material balance points* outside *facilities*, as follows:

(a) For ad hoc inspections pursuant to sub-paragraph 71(c) above, at least 24 hours, for those pursuant to sub-paragraphs 71(a) and (b), as well as the activities provided for in paragraph 48, at least one week;

(b) For special inspections pursuant to paragraph 73 above, as promptly as possible after the Agency and the State have consulted as provided for in paragraph 77, it being understood that notification of arrival normally will constitute part of the consultations; and

(c) For routine inspections pursuant to paragraph 72 above, at least 24 hours in respect of the *facilities* referred to in sub-paragraph 80(b) and sealed stores containing plutonium or uranium enriched to more than 5%, and one week in all other cases.

Such notice of inspections shall include the names of the inspectors and shall indicate the *facilities* and the *material balance area* outside *facilities* to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside the State the Agency shall also give advance notice of the place and time of their arrival in the State.

84. However, the Agreement should also provide that, as a supplementary measure, the Agency may carry out without advance notification a portion of the routine inspections pursuant to paragraph 80 above in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided by the State pursuant to paragraph 64(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the State periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for *facility* operators and the State, bearing in mind the relevant provisions of paragraphs 44 above and 89 below. Similarly the State shall make every effort to facilitate the task of the inspectors.

Designation of inspectors

85. The Agreement should provide that:

(a) The Director General shall inform the State in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for the State;

(b) The State shall inform the Director General within 30 days of the receipt of such a proposal whether it accepts the proposal;

(c) The Director General may designate each official who has been accepted by the State as one of the inspectors for the State, and shall inform the State of such designations; and

(d) The Director General, acting in response to a request by the State or on his own initiative, shall immediately inform the

State of the withdrawal of the designation of any official as an inspector for the State.

The Agreement should also provide, however, that in respect of inspectors needed for the purposes stated in paragraph 48 above and to carry out ad hoc inspections pursuant to sub-paragraphs 71(a) and (b) the designation procedures shall be completed if possible within 30 days after the entry into force of the Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

86. The Agreement should provide that the State shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for the State.

Conduct and visits of inspectors

87. The Agreement should provide that inspectors, in exercising their functions under paragraphs 48 and 71–75 above, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of *facilities* or affecting their safety. In particular inspectors shall not operate any *facility* themselves or direct the staff of a *facility* to carry out any operation. If inspectors consider that in pursuance of paragraphs 74 and 75, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

88. When inspectors require services available in the State, including the use of equipment, in connection with the performance of inspections, the State shall facilitate the procurement of such services and the use of such equipment by inspectors.

89. The Agreement should provide that the State shall have the right to have inspectors accompanied during their inspections by representatives of the State, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Statements on the Agency's Verification Activities

90. The Agreement should provide that the Agency shall inform the State of:

(a) The results of inspections, at intervals to be specified in the Subsidiary Arrangements; and

(b) The conclusions it has drawn from its verification activities in the State, in particular by means of statements in respect of each *material balance area*, which shall be made as soon as possible after a *physical inventory* has been taken and verified by the Agency and a material balance has been struck.

International Transfers

General

91. The Agreement should provide that *nuclear material* subject or required to be subject to safeguards thereunder which is transferred internationally shall, for purposes of the Agreement, be regarded as being the responsibility of the State:

(a) In the case of import, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the *nuclear material* reaches its destination; and

(b) In the case of export, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the *nuclear material* reaches its destination.

The Agreement should provide that the States concerned shall make suitable arrangements to determine the point at which the transfer of responsibility will take place. No State shall be deemed to have such responsibility for *nuclear material* merely by reason of the fact that the *nuclear material* is in transit on or over its territory or territorial waters, or that it is being transported under its flag or in its aircraft.

Transfers out of the State

92. The Agreement should provide that any intended transfer out of the State of safeguarded *nuclear material* in a amount exceeding one *effective kilogram* or by successive shipments to the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram*, shall be notified to the Agency after the conclusion of the contractual arrangements leading to the

transfer and normally at least two weeks before the *nuclear material* is to be prepared for shipping. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the *nuclear material* to be transferred, and the *material balance area* from which it will come;
- (b) The State for which the *nuclear material* is destined;
- (c) The dates on and locations at which the *nuclear material* is to be prepared for shipping;
- (d) The approximate dates of dispatch and arrival of the *nuclear material*; and
- (e) At what point of the transfer the recipient State will assume responsibility for the *nuclear material*, and the probable date on which this point will be reached.

93. The Agreement should further provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards under the Agreement before it is transferred out of the State and, if the Agency so wishes or the State so requests, to affix seals to the *nuclear material* when it has been prepared for shipping. However, the transfer of the *nuclear material* shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to this notification.

94. The Agreement should provide that, if the *nuclear material* will not be subject to Agency safeguards in the recipient State, the exporting State shall make arrangements for the Agency to receive, within three months of the time when the recipient State accepts responsibility for the *nuclear material* from the exporting State, confirmation by the recipient State of the transfer.

Transfers into the State

95. The Agreement should provide that the expected transfer into the State of *nuclear material* required to be subject to safeguards in an amount greater than one *effective kilogram*, or by successive shipments from the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram*, shall be notified to the Agency as much in advance as possible of the expected arrival of the *nuclear material*, and in any case not later than the date on which the recipient State assumes responsibility therefor. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the *nuclear material*;
- (b) At what point of the transfer responsibility for the *nuclear material* will be assumed by the State for the purposes of the Agreement, and the probable date on which this point will be reached; and
- (c) The expected date of arrival, the location to which the *nuclear material* is to be delivered and the date on which it is intended that the *nuclear material* should be unpacked.

96. The Agreement should provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards which has been transferred into the State, by means of inspection of the consignment at the time it is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to this notification.

Special reports

97. The Agreement should provide that in the case of international transfers a special report as envisaged in paragraph 68 above shall be made if any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material*, including the occurrence of significant delay during the transfer.

Definitions

98. 'Adjustment' means an entry into an accounting record or a report showing a *shipper/receiver difference* or *material unaccounted for*.

99. 'Annual throughput' means, for the purposes of paragraphs 79 and 80 above, the amount of *nuclear material* transferred annually out of a *facility* working at nominal capacity.

100. 'Batch' means a portion of *nuclear material* handled as a unit for accounting purposes at a *key measurement point* and for which the composition and quantity are defined by a single set of specifications or measurements. The *nuclear material* may be in bulk form or contained in a number of separate items.

101. 'Batch data' means the total weight of each element of *nuclear material* and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:

- (a) Grams of contained plutonium;
- (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
- (c) Kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the *batch* shall be added together before rounding to the nearest unit.

102. 'Book inventory' of a *material balance area* means the algebraic sum of the most recent *physical inventory* of that *material balance area* and of all *inventory changes* that have occurred since that *physical inventory* was taken.

103. 'Correction' means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

104. 'Effective kilogram' means a special unit used in safeguarding *nuclear material*. The quantity in 'effective kilograms' is obtained by taking:

- (a) For plutonium, its weight in kilograms;
- (b) For uranium with an *enrichment* of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its *enrichment*;
- (c) For uranium with an *enrichment* below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) For depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

105. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

106. 'Facility' means:

- (a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (b) Any location where *nuclear material* in amounts greater than one *effective kilogram* is customarily used.

107. 'Inventory change' means an increase or decrease, in terms of *batches* of *nuclear material* in a *material balance area* such a change shall involve one of the following:

- (a) Increases:
 - (i) Import;
 - (ii) Domestic receipt: receipts from other *material balance points*, receipts from a non-safeguarded (non-peaceful) activity or receipts at the starting point of safeguards;
 - (iii) Nuclear production: production of special fissionable material in a reactor; and
 - (iv) De-exemption: reapplication of safeguards on *nuclear material* previously exempted therefrom on account of its use or quantity.
- (b) Decreases:
 - (i) Export;
 - (ii) Domestic shipment: shipments to other *material balance points* or shipments for a non-safeguarded (non-peaceful) activity;
 - (iii) Nuclear loss: loss of *nuclear material* due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
 - (iv) Measured discard: *nuclear material* which has been measured, or estimated on the basis of measurements, and

disposed of in such a way that it is not suitable for further nuclear use;

(v) Retained waste: *nuclear material* generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;

(vi) Exemption: exemption of *nuclear material* from safeguards on account of its use or quantity; and

(vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of *nuclear material* as the result of an operational accident) or theft.

108. 'Key measurement point' means a location where *nuclear material* appears in such a form that it may be measured to determine material flow or inventory. 'Key measurement points' thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in *material balance points*.

109. 'Man-year of inspection' means, for the purposes of paragraph 80 above, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a *facility* at any time for a total of not more than eight hours.

110. 'Material balance area' means an area in or outside of a *facility* such that:

(a) The quantity of *nuclear material* in each transfer into or out of each 'material balance area' can be determined; and

(b) The *physical inventory* of *nuclear material* in each 'material balance area' can be determined when necessary, in accordance with specified procedures, in order that the material balance for Agency safeguards purposes can be established.

111. 'Material unaccounted for' means the difference between *book inventory* and *physical inventory*.

112. 'Nuclear material' means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the State.

113. 'Physical inventory' means the sum of all the measured or derived estimates of *batch* quantities of *nuclear material* on hand at a given time within a *material balance area*, obtained in accordance with specified procedures.

114. 'Shipper/receiver difference' means the difference between the quantity of *nuclear material* in a *batch* as stated by the shipping *material balance area* and as measured at the receiving *material balance area*.

115. 'Source data' means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify *nuclear material* and provide *batch data*. 'Source data' may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

116. 'Strategic point' means a location selected during examination of design information where, under normal conditions and when combined with the information from all 'strategic points' taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a 'strategic point' may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

Protocol Additional to the Agreement(s) between and the International Atomic Energy Agency for the Application of Safeguards

[IAEA Information Circular 540 (INFCIRC/540),
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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* accountability.

(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* accountability;

(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 of 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;

(vii) (a) information regarding the quantities, uses and locations of *nuclear material* exempted from safeguards pursuant to [paragraph 37 of INFCIRC/153]*;

(b) information regarding the quantities (which may be in the form of estimates) and uses at each location, of *nuclear material* exempted from safeguards pursuant to [paragraph 36(b) of INFCIRC/153]² but not yet in a non-nuclear end-use form, in quantities exceeding those set out in [paragraph 37 of

INFCIRC/153]*. The provision of this information does not require detailed *nuclear material* accountability.

(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]*. 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.

¹ Terms in italics have specialized meanings, which are defined in Article 18 below.

² The reference to the corresponding provision of the relevant Safeguards Agreement should be inserted where bracketed references to INFCIRC/153 are made.

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 ifis unable to provide such access, shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.

c. Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out *location-specific environmental sampling*, provided that if is unable to provide such access, shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

Scope of Activities

Article 6

When implementing Article 5, the Agency may carry out the following activities:

a. For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals and other identifying and tamper indicating devices specified in Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors (hereinafter referred to as the 'Board') and following consultations between the Agency and

b. For access in accordance with Article 5.a.(ii): visual observation; item counting of nuclear material; non-destructive measurements and sampling; utilization of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and.....

c. For access in accordance with Article 5.b.: visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and

d. For access in accordance with Article 5.c., collection of environmental samples and, in the event the results do not resolve the question or inconsistency at the location specified by the Agency pursuant to Article 5.c., utilization at that location of visual observation, radiation detection and measurement devices, and, as agreed by and the Agency, other objective measures.

Managed access

Article 7

a. Upon request by, the Agency and shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared *nuclear materials* and activities at the location in question, including the resolution of a question relating to the correctness and completeness of the information referred to in Article 2 or of an inconsistency relating to that information.

b. may, when providing the information referred to in Article 2, inform the Agency of the places at a *site* or location at which managed access may be applicable.

c. Pending the entry into force of any necessary Subsidiary Arrangements, may have recourse to managed access consistent with the provisions of paragraph a. above.

Article 8

Nothing in this Protocol shall preclude from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act upon such a request.

Article 9

..... shall provide the Agency with access to locations specified by the Agency to carry out *wide-area environmental sampling*, provided that if is unable to provide such access it shall make every reasonable effort to satisfy Agency

requirements at alternative locations. The Agency shall not seek such access until the use of *wide-area environmental sampling* and the procedural arrangements therefor have been approved by the Board and following consultations between the Agency and

Statements on the Agency's access activities

Article 10

The Agency shall inform of:

a. The activities carried out under this Protocol, including those in respect of any questions or inconsistencies the Agency had brought to the attention of, within sixty days of the activities being carried out by the Agency.

b. The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of, as soon as possible but in any case within thirty days of the results being established by the Agency.

c. The conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

DESIGNATION OF AGENCY INSPECTORS

Article 11

a. (i) The Director General shall notify of the Board's approval of any Agency official as a safeguards inspector. Unless advises the Director General of its rejection of such an official as an inspector for within three months of receipt of notification of the Board's approval, the inspector so notified to shall be considered designated to ; (ii) The Director General, acting in response to a request by or on his own initiative, shall immediately inform of the withdrawal of the designation of any official as an inspector for

b. A notification referred to in paragraph a. above shall be deemed to be received by seven days after the date of the transmission by registered mail of the notification by the Agency to

Visas

Article 12

..... shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to

SUBSIDIARY ARRANGEMENTS

Article 13

a. Where or the Agency indicates that it is necessary to specify in Subsidiary Arrangements how measures laid down in this Protocol are to be applied, and the Agency shall agree on such Subsidiary Arrangements within ninety days of the entry into force of this Protocol or, where the indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within ninety days of the date of such indication.

b. Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

COMMUNICATIONS SYSTEMS

Article 14

a. shall permit and protect free communications by the Agency for official purposes between Agency inspectors in and Agency Headquarters and/or Regional Offices,

including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with, the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in At the request of or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

b. Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which regards as being of particular sensitivity.

PROTECTION OF CONFIDENTIAL INFORMATION

Article 15

a. The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

b. The regime referred to in paragraph a. above shall include, among others, provisions relating to:

- (i) General principles and associated measures for the handling of confidential information;
- (ii) Conditions of staff employment relating to the protection of confidential information;
- (iii) Procedures in cases of breaches or alleged breaches of confidentiality.

c. The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

ANNEXES

Article 16

a. The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of the Annexes, the term 'Protocol' as used in this instrument means the Protocol and the Annexes together.

b. The list of activities specified in Annex I, and the list of equipment and material specified in Annex II, may be amended by the Board upon the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

ENTRY INTO FORCE

Article 17

a. This Protocol shall enter into force on the date on which the Agency receives from written notification that '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

3 The choice of alternative depends on the preference of the State concerned according to its internal legal requirements.

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*.]

Strengthened Safeguards System: Status of Additional Protocols

[as of 31 January 2004]

State	Board Approval	Date signed	In Force
Andorra	7 Dec 2000	9 Jan 2001	
Armenia	23 Sept 1997	29 Sept 1997	
Australia	23 Sept 1997	23 Sept 1997	12 Dec 1997
Austria	11 June 1998	22 Sept 1998	*
Azerbaijan	7 June 2000	5 July 2000	29 Nov 2000
Bangladesh	25 Sept 2000	30 Mar 2001	30 Mar 2001
Belgium ¹	11 June 1998	22 Sept 1998	*
Bulgaria	14 Sept 1998	24 Sept 1998	10 Oct 2000
Burkina Faso	18 Mar 2003	17 Apr 2003	17 Apr 2003
Canada	11 June 1998	24 Sept 1998	8 Sept 2000
Chile	10 Sept 2002	19 Sept 2002	3 Nov 2003
China	25 Nov 1998	31 Dec 1998	28 March 2002
Costa Rica	29 Nov 2001	12 Dec 2001	
Croatia	14 Sept 1998	22 Sept 1998	6 July 2000
Cuba	9 Sep 2003	18 Sep 2003	
Cyprus	25 Nov 1998	29 July 1999	19 Feb 2003
Czech Republic	20 Sept 1999	28 Sept 1999	1 July 2002
DR Congo	28 Nov 2002	9 Apr 2003	9 Apr 2003
Denmark ¹	11 June 1998	22 Sept 1998	
Ecuador	20 Sept 1999	1 Oct 1999	24 Oct 2001
Estonia	21 March 2000	13 April 2000	
El Salvador	23 Sept 2002	5 Sep 2003	
Finland ¹	11 June 1998	22 Sept 1998	*
France ¹	11 June 1998	22 Sept 1998	
Gabon	18 Mar 2003		
Georgia	23 Sept 1997	29 Sept 1997	3 Jun 2003
Germany ¹	11 June 1998	22 Sept 1998	*
Ghana	11 June 1998	12 June 1998	provisional
Greece ¹	11 June 1998	22 Sept 1998	*
Guatemala	29 Nov 2001	14 Dec 2001	
Haiti	20 March 2002	10 July 2002	
Holy See	14 Sept 1998	24 Sept 1998	24 Sept 1998
Hungary	25 Nov 1998	26 Nov 1998	4 April 2000
Iceland	9 Sep 2003	12 Sep 2003	12 Sep 2003
Indonesia	20 Sep 1999	29 Sep 1999	29 Sep 1999
Iran	21 Nov 2003	18 Dec 2003	
Ireland ¹	11 June 1998	22 Sept 1998	
Italy ¹	11 June 1998	22 Sept 1998	
Jamaica	12 June 2002	19 Mar 2003	19 Mar 2003
Japan	25 Nov 1998	4 Dec 1998	16 Dec 1999
Jordan	18 March 1998	28 July 1998	28 July 1998
Kazakhstan	18 Jun 2003		
Kiribati	10 Sept 2002		
Kuwait	12 June 2002	19 June 2002	2 Jun 2003
Latvia	7 Dec 2000	12 July 2001	12 July 2001
Lithuania	8 Dec 1997	11 March 1998	5 July 2000
Luxembourg ¹	11 June 1998	22 Sept 1998	
Madagascar	18 Jun 2003	18 Sep 2003	18 Sep 2003
Mali	10 Sep 2002	12 Sep 2002	12 Sep 2002
Malta	28 Nov 2002	24 Apr 2003	

State	Board Approval	Date signed	In Force
Mauritania	18 Mar 2003	2 Jun 2003	
Monaco	25 Nov 1998	30 Sept 1999	30 Sept 1999
Mongolia	11 Sept 2001	5 Dec 2001	12 May 2003
Namibia	21 March 2000	22 March 2000	
Netherlands ¹	11 June 1998	22 Sept 1998	*
New Zealand	14 Sept 1998	24 Sept 1998	24 Sept 1998
Nicaragua	12 June 2002	18 July 2002	
Nigeria	7 June 2000	20 Sept 2001	
Norway	24 March 1999	29 Sept 1999	16 May 2000
Panama	29 Nov 2001	11 Dec 2001	11 Dec 2001
Paraguay	12 June 2002	24 Mar 2003	
Peru	10 Dec 1999	22 March 2000	23 July 2001
Philippines	23 Sept 1997	30 Sept 1997	
Poland	23 Sept 1997	30 Sept 1997	5 May 2000
Portugal ¹	11 June 1998	22 Sept 1998	*
Rep. of Korea	24 March 1999	21 June 1999	
Romania	9 June 1999	11 June 1999	7 July 2000
Russia	21 March 2000	22 March 2000	
Seychelles	18 Mar 2003		
Slovakia	14 Sept 1998	27 Sept 1999	
Slovenia	25 Nov 1998	26 Nov 1998	22 Aug 2000
South Africa	12 June 2002	13 Sept 2002	13 Sept 2002
Spain ¹	11 June 1998	22 Sept 1998	*
Sweden ¹	11 June 1998	22 Sept 1998	*
Switzerland	7 June 2000	16 June 2000	

State	Board Approval	Date signed	In Force
Tajikistan	12 June 2002	7 July 2003	
Togo	22 Sep 2003	26 Sep 2003	
Turkey	7 June 2000	6 July 2000	17 July 2001
Ukraine	7 June 2000	15 Aug 2000	
UK ¹	11 June 1998	22 Sept 1998	*
United States	11 June 1998	12 June 1998	
Uruguay	23 Sept 1997	29 Sept 1997	
Uzbekistan	14 Sept 1998	22 Sept 1998	21 Dec 1998
TOTALS	74	67	28

Other Parties	Board Approval	Date signed	In Force
Euratom	11 June 1998	22 Sept 1998	
TOTALS	1	1	0

Notes:

1 All 15 EU States have signed one of three APs with Euratom and the Agency: one for France, one for the UK and one for all non-nuclear weapon States.

* The Agency has received notification from these States that they have fulfilled their own internal requirements for entry into force. The AP will enter into force on the date when the Agency receives written notification from the EU States and EURATOM that their respective requirements for entry into force have been met.

I — 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;
- (i) 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.

I- Bilateral Safeguards

J — Security Assurances

Unilateral Security Assurances by Nuclear-Weapon States

[1978, 1982 and 1995]

China

Given on 7 June 1978 [extract]

For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons. {A/S-10/AC.1/17, annex, para.7.}

Given on 28 April 1982 [extract]

Pending the realization of completed prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.

As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones. {A/S-12/11}

Given on 5 April 1995

For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices.

3. China has always held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons.

4. China, as a permanent member of the Security Council of the United Nations, undertakes to take action within the Council to ensure that the Council takes appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and imposes strict and effective sanctions on the attacking State. This

commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear weapon State that has entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices, in the event of an aggression with nuclear weapons or the threat of such aggression against such State.

5. The positive security assurance provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

France

Given on 30 June 1978 [extract]

Furthermore, as regards paragraph 59 [of the Final Document of the Tenth Special Session] concerning assurances of the non-use of nuclear weapons against non-nuclear States, the delegation of France would recall that France is prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones. {Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 27th meeting, para. 190}

Given on 11 June 1982 [extract]

For its part, it [France] states that it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment. {Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 9th meeting}

Given on 6 April 1995

The issue of security assurances given by the nuclear Powers to the non-nuclear-weapon States is, for my delegation, an important one:

Firstly, because it corresponds to a real expectation on the part of the non-nuclear-weapon States, particularly those which, have renounced atomic weapons by signing the Treaty on the Non-Proliferation of Nuclear Weapons;

Secondly, because it involves our particular responsibilities as a nuclear Power;

Finally, because it has acquired new meaning since the end of the cold war, with the growing awareness of the threat which the proliferation of nuclear weapons represents for everyone.

It is in order to meet that expectation, to assume its responsibilities and to make its contribution to efforts to combat the proliferation of nuclear weapons that France has decided to take the following steps:

Firstly, it reaffirms, and clarifies, the negative security assurances which it gave in 1982, specifically:

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.

It seems to us natural that it is the signatory countries to the Treaty on the Non-Proliferation of Nuclear Weapons — that is to say, the overwhelming majority of countries in the world —

who should benefit from these assurances, since they have made a formal non-proliferation commitment. Furthermore, in order to respond to the request of a great many countries, France has sought as much as possible to harmonize the content of its negative assurances with those of the other nuclear Powers. We are pleased that this effort has been successful. The content of the declarations concerning the negative security assurances of France, the United States of America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland are henceforth practically identical.

Secondly, and for the first time, France has decided to give positive security assurances to all non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Its accession to the Treaty made this decision both possible and desirable. Accordingly:

'France considers that any aggression which is accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are entitled to an assurance that, should they be attacked with nuclear weapons or threatened with such an attack, the international community and, first and foremost, the United Nations Security Council, would react immediately in accordance with obligations set forth in the Charter.

'Having regard to these considerations, France makes the following declaration:

'France, as a Permanent Member of the Security Council, pledges that, in the event of attack with nuclear weapons or the threat of such attack against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, France will immediately inform the Security Council and act within the Council to ensure that the latter takes immediate steps to provide, in accordance with the Charter, necessary assistance to any State which is the victim of such an act or threat of aggression.

'France reaffirms in particular the inherent right, recognized in Article 51 of the Charter, of individual or collective self-defence if an armed attack, including an attack with use of nuclear weapons, occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.'

In this area also, we are pleased that the content of these positive assurances has been the subject of close consultations with the other nuclear Powers.

Thirdly, France, with the four other nuclear Powers, has decided to submit to the United Nations Security Council a draft resolution which constitutes a first in many respects, and which reflects our intention to meet the expectations of the international community globally, collectively and specifically;

Globally: for the first time, a draft resolution deals with both negative and positive assurances;

Collectively: for the first time, a resolution of the Security Council specifies the measures which the Security Council could take in the event of aggression, in the areas of the settlement of disputes, humanitarian assistance and compensation to the victims.

The draft resolution solemnly reaffirms the need for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully respect their obligations. That is not a *petitio principii*, but a reminder of a fundamental rule. The draft resolution also emphasizes the desirable nature of universal accession to the Treaty.

The decisions which I have just announced correspond to our intention to consolidate the non-proliferation regime and particularly the Treaty on the Non-Proliferation of Nuclear Weapons, which is the cornerstone of that regime. It is our hope and firm conviction that the initiatives we have just taken will contribute thereto.

Soviet Union/Russia

Given on 26 May 1978 [extract]

From the rostrum of the special session our country declares that the Soviet Union will never use nuclear weapons against

those States which renounce the production and acquisition of such weapons and do not have them on their territories.

We are aware of the responsibility which would thus fall on us as a result of such a commitment. But we are convinced that such a step to meet the wishes of non-nuclear States to have stronger security guarantees is in the interests of peace in the broadest sense of the word. We expect that the goodwill evinced by our country in this manner will lead to more active participation by a large number of States in strengthening the non-proliferation regime. {*Official Records of the General Assembly, Tenth Special Session, Plenary Meetings*, 5th meeting, paras. 84 and 85.}

Given on 12 June 1982 [extract]

[The Soviet Union assumes] an obligation not to be the first to use nuclear weapons. This obligation shall become effective immediately, at the moment it is made public from the rostrum of the United Nations General Assembly. ... [The question of the granting of security guarantees] could be solved by concluding an international convention. The USSR is also prepared to conclude bilateral agreements on guarantees with States which do not possess nuclear weapons and do not have them on their territory. {*Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings*, 12th meeting}

Given on 5 April 1995

Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

United Kingdom

Given on 28 June 1978 [extract]

I accordingly give the following assurance, on behalf of my government, to non-nuclear-weapon States which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a nuclear-weapon State. {*Official Records of the General Assembly, Tenth Special Session, Plenary Meetings*, 26th meeting, para. 12}

Given on 6 April 1995

The Government of the United Kingdom believes that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognises that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognising the continued concern of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the

other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government does not regard its assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968 the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking 'effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace'. Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, Party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

United States

Given on 17 November 1978 [extract]

The United States will not use nuclear weapons against any non-nuclear-weapon State Party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack. {A/C.1/33/7, annex}

Given on 5 April 1995

The United States of America believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry into force, an event commemorated by President Clinton in a speech in Washington D.C., on 1 March 1995. A conference to decide on the extension of the Treaty will begin in New York on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognised principles of international law, parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to the Treaty.

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter of the United Nations, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon-State permanent members, would act immediately in accordance with the Charter, in the event such non-nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such

an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

United Nations Security Council Resolution 984 (1995)

[Adopted by the Security Council on 11 April 1995]

The Security Council,

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

Recognizing the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

Welcoming the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

Reaffirming the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

Taking into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, further appropriate measures be undertaken to safeguard their security,

Considering that the present resolution constitutes a step in this direction,

Considering further that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note* with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes further* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and *recognizes also* that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an

investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses* its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal,

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* that the issues raised in this resolution remain of continuing concern to the Council.

Working Paper Submitted by Egypt to the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation Of Nuclear Weapons [Extract]

[Reproduced from NPT/CONF.IV/PC.III/19, 27 April
1990]

II. The Consolidation of the Effectiveness of the Non-Proliferation Treaty

II.1 – Security Assurances for Non-Nuclear Weapon States

Egypt believes that the most effective guarantee against the use or threat of nuclear weapons is nuclear disarmament under effective international control. Pending the attainment of that goal, negative security assurances are an indispensable measure in this regard.

The Conference on Disarmament in Geneva has a mandate to negotiate 'effective international arrangements' to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In this respect, the Third Review Conference expressed regrets that such arrangements were not reached and called upon all States, and in particular the nuclear-weapon States, to continue the negotiations devoted to the search for a common approach acceptable to all, which could be included in an international instrument of a legally binding character.

Hence, the Fourth Review Conference should:

II.1.A Call upon the United Nations Security Council to adopt a new resolution on negative security assurances. The proposed resolution should include credible assurances beyond what Security Council resolution 255 of 1968 provided for, in particular:

II.1.A.i A clear indication of the mandatory action to be adopted by the nuclear-weapon States and the Security Council to redress a situation where a non-nuclear-weapon State party to the Treaty is the object of a nuclear attack or threat of attack.

II.1.A.ii The obligation to pay reparation or compensation to the victim.

II.1.A.iii The obligation by States to provide immediate assistance to the victim.

II.1.B Request a collective declaration on negative security assurances by the nuclear-weapon States, to replace the 1978 unilateral declarations.

The collective declaration should refer to the unconditional commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against the non-nuclear-weapon States party to the NPT, which do not possess or place nuclear weapons on their territories.

II.1.C The issue of security assurances should be dealt with by the Conference in light of the existing peril emanating from the practice of certain nuclear threshold countries of an undeclared and ambiguous nuclear policy against their regional neighbours. The situation is further confounded by the refusal of such states to join the NPT, present the necessary assurances, and allow for verification measures under effective international control.

II.1.D Adopt an international instrument of a legally binding character on negative security assurances to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

This envisaged instrument could incorporate the following ideas:

II.1.D.i A commitment by all States party to the NPT not to use or threaten to use nuclear weapons from their territories against any State party to the NPT which does not possess or place nuclear weapons on its territories.

II.1.D.ii All States party to the Treaty should support the imposition of sanctions against any State, party or non-party to the Treaty which uses nuclear weapons against a non-nuclear-weapon State party to the Treaty which does not place nuclear weapons on its territories.

II.1.D.iii All nuclear-weapon States should not allow a non-nuclear-weapon State not party to the NPT, but has the capability to use nuclear weapons to attack or threaten to attack a non-nuclear-weapon State Party to the NPT.

II.1.D.iv All States party to the Treaty should provide assistance, if requested, to any non-nuclear-weapon State party to the Treaty that does not maintain nuclear weapons on its territory and has been attacked or threatened by the use of nuclear weapons.

...

**Working Paper Submitted by Egypt to the
Conference on Disarmament Ad Hoc Committee
on Effective International Arrangements to
Assure Non-Nuclear-Weapon States against the
Use or Threat of Use of Nuclear Weapons
[Extract]**

[Reproduced from CD/SA/WP.13, 6 August 1991]

Egypt attaches great importance to the issue of effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons and believes that the most effective guarantee against the use or threat of use of nuclear weapons is nuclear disarmament under effective international control. Pending the attainment of this goal, security assurances are an important measure in this regard.

Egypt also believes that the non-proliferation Treaty, which is the cornerstone of the Non-Proliferation regime, should provide adequate security for all its parties.

On the basis of this understanding Egypt presented to the IV Review Conference of the Non-Proliferation Treaty which convened in Geneva in the summer of 1990, a proposal to this effect. Since then several important developments took place.

On 19 December 1990 the General Assembly adopted a resolution (A/RES/45/54) on the issue of effective international arrangements to assure non-nuclear-weapon States against

the use or threat of use of nuclear weapons. The resolution contained in operative paragraph 5 a recommendation that:

'The Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure 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.'

On 24 January 1991 the Conference on Disarmament decided to re-establish for the duration of its 1991 session, an Ad Hoc Committee to continue 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.

In the course of the deliberations of the A.H.C. its chairman, Ambassador Kralik of the Czech and Slovak Federal Republic made many references to the Egyptian proposal and included it in the Chairman's papers. The debate also demonstrated wide support for the Egyptian proposal. One delegation expressed the conviction that while some may argue that the discussion of the so-called positive security assurances falls outside the purview of this committee, this delegation believed that the general objective of the Egyptian proposal is compatible with the thrust of this committee's deliberation. Additionally, a group coordinator stated on behalf of his group that they took note with interest of the intention of the Egyptian delegation to table a new proposal on this issue.

The Egyptian proposal stems from the conviction underlined by the United Nations Charter that the primary objective of the United Nations is to maintain international peace and security and to take collective effective measures for the prevention and removal of threats to the peace through a collective security system. This guided the Security Council to adopt its resolution 255 of 19 June 1968 entitled 'Question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the non-proliferation of nuclear weapons'.

This resolution which was adopted by the Security Council with five abstentions and without the participation of China culminated a process in which efforts exerted at the ENDC to incorporate a clause covering this issue in the text of the NPT, failed.

Consequently, and when the General Assembly was considering the adoption of the NPT in the course of its resumed session in May 1968, many delegations emphasized the necessity and importance of incorporating provisions for security assurances for non-nuclear-weapons States in the text of the NPT. This demand was, regrettably, not looked upon with favour by the nuclear-weapon States, and as a result the NPT did not contain a clause providing for security assurances. Instead the Security Council adopted resolution 255 which stated:

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapons State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members would have to act immediately in accordance with their obligation under the United Nations Charter;
2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the non-proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;
3. Reaffirms in particular the inherent right, recognised under article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

A closer look at 255 would reveal the following:

The first operative paragraph of 255 was drafted without proper consideration to the gravity of the actual use or threat of use of nuclear weapons. In fact what the resolution stipulates is that such an aggression or threat, would create a situation in which the Security Council would have to act immediately.

Consequently, resolution 255 lacks an explicit and unequivocal reference to this situation as one that would threaten international peace and security in conformity with the provisions of article 39 of the Charter. The resolution also did not contain a stipulation to deter States from using or threatening to use nuclear weapons nor does it contain assurances that the Council shall embark on effective and immediate measures to respond to such a grave situation in accordance with the letter and spirit of the relevant articles of Chapter 7.

The *second* paragraph of resolution 255 welcomes, in a rather superficial manner, the intention expressed by certain States that they will provide and support immediate assistance in accordance with the Charter to any non-nuclear weapon State Party to the Treaty that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used. What is lacking is a clear cut commitment from the nuclear-weapons States to take effective measures such as the application of sanctions. Furthermore, resolution 255 did not clearly indicate the extent and definition of 'assistance'. As a result any up-dating of resolution 255 should entail a comprehensive definition of assistance so as to include technical, scientific, financial and humanitarian assistance.

The *third* operative paragraph of resolution 255 which reaffirmed the inherent right recognized under article 51 of the Charter, of individual and collective self-defense did not contain, or bring about, any new addition to what has already been enshrined in the Charter.

For all the above-mentioned considerations it has become imperative to update Security Council resolution 255 by adopting a new resolution that would contain credible assurances and would build upon the provisions originally contained in resolution 255 of 1968.

The delegation in Egypt considers that a first step is necessary to initiate a process whereby nuclear-weapon State Party to the NPT would conduct consultations collectively or individually with the nuclear-weapon States not currently party to the Treaty on security assurances taking into account United Nations Security Council resolution 255 of 1968 and to inform other States parties to the treaty of any progress on appropriate action by the Security Council that may result from these efforts.

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), 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 II 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 VIII (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 ...

K — Export Controls

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 III.2 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 III.2(a) of the NPT). The second defined and dealt with exports of *equipment and non-nuclear material* (Article III.2(b) of the NPT). The Committee agreed to exchange information about actual exports, or issue of licenses for exports, to any non-nuclear weapon States not Party to the NPT through a system of Annual Returns which are circulated on a confidential basis amongst the membership each year in April.

5. The consensus, which formed the basis of the Committee's 'Understandings' as they are known, was formally accepted by individual Member States of the Committee by an exchange of Notes amongst themselves. These amounted to unilateral declarations that the Understandings would be given effect through respective domestic export control legislation.

6. More or less in parallel with this procedure each Member State (except three) wrote identical letters to the Director General of the IAEA, enclosing edited versions of the two memoranda, informing him of 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 III.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.

Membership.

11. A list of the current Member States of the Zangger Committee is set out below.

Australia
Austria
Belgium
Canada
Czechoslovakia
Denmark
Finland
[Germany]¹
Greece
Hungary
Ireland
Italy
Japan
Luxembourg
Netherlands
Norway
Poland
[Russian Federation]²
Sweden
Switzerland
United Kingdom
United States of America

Chairman

12. Mr Ilkka Makipentti of Finland succeeded Professor Zangger as Chairman in 1989.

Notes:

1. Following unification of the German Democratic Republic and the Federal Republic of Germany.
2. Successor state to the Union of Soviet Socialist Republics.

The Nuclear Suppliers Group: Its origins, role and activities

[Circulated by Australia on Behalf of the Member States of the Nuclear Suppliers Group and reproduced in IAEA Information Circular 539 (INFCIRC/539), 16 September 1997]

Overview

1. The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries which 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. Thirty-four countries are currently members of the NSG. These countries pursue the aims of the NSG through adherence to the 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 exclusively for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plant 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 guidelines governs the export of nuclear related dual-use items and technologies—that is, items that can make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but which 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 Nonproliferation of Nuclear Weapons (the NPT), and the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty

(Treaty of Rarotonga), the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) and the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Treaty of Bangkok).

5. The Guidelines aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices without hindering international trade and cooperation in the nuclear field. The 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 members to rigorous conditions of supply, in the context of the further development of the applications of nuclear energy for peaceful purposes, makes the NSG a central element of the international nuclear non-proliferation regime.

Background to present paper

7. The purpose of this paper is to contribute to a broader understanding of the NSG and its activities as part of an overall effort to promote dialogue and cooperation between NSG members and non-members of the NSG. This document provides information on actions taken by NSG members to give effect to their commitment to improve transparency in nuclear related export controls and to cooperate more closely with non-NSG states to achieve this objective. In so doing, it aims to encourage wider adherence to the Guidelines.

8. The paper's purpose is therefore consistent with The Decision on Principles and Objectives for Nuclear Non-proliferation and Disarmament, agreed at the Nuclear Non-Proliferation Treaty Review and Extension Conference, in May 1995 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 members also take into account Paragraph 16 of the 1995 NPT Review and Extension Conference decision 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.

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 achievements of the NSG to date.

Section IV reports on efforts by the NSG to promote openness and transparency.

I. Origins and development of the NSG

Export Controls

9. From the beginning of international cooperation in the peaceful uses of nuclear energy, supplier countries have recognised the responsibility to ensure that such cooperation does not contribute to the proliferation of nuclear weapons. Shortly after entry into force of the NPT in 1970, multilateral consultations on nuclear export controls led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee (in 1971) and what has become known as the Nuclear Suppliers' Group (NSG, 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".

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 guidelines ("common understandings") governing the export of those items to non-nuclear weapon states (NNWS) that are not

party to the NPT. These Guidelines establish three conditions for the supply: a non-explosive use assurance, an IAEA safeguards requirement, and a re-transfer provision which required the receiving state to apply the same conditions when re-exporting these items. The trigger list and the Guidelines 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 non-nuclear weapon state, 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. These 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 Guidelines also adopted a requirement for physical protection measures, agreement to exercise particular caution in the transfer of sensitive facilities, technology and weapons-useable materials, and strengthened re-transfer provisions. In doing so, the Guidelines recognised the fact that there is a class of technologies and materials which are particularly sensitive because they can lead directly to the creation of weapons usable material. 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, a number of recommendations were made by the committee reviewing the implementation of Article III which 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. fullscope 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 program, which later prompted UN Security Council action. A large part of Iraq's effort had been the acquisition of dual-use items not covered by the Guidelines and then building 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) which 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;
- 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 which have been issued as a result of national decisions not to authorise transfers of dual-use equipment or technology, and to ensure that members do not approve transfers of such items without first consulting with the state that issued the notification;
- to make a fullscope safeguards agreement with the IAEA a condition for the future supply of trigger list items to any non-nuclear weapons state. This decision ensured that only NPT parties and other states with fullscope safeguards agreements could benefit from nuclear transfers.

16. The endorsement at the 1995 NPT Review and Extension Conference (NPTREC) of the fullscope 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 the Decision on "Principles and Objectives for Nuclear Non-proliferation and Disarmament" at the 1995 NPTREC states that fullscope 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.

The NSG, the Zangger Committee, and the NPT

17. The Zangger Committee's provisions are closely tied to Article III.2 of the NPT. In contrast to the Zangger Committee, NSG members are not all parties to the NPT, but they all adhere to instruments which contain equally binding commitments. The NSG guidelines are designed to strengthen implementation of the strong non-proliferation undertakings contained in those legal instruments.

18. The NSG and the Zangger Committee differ in the scope of their trigger lists of especially designed or prepared items (EDP) 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. On export conditions for the items on the "Trigger Lists", the NSG has a formal fullscope safeguards requirement as a condition of supply. However, all members of the NSG and of the Zangger Committee apply fullscope safeguards as a condition of supply for trigger list items to NNWS.

19. 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 recognized as making an important contribution to nuclear non-proliferation.

20. The NSG guidelines apply to transfers to all NNWS. The Zangger Committee memoranda only apply to transfers to NNWS not party to the NPT, as compliance with NPT obligations fulfills the criteria of the Zangger Committee understandings. In 1994 the NSG also strengthened its retransfer provisions to require government-to-government assurances to support the stipulation that a supplier's consent be obtained for the re-transfer of trigger list items from any state which does not require fullscope safeguards as a condition of supply. At the same time, the NSG also adopted the so-called non-proliferation principle whereby a supplier, notwithstanding other provisions in the Guidelines, should authorise 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.

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

Membership

22. From the initial publication of INFCIRC/254 in 1978 to now, membership has increased steadily. Most recently, Argentina, South Africa, New Zealand, the Republic of Korea, Ukraine and Brazil have become members of the NSG. (See full list of members in Annex 1).

23. Factors taken into account for membership 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 which gives effect to the commitment to act in accordance with the Guidelines;
- adherence to one or more of the NPT, the Treaties of Pelindaba, Rarotonga, Tlatelolco, Bangkok or an equivalent international nuclear non-proliferation agreement, 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 member states who meet once a year in a plenary session.

25. A rotating chairmanship has overall responsibility for coordination of work and outreach activities. To date the chairmanship has rotated annually from one Plenary session to the next. Previous chairs are the Netherlands, Poland, Switzerland, Spain and Finland. Argentina chaired the NSG in 1996, Canada in 1997 and the United Kingdom will chair in 1998.

26. The Plenary can decide to set up technical working groups on matters such as the review of the Guidelines, the Annexes, the procedural arrangements, on information sharing, and transparency activities. The 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 which report to the Plenary. These are the Dual-Use consultations and the Joint Information Exchange (JIE) with chairs which also rotate annually. The Dual-Use consultations take place at least once a year. They review the implementation of the dual-use guidelines and the items listed in Part 2 of INFCIRC/254. The JIE immediately precedes the Plenary and provides another opportunity for members to share information and developments of relevance to the objectives and content of the Guidelines.

29. NSG members 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 Guidelines and their associated lists and re-issues 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 Chair, the Dual-Use and JIE chairs and the various Working Group chairs established by the Plenary.

How the Guidelines work

31. The Guidelines introduce a degree of order and predictability among the suppliers and ensure harmonised standards and harmonised interpretation of suppliers' undertakings. This is designed to ensure that the normal process of commercial competition will not lead to outcomes that further the proliferation of nuclear weapons. Consultations among partners 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 member 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 members 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 take 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 which is based on the IAEA's international verification system. Strengthened safeguards under the IAEA's Program 93 plus 2 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 members, the group conducts briefings of non-members, with a view to increasing the understanding of and adherence to the Guidelines. States can choose to adhere to the Guidelines without being obliged to join the NSG.

III. Achievements 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 which NSG members share with all NPT parties and parties to other international legally binding non-proliferation commitments. Controls on the transfer of listed items and technologies provide essential support for the implementation of these treaties and for the continuation and development of peaceful nuclear cooperation, thus also facilitating the utilisation of nuclear energy in developing countries.

36. Contrary to fears that the NSG guidelines act as an impediment to the transfer of nuclear materials and equipment, they have in fact facilitated the development of such trade. For some time now, supply arrangements have incorporated NSG commitments. Such arrangements are designed to expedite transfers and trade. The NSG commitments, when woven into the supply arrangements with a basis in respective national laws, provide governments with legitimate and defensible arguments that such arrangements diminish proliferation risk. In this manner, non-proliferation and trade purposes mutually reinforce one another.

37. The NSG guidelines are applied both to members and non-members of the NSG. Most NSG members 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-members of the NSG in accordance with the Guidelines.

38. As practised by NSG members, 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 members of

applications for export licences have concerned states with unsafeguarded nuclear programs.

39. For a comparison of numbers of licences issued and number of denials during a specific period of time, see Annex 3.

40. 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.

IV. NSG action to promote openness and transparency

41. The NSG is aware that non-members have in the past expressed concern about the lack of transparency in the NSG's proceedings. Non-members have not been part of the decision-making process in the establishment of the Guidelines. Concerns have therefore been expressed that the NSG has sought to deprive states of the benefits of nuclear technology or imposed requirements on non-members which have been made without their participation.

42. NSG members 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 membership of the NSG demonstrates that it is not a closed shop. It is also the case that a large part of the Guidelines were agreed in 1978 and have been accepted by all current NSG members, although most were not at that time members of the group, and thus were not involved in the drafting process.

43. 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 chairmen and representatives of NSG member states as well as during NSG seminars specially convened for this purpose (in 1994 and 1995).

44. The NSG welcomes the call in Paragraph 17 of the "Principles and Objectives for Nuclear Non-proliferation and Disarmament" adopted at the NPT Review and Extension Conference 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-member countries.

45. This is additional to the ongoing NSG outreach program and regular contacts with specific countries to inform them about NSG practices and to promote adherence to the Guidelines.

46. As a first step, NSG member States have strengthened their dialogue with non-members of the NSG through contacts which took place in 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 which deal with these issues. This paper is a further practical contribution to this process.

47. The NSG is organising a seminar on the role of export controls in nuclear non-proliferation on 7-8 October 1997 in Vienna, immediately following the forty-first session of the IAEA General Conference. 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, whether parties to the NPT or not. Governmental representatives, international organisations involved with the issues and some academic and industry specialists on the subject will be invited.

48. The international seminar is 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.

49. NSG members will also explore other means of cooperating more closely with non-member states to promote understanding of the Guidelines as well as adherence and implementation.

Conclusions

50. 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.

51. With regard to the future development of the Guidelines, NSG members 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.

52. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulars.

53. The NSG remains open to admitting further supplier countries in order to strengthen international non-proliferation efforts, as already illustrated by its broadening membership in all regions of the world.

54. The NSG is committed to the further promotion of openness and transparency in its practices and policy.

ANNEX NSG MEMBER STATES

(As of September 1997)

Argentina
Australia
Austria
Belgium
Brazil
Bulgaria
Canada
Czech Republic
Denmark
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Japan
Republic Of Korea
Luxembourg
Netherlands
New Zealand
Norway
Poland
Portugal
Romania
Russian Federation
Slovakia
South Africa
Spain
Sweden
Switzerland
Ukraine
United Kindgom
United States
European Commission

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

[Reproduced from: INFCIRC/209/Rev.2, 9 March 2000]

1. The Director General of the International Atomic Energy Agency has received letters of 15 November 1999 from the Resident Representatives of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Slovak Republic, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States of America, concerning the export of nuclear material and of certain categories of equipment and other material.

2. In light of the wish expressed at the end of each letter, the text of the letter is attached hereto.

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 limes specified in sub-paragraph (b) below, shall be disregarded for the purpose of the procedures described above:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%; Special fissionable material when used in gram quantities or less as a sensing component in instruments; and Source material which the Government is satisfied is to be used only in non-nuclear activities, such as the production alloys or ceramics;

(b) Special fissionable material 50 effective grams; Natural uranium 500 kilograms; Depleted uranium 1000 kilograms; and Thorium 1000 kilograms.

Memorandum B

1. Introduction

The Government has had under consideration procedures in relation to exports of certain categories of equipment and material, in the light of its commitment not to provide equipment or material especially designed or prepared for the processing use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material produced, processed or used in the equipment or material in question is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. The Designation of Equipment or Material Especially Designed or Prepared for the Processing, Use or Production of Special Fissionable Material

The designation of items of equipment or material especially designed or prepared for the processing, use or production of special fissionable material (hereinafter referred to as the "Trigger List") adopted by Government is as follows (quantities below the levels indicated in the Annex being regarded as insignificant for practical purposes):

- 2.1. Reactors and equipment therefor (see Annex, section 1.);
- 2.2. Non-nuclear materials for reactors (see Annex, section 2.);
- 2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex, section 3.);
- 2.4. Plants for the fabrication of fuel elements (see Annex, section 4.);
- 2.5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, designed or prepared therefor (See Annex, section 5);
- 2.6. Plants for the production of heavy water, deuterium and deuterium compounds and equipment designed or prepared therefor (see Annex, section 6.);
- 2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in Annex sections 4 and 5 respectively, and equipment especially designed or prepared therefor (see Annex, section 7.)

3. THE APPLICATION OF SAFEGUARDS

The Government is solely concerned with ensuring, where relevant, the application of safeguards in non-nuclear-weapon States not party to the Treaty on the Non Proliferation of Nuclear Weapons (NPT) with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply Trigger List items for peaceful purposes such a State, it will:

- (a) Specify to the recipient State, as a condition of supply, that the source or special fissionable material produced, processed or used in the facility for which the items is supplied shall not be diverted to weapons or other nuclear explosive devices; and
- (b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance its safeguards system, will be applied to the source or special fissionable material in question.

4. Direct Exports

In the case of direct exports to non-nuclear weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the equipment or material in question, that such equipment or material will fall under a safeguards agreement with the Agency.

5. Retransfers

The Government, when exporting Trigger List items, will require satisfactory assurances that the items will not be re-exported to a non-nuclear weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

6. Miscellaneous

The Government reserves to itself discretion as to interpretation and implementation of its commitment to in paragraph 1 above and the right to require, if it wishes, safeguards as above in relation to items it exports in addition to those items specified in paragraph 2 above.

Annex

Clarification of Items on the Trigger List

(as designated in Section 2 of Memorandum B)

[*Editorial Note:* The items contained in this annex are now identical to those in Sections 1–6 of the NSG Guidelines, published in INFCIRC/254 — see below.]

Guidelines for Nuclear Transfers

[Nuclear Suppliers Group, INFCIRC/254/Rev.5/Part 1, 16 January 2002]

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.

(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 recognize the importance, in order to advance the objectives of these guidelines and to provide opportunities further to reduce the risks of proliferation, of including 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. Suppliers should endeavour to include such provisions whenever appropriate and practicable.

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.

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.

SUPPORTING ACTIVITIES

Physical security

11. Suppliers should promote international co-operation on the exchange of physical security information, protection of nuclear materials in transit, and recovery of stolen nuclear materials and equipment.

Support for effective IAEA safeguards

12. 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.

Sensitive plant design features

13. Suppliers should encourage the designers and makers of sensitive equipment to construct it in such a way as to facilitate the application of safeguards.

Consultations

14. (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) In the event that one or more suppliers believe that there has been a violation of supplier/recipient understandings 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.

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.

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.

15. 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.

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".

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 non-nuclear 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 uranium 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)

[*Editorial Note*: Only the headings of the items clarified are reproduced here.]

1. Nuclear reactors and especially designed or prepared equipment and components therefor
 - 1.1. Complete nuclear reactors
 - 1.2. Nuclear reactor vessels
 - 1.3. Nuclear reactor fuel charging and discharging machines
 - 1.4. Nuclear reactor control rods and equipment
 - 1.5. Nuclear reactor pressure tubes
 - 1.6. Zirconium tubes
 - 1.7. Primary coolant pumps
 - 1.8. Nuclear reactor internals
 - 1.9. Heat exchangers
 - 1.10. Neutron detection and measuring instruments
2. Non-nuclear materials for reactors
 - 2.1. Deuterium and heavy water
 - 2.2. Nuclear grade graphite
3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor
 - 3.1. Irradiated fuel element chopping machines
 - 3.2. Dissolvers
 - 3.3. Solvent extractors and solvent extraction equipment
 - 3.4. Chemical holding or storage vessels
4. Plants for the fabrication of nuclear reactor fuel elements, and equipment especially designed or prepared therefor
5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, especially designed or prepared therefor
 - 5.1. Gas centrifuges and assemblies and components especially designed or prepared for use in gas centrifuges
 - 5.1.1. Rotating components
 - 5.1.2. Static components
 - 5.2. Especially designed or prepared auxiliary systems, equipment and components for gas centrifuge enrichment plants
 - 5.2.1. Feed systems/product and tails withdrawal systems
 - 5.2.2. Machine header piping systems
 - 5.2.3. UF₆ mass spectrometers/ion sources
 - 5.2.4. Frequency changers
 - 5.3. Especially designed or prepared assemblies and components for use in gaseous diffusion enrichment
 - 5.3.1. Gaseous diffusion barriers
 - 5.3.2. Diffuser housings
 - 5.3.3. Compressors and gas blowers
 - 5.3.4. Rotary shaft seals
 - 5.3.5. Heat exchangers for cooling UF₆
 - 5.4. Especially designed or prepared auxiliary systems, equipment and components for use in gaseous diffusion enrichment
 - 5.4.1. Feed systems/product and tails withdrawal systems
 - 5.4.2. Header piping systems
 - 5.4.3. Vacuum systems
 - 5.4.4. Special shut-off and control valves
 - 5.4.5. UF₆ mass spectrometers/ion sources
 - 5.5. Especially designed or prepared systems, equipment and components for use in aerodynamic enrichment plants
 - 5.5.1. Separation nozzles
 - 5.5.2. Vortex tubes
 - 5.5.3. Compressors and gas blowers
 - 5.5.4. Rotary shaft seals
 - 5.5.5. Heat exchangers for gas cooling
 - 5.5.6. Separation element housings
 - 5.5.7. Feed systems/product and tails withdrawal systems
 - 5.5.8. Header piping systems.
 - 5.5.9. Vacuum systems and pumps
 - 5.5.10. Special shut-off and control valves
 - 5.5.11. UF₆ mass spectrometers/ion sources
 - 5.5.12. UF₆/carrier gas separation systems
 - 5.6. Especially designed or prepared systems, equipment and components for use in chemical exchange or
 - 5.6.1. Liquid-liquid exchange columns (Chemical exchange)
 - 5.6.2. Liquid-liquid centrifugal contactors (Chemical exchange)
 - 5.6.3. Uranium reduction systems and equipment (Chemical exchange)
 - 5.6.4. Feed preparation systems (Chemical exchange)
 - 5.6.5. Uranium oxidation systems (Chemical exchange)
 - 5.6.6. Fast-reacting ion exchange resins/adsorbents (Ion exchange)
 - 5.6.7. Ion exchange columns (Ion exchange)
 - 5.6.8. Ion exchange reflux systems (Ion exchange)
- 5.7. Especially designed or prepared systems, equipment and components for use in laser-based enrichment
 - 5.7.1. Uranium vaporization systems (AVLIS)
 - 5.7.2. Liquid uranium metal handling systems (AVLIS)
 - 5.7.3. Uranium metal 'product' and 'tails' collector assemblies (AVLIS)
 - 5.7.4. Separator module housings (AVLIS)
 - 5.7.5. Supersonic expansion nozzles (MLIS)
 - 5.7.6. Uranium pentafluoride product collectors (MLIS)
 - 5.7.7. UF₆/carrier gas compressors (MLIS)
 - 5.7.8. Rotary shaft seals (MLIS)
 - 5.7.9. Fluorination systems (MLIS)
 - 5.7.10. UF₆ mass spectrometers/ion sources (MLIS)
 - 5.7.11. Feed systems/product and tails withdrawal systems (MLIS)
 - 5.7.12. UF₆/carrier gas separation systems (MLIS)
 - 5.7.13. Laser systems (AVLIS, MLIS and CRISLA)
- 5.8. Especially designed or prepared systems, equipment and components for use in plasma separation
 - 5.8.1. Microwave power sources and antennae
 - 5.8.2. Ion excitation coils
 - 5.8.3. Uranium plasma generation systems
 - 5.8.4. Liquid uranium metal handling systems
 - 5.8.5. Uranium metal 'product' and 'tails' collector assemblies
 - 5.8.6. Separator module housings
- 5.9. Especially designed or prepared systems, equipment and components for use in electromagnetic
 - 5.9.1. Electromagnetic isotope separators
 - 5.9.2. High voltage power supplies
 - 5.9.3. Magnet power supplies
6. Plants for the production or concentration of heavy water, deuterium and deuterium compounds and
 - 6.1. Water-Hydrogen Sulphide Exchange Towers
 - 6.2. Blowers and Compressors
 - 6.3. Ammonia-Hydrogen Exchange Towers
 - 6.4. Tower Internals and Stage Pumps
 - 6.5. Ammonia Crackers
 - 6.6. Infrared Absorption Analyzers
 - 6.7. Catalytic Burners
 - 6.8. Complete heavy water upgrade systems or columns therefor
7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements
 - 7.1. Plants for the conversion of uranium and equipment especially designed or prepared therefor
 - 7.1.1. Especially designed or prepared systems for the conversion of uranium ore concentrates to UO₃
 - 7.1.2. Especially designed or prepared systems for the conversion of UO₃ to UF₆
 - 7.1.3. Especially designed or prepared systems for the conversion of UO₃ to UO₂
 - 7.1.4. Especially designed or prepared systems for the conversion of UO₂ to UF₄
 - 7.1.5. Especially designed or prepared systems for the conversion of UF₄ to UF₆
 - 7.1.6. Especially designed or prepared systems for the conversion of UF₄ to U metal
 - 7.1.7. Especially designed or prepared systems for the conversion of UF₆ to UO₂
 - 7.1.8. Especially designed or prepared systems for the conversion of UF₆ to UF₄
 - 7.1.9. Especially designed or prepared systems for the conversion of UO₂ to UCl₄
 - 7.2. Plants for the conversion of plutonium and equipment especially designed or prepared therefor
 - 7.2.1. Especially designed or prepared systems for the conversion of plutonium nitrate to oxide
 - 7.2.2. Especially designed or prepared systems for plutonium metal production

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

INFCIRC/254/Rev.4/Part 2, March 2000

OBJECTIVE

1. With the objective of averting the proliferation of nuclear weapons, 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" or an "unsafeguarded nuclear fuel-cycle activity." 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 cooperation as long as such cooperation will not contribute to a nuclear explosive activity or an unsafeguarded nuclear fuel-cycle activity. Suppliers intend to implement the Guidelines in accordance with national legislation and relevant international commitments.

BASIC PRINCIPLE

2. Suppliers should not authorize transfers of equipment, materials, software, or related technology identified in the Annex:

- for use in a non-nuclear-weapon state in a nuclear explosive activity or an unsafeguarded nuclear fuel cycle activity, or
- in general, when there is an unacceptable risk of diversion to such an activity, or when the transfers are contrary to the objective of averting the proliferation of nuclear weapons.

EXPLANATION OF TERMS

3. (a) "Nuclear explosive activity" includes research on or development, design, manufacture, construction, testing or maintenance of any nuclear explosive device or components or subsystems of such a device.

(b) "Unsafeguarded nuclear fuel-cycle activity" includes research on or development, design, manufacture, construction, operation or maintenance of any reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation, where there is no obligation to accept International Atomic Energy Agency (IAEA) safeguards at the relevant facility or installation, existing or future, when it contains any source or special fissionable material; or of any heavy water production plant where there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom; or where any such obligation is not met.

ESTABLISHMENT OF EXPORT LICENSING PROCEDURES

4. Suppliers should establish export licensing procedures for the transfer of equipment, materials, software, and related technology identified in the Annex. These procedures should include enforcement measures for violations. In considering whether to authorize such 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.

CONDITIONS FOR TRANSFERS

5. 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

6. 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

7. 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.

8. 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.

9. 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

GENERAL NOTE

The following paragraphs are applied to the List of Nuclear-Related Dual-Use Equipment, Material, Software, and Related Technology.

1. The description of any item on the List includes that item in either new or second-hand condition.

2. When the description of any item on the List contains no qualifications or specifications, it is regarded as including all varieties of that item. Category captions are only for convenience in reference and do not affect the interpretation of item definitions.

3. The object of these controls should not be defeated by the transfer of any non-controlled item (including plants) containing one or more controlled components when the controlled component or components are the principal element of the item and can feasibly be removed or used for other purposes.

Note: In judging whether the controlled component or

components are to be considered the principal element, governments should weigh the factors of quantity, value, and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the item being procured.

4. The object of these controls should not be defeated by the transfer of component parts. Each government will take such action as it can to achieve this aim and will continue to seek a workable definition for component parts, which could be used by all the suppliers.

TECHNOLOGY CONTROLS

The transfer of "technology" is controlled according to the Guidelines and as described in each section of the Annex. "Technology" directly associated with any item in the Annex will be subject to as great a degree of scrutiny and control as will the item itself, to the extent permitted by national legislation.

The approval of any Annex item for export also authorizes the export to the same end user of the minimum "technology" required for the installation, operation, maintenance, and repair of the item.

Note: Controls on "technology" transfer do not apply to information "in the public domain" or to "basic scientific research".

GENERAL SOFTWARE NOTE

The transfer of "software" is controlled according to the Guidelines and as described in the Annex.

Note: Controls on "software" transfers do not apply to "software" as follows:

1. Generally available to the public by being:
 - a. Sold from stock at retail selling points without restriction; and
 - b. Designed for installation by the user without further substantial support by the supplier; or
2. "In the public domain".

DEFINITIONS

"Accuracy" -- Usually measured in terms of inaccuracy, defined as the maximum deviation, positive or negative, of an indicated value from an accepted standard or true value.

"Angular position deviation" -- The maximum difference between angular position and the actual, very accurately measured angular position after the workpiece mount of the table has been turned out of its initial position. (Ref. VDI/VDE 2617 Draft: "Rotary table on coordinate measuring machines")

"Basic scientific research" -- Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed toward a specific practical aim or objective.

"Contouring control" -- Two or more "numerically controlled" motions operating in accordance with instructions that specify the next required position and the required feed rates to that position. These feed rates are varied in relation to each other so that a desired contour is generated. (Ref. ISO 2806-1980 as amended)

"Development" -- is related to all phases before "production" such as:

- 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

"Fibrous or filamentary materials" -- means continuous monofilaments, yarns, rovings, tows or tapes.

N.B.:

1. Filament or monofilament -- is the smallest increment of fiber, usually several m in diameter.
2. Roving -- is a bundle (typically 12-120) of approximately parallel strands.
3. Strand -- is a bundle of filaments (typically over 200) arranged approximately parallel.
4. Tape -- is a material constructed of interlaced or unidirectional filaments, strands, rovings, tows or yarns, etc., usually preimpregnated with resin.
5. Tow -- is a bundle of filaments, usually approximately parallel.
6. Yarn -- is a bundle of twisted strands.

"Filament" -- See "Fibrous or filamentary materials".

"In the public domain" -- "In the public domain", as it applies herein, means "technology" or "software" that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove "technology" or "software" from being "in the public domain".)

"Linearity" -- (Usually measured in terms of non-linearity) is the maximum deviation of the actual characteristic (average of upscale and downscale readings), positive or negative, from a straight line so positioned as to equalize and minimize the maximum deviations.

"Measurement uncertainty" -- The characteristic parameter which specifies in what range around the output value the correct value of the measurable variable lies with a confidence level of 95%. It includes the uncorrected systematic deviations, the uncorrected backlash, and the random deviations. (Ref. VDI/VDE 2617)

"Microprogram" -- A sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register.

"Monofilament" -- See "Fibrous or filamentary materials".

"Numerical control" -- The automatic control of a process performed by a device that makes use of numeric data usually introduced as the operation is in progress. (Ref. ISO 2382)

"Positioning accuracy" -- of "numerically controlled" machine tools is to be determined and presented in accordance with Item 1.B.2., in conjunction with the requirements below:

(a) Test conditions (ISO 230/2 (1988), paragraph 3):

(1) For 12 hours before and during measurements, the machine tool and accuracy measuring equipment will be kept at the same ambient temperature. During the premeasurement time, the slides of the machine will be continuously cycled identically to the way they will be cycled during the accuracy measurements;

(2) The machine shall be equipped with any mechanical, electronic, or software compensation to be exported with the machine;

(3) Accuracy of measuring equipment for the measurements shall be at least four times more accurate than the expected machine tool accuracy;

(4) Power supply for slide drives shall be as follows:

(i) Line voltage variation shall not be greater than 10% of nominal rated voltage;

(ii) Frequency variation shall not be greater than 2 Hz of normal frequency;

(iii) Lineouts or interrupted service are not permitted.

(b) Test Program (paragraph 4):

(1) Feed rate (velocity of slides) during measurement shall be the rapid traverse rate;

N.B.: In the case of machine tools which generate optical quality surfaces, the feed rate shall be equal to or less than 50 mm per minute;

(2) Measurements shall be made in an incremental manner from one limit of the axis travel to the other without returning to the starting position for each move to the target position;

(3) Axes not being measured shall be retained at mid-travel during test of an axis.

(c) Presentation of the test results (paragraph 2):

The results of the measurements must include:

- (1) "positioning accuracy" (A) and
 (2) The mean reversal error (B).

"Production" -- means all production phases such as:

- construction
- production engineering
- manufacture
- integration
- assembly (mounting)
- inspection
- testing
- quality assurance

"Program" -- A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

"Resolution" -- The least increment of a measuring device; on digital instruments, the least significant bit. (Ref. ANSI B-89.1.12)

"Roving" -- See "Fibrous or filamentary materials".

"Software" -- A collection of one or more "programs" or "microprograms" fixed in any tangible medium of expression.

"Strand" -- See "Fibrous or filamentary materials".

"Tape" -- See "Fibrous or filamentary materials".

"Technical assistance" -- "Technical assistance" may take forms such as: instruction, skills, training, working knowledge, consulting services.

Note: "Technical assistance" may involve transfer of "technical data".

"Technical data" -- "Technical data" may take forms such as blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

"Technology" -- means specific information required for the "development", "production", or "use" of any item contained in the List. This information may take the form of "technical data" or "technical assistance".

"Tow" -- See "Fibrous or filamentary materials".

"Use" -- Operation, installation (including on-site installation), maintenance (checking), repair, overhaul, and refurbishing.

"Yarn" -- See "Fibrous or filamentary materials".

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 - 1.A.3. Robots, end-effectors' and control units
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K—Export Controls

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L — Physical Protection of Nuclear Material

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 State Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The

depository 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 depository 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 depository 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 depository, the convening of further conferences with the same objective.

Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depository.

Article 18

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and

application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depository 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 depository.

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 depository.

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 depository who shall circulate it immediately to all States Parties. If a majority of States Parties request the depository to convene a conference to consider the proposed amendments, the depository 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 depository 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 depository. 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 depository.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depository.

Article 22

The depository 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

Physical Protection

International Atomic Energy Agency who shall send certified copies thereof to all States.

ANNEX I

Levels of physical protection to be applied to international transport of nuclear material as categorized in Annex II.

1. Levels of physical protection for nuclear material during storage incidental to international nuclear transport include:

- (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 II and III 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.

Annex II: Categorization of Nuclear Material

Material	Form	Category		
		I	II	III ^c
Plutonium ^a	Unirradiated ^b	2kg or more	Less than 2kg but more than 500g	500g or less but more than 15g
	Unirradiated ^b uranium enriched to 20% U-235 or more	5kg or more	Less than 5kg but more than 1 kg	1kg or less but more than 15g
Uranium-235	uranium enriched to 10% U-235 or but less than 20%		10 kg or more	Less than 10kg but more than 1kg
	uranium enriched above natural, but less than 10% U-235			10 kg or more
Uranium-233	Unirradiated ^b	2kg or more	Less than 2kg but more than 500g	500g or less but more than 15g

Irradiated fuel	Depleted or natural uranium, thorium or low-enriched fuel (less than 10% fissile content) ^{d,e}
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Notes:

- a All plutonium except that with isotopic concentration exceeding 80% in plutonium-238.
- b Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.
- c Quantities not falling in Category III and natural uranium should be protected in accordance with prudent management practice.
- d Although this level of protection is recommended, it would be open to States, upon evaluation of the specific circumstances, to assign a different category of physical protection.
- e Other fuel which by virtue of its original fissile material content is classified as Category I or II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

IAEA Press Release on the Review Conference of the Convention on Physical Protection of Nuclear Material

[1 October 1992, reproduced from PR 92/36]

A Review Conference in Vienna on the Convention on the Physical Protection of Nuclear Material has unanimously affirmed that the Convention — which entered into force in 1987 — provides a sound basis for physical protection during international transport and is acceptable in its current form.

Specifically, the existing Parties to the Convention:

- agreed that it provides an appropriate framework for co-operation between States not only in protection, but also in the recovery and return of any stolen nuclear material;
- reaffirmed its central role for the physical protection of nuclear material, and their belief that the convention provides an appropriate framework for international co-operation in the application of criminal sanctions against any person who may commit criminal acts involving nuclear material;
- recognized that bilateral consultations recommended in the Convention provided an important basis for co-ordinating parties' responsibilities under the Convention; and
- reaffirmed their full support for the Convention, while urging all States which have not already done so to accede.

The Review Conference of parties to the Convention was held in Vienna on 29 September 1992. The Conference was, as required by the Convention, convened by the Director General of the International Atomic Energy Agency, the depositary of the Convention, and was attended by representatives of 35 of the 42 States to the Convention.

Agreement on the Prohibition of Attack against Nuclear Installations and Facilities Between the Republic of India and the Islamic Republic of Pakistan

[Signed December 1988, entered into force 27 January 1991]

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan, hereinafter referred to as the Contracting parties,

Reaffirming their commitment to durable peace and the development of friendly and harmonious bilateral relations;

Conscious of the role of confidence building measures in promoting such bilateral relations based on mutual trust and goodwill;

Have agreed as follows:

Article I

1. Each party shall refrain from undertaking, encouraging or participating in, directly or indirectly, any action aimed at causing the destruction of, or damage to, any nuclear installation or facility in the other country.

2. The term 'nuclear installation or facility' includes nuclear power and research reactors, fuel fabrication, uranium enrichment, isotopes separation and reprocessing facilities as well as any other installations with fresh or irradiated nuclear fuel and materials in any form and establishments storing significant quantities of radio-active materials.

Article II

Each Contracting Party shall inform the other on 1st January of each calendar year of the latitude and longitude of its nuclear installations and facilities and whenever there is any change.

Article III

This Agreement is subject to ratification. It shall come into force with effect from the date on which the Instruments of Ratification are exchanged.

Done at Islamabad on this Thirty-First day of December 1988, in two copies each in Hindi, Urdu and English, the English Text being authentic in case of any difference or dispute of interpretation.

(K P S Menon)	(Humayun Khan)
Foreign Secretary	Foreign Secretary
For the Government of the Republic of India	For the Government of the Islamic Republic of Pakistan

Moscow Nuclear Safety and Security Summit Declaration

[20 April 1996]

1. The end of the cold war and the political and economic reforms in Russia have opened a new era in our relationship and have provided the international community with real possibilities for cooperation in the fields of nuclear safety and security. The Moscow meeting is an important step in the realization of these objectives. We are determined, at this summit and beyond, to work together to ensure the safety of nuclear power and to promote greater security for nuclear materials.

2. We are committed to give an absolute priority to safety in the use of nuclear energy. As we approach the tenth anniversary of the Chernobyl accident, it is our shared objective that such a catastrophe cannot reoccur.

We are ready to cooperate among ourselves so that the use of nuclear energy is conducted all over the world consistently with fundamental principles of nuclear safety. Further, we are committed to measures which will enable nuclear power, already a significant contributor to electricity supply in those countries choosing to exploit it, to continue in the next century to play an important role in meeting future world energy demand consistent with the goal of sustainable development agreed at the Rio Conference in 1992.

We recognize the importance of openness and transparency to obtain public trust which is a key factor for the use of nuclear energy.

3. The security of all nuclear material is an essential part of the responsible and peaceful-use of nuclear energy. In particular the safe management of fissile material, including material resulting from the dismantling of nuclear weapons, is imperative, not least as a safeguard against any risk of illicit trafficking in nuclear materials.

4. In the spirit of the decisions adopted during the New York Conference of May 1995 on review and extension of the Non Proliferation Treaty (NPT), including the Decision on principles and objectives for nuclear non-proliferation and disarmament, we will increase our cooperation in the field of nuclear non-proliferation and disarmament i.e. by promoting universal adherence to the NPT, working vigorously to strengthen the International Atomic Energy Agency (IAEA) safeguards system and through effective and responsible export control measures. We are issuing a separate text on a Comprehensive Nuclear Test Ban Treaty (CTBT). We renew our commitment to 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.

Nuclear Safety

5. Recognizing that the prime responsibility for nuclear safety rests with national governments, it is of the first importance to continue to enhance international collaborative efforts to promote a high level of nuclear safety worldwide.

Safety of Civilian Nuclear Reactors

6. Nuclear safety has to prevail over all other considerations. We reaffirm our commitment to the highest internationally recognized safety level for the siting, design, construction, operation and regulation of nuclear power installations.

7. The promotion of an effective nuclear safety culture in each country with nuclear installation is essential to that end.

8. Sustainable nuclear safety also requires a supportive economic and legal environment whereby both operators and national regulatory bodies can fully assume their independent responsibilities,

9. Nuclear safety can also be enhanced by greater international transparency in nuclear power activities in particular by means of peer reviews and this should lead to existing reactors which do not meet current safety requirements being brought to an acceptable level of safety or ceasing operation.

10. The adoption of the Convention on Nuclear Safety, which reaffirms these fundamental safety principles, is a major accomplishment in this field. We urge all countries to sign this Convention and to complete internal procedures to join so that the Convention can be brought into force expeditiously certainly before the end of 1996.

11. National efforts have been made in the countries of Central and Eastern Europe and the Newly Independent States to improve nuclear safety levels often in cooperation with multilateral and bilateral programmes. In this regard, we acknowledge these important efforts to upgrade reactor safety and improve safety culture, but note that further substantial progress is still required. We reaffirm our commitment to cooperate fully for this purpose.

Nuclear Liability

12. An effective nuclear liability regime must assure adequate compensation to victims of, and for damage caused by, nuclear accidents. In addition, to secure the degree of private sector involvement needed to undertake vital safety improvements, the regime should at the same time protect industrial Suppliers from unwarranted legal action.

13. The essential principles in this area are the exclusive and strict liability of the operator of the nuclear installations and ensuring needed financial security for adequate compensation.

14. It is essential that countries with nuclear installations that have not yet done so establish an effective regime for liability for nuclear damage corresponding to these principals.

15. It is important to work together on enhancing the international regime of liability for nuclear damage with a view to ensuring that it will attract wide adherence and accommodate any state which may wish to become a party. We encourage the experts to make further progress to this end. In this connection, the reinforcement of regional cooperation is welcomed.

Energy Sector Strategies in Transition Countries

16. Efficient market-oriented strategies for energy sector reform are essential to promote nuclear safety. This will generate adequate resources for investment in safety upgrades and maintenance, and encourage energy conservation. All countries in transition should pursue such market-oriented reforms and investment strategies based upon least cost planning, giving due regard to nuclear safety and environmental criteria, and to energy efficiency and Conservation.

17. The International Financial Institutions have played a leading role in developing market energy sector reforms and investment plans. Their continued involvement and support is critical to ensure further progress.

Nuclear Waste Management

International Convention

18. National authorities must ensure radioactive waste is managed safely and that provision are made for its proper handling, storage and ultimate disposal. These are essential elements for any nuclear energy programme.

19. The development of the Convention on the Safety of Radioactive Waste Management, based on these principles, is of paramount importance. We call on all countries generating nuclear waste with nuclear installations to participate actively in the preparation of this Convention under the auspices of the IAEA and to encourage its effective finalization and prompt adoption

Ocean Dumping

20. We commit ourselves to ban dumping at sea of radioactive waste and encourage all states to adhere at an earliest possible date to the 1993 amendment of the London Convention.

Nuclear Materials Security

Programme for Preventing and Combating illicit Trafficking in Nuclear Materials

21. Illicit trafficking of nuclear material is a public safety and nonproliferation concern. We recognized the importance of this issue at our meetings in Naples and Halifax. As risks continue to exist, we have agreed on, and released, a programme for preventing and combatting illicit trafficking in nuclear material to ensure increased cooperation among our governments in all aspects of prevention, detection, exchange of information, investigation and prosecution in cases of illicit nuclear trafficking.

We call on other governments to join us in implementing this programme.

Nuclear Material Accounting and Control and Physical Protection

22. We reaffirm the fundamental responsibility of nations to ensure the security of all nuclear materials in their possession and the need to ensure that they are subject to effective systems of nuclear material accounting & control and physical protection. These systems should include regulations, licensing and inspections. We express our support for the IAEA safeguards regime, which plays a critical role in providing assurance against the diversion of nuclear material going undetected. We underline the need for the urgent strengthening of IAEA capabilities to detect undeclared nuclear activities. We note that these measures are also conducive to preventing illicit trafficking of nuclear material.

23. We recognize the importance of continually improving systems and technologies for controlling and protecting nuclear materials. We urge nations to cooperate bilaterally, multilaterally and through the IAEA to ensure that the national systems for controlling nuclear materials remain effective. We are encouraged by the wide array of cooperative projects underway in this field under bilateral and multilateral auspices and pledge to sustain and increase these efforts.

24. We urge ratification by all states of the Convention on the Physical Protection of Nuclear Material and encourage the application of the IAEA recommendations on the Physical Protection of Nuclear Material.

25. We pledge our support for efforts to ensure that all sensitive nuclear material (separated plutonium and highly enriched uranium) designated as not intended for use for meeting defence requirements is safely stored, protected and placed under IAEA safeguards (in the Nuclear Weapon States, under the relevant voluntary offer IAEA-safeguards agreements) as soon as it is practicable to do so.

Safe and effective management of weapons fissile materials designated as no longer required for defence purposes.

26. Major steps have been taken in recent years towards nuclear disarmament. This has created substantial stocks of fissile material designated as no longer required for defence purposes. It is vital, as mentioned above, that these stockpiles are safely managed and eventually transformed into spent fuel or other forms equally unusable for nuclear weapons and disposed of safely and permanently.

27. The primary responsibility for the safe management of weapons fissile material rests with the nuclear weapons states themselves; but other states and international organizations are welcome to assist where desired.

28. We welcome the steps that the United States and the Russian Federation have taken to blend highly-enriched uranium (HEU) from dismantled nuclear weapons to low-enriched uranium (LEU) for peaceful nonexplosive purposes, and the cooperation programs of Canada, France, Germany, Italy, Japan, the United Kingdom, the United States of America and other states with the Russian Federation for the safe storage, the peaceful uses of fissile material released by the dismantlement of nuclear weapons, and their safe and secure transportation for that purpose; we encourage other efforts along these lines.

29. We are determined to identify appropriate strategies for the management of fissile material designated as no longer required for defence purposes. Options include safe and secure long-term storage, vitrification or other methods of permanent disposal, and conversion into mixed-oxide fuel (MOX) for use in nuclear reactors. We have agreed to share relevant experience and expertise to elaborate and implement these strategies. We welcome plans to conduct small scale technology demonstrations related to these options, including the possibility of establishing pilot projects and plants. We shall convene an international meeting of experts in order to examine available options and identify possible development of international cooperation in the implementation of these national strategies, bearing in mind technical, economic, nonproliferation, environmental and other relevant considerations. The meeting, will take place in France by the end of 1996.

30. We recognize the importance of ensuring transparency in the management of highly enriched uranium and plutonium designated as no longer required for defence purposes.

M — Bilateral Measures

Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

[Signed at Moscow 26 May 1972, Entered into force 3 October 1972]

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

Article I

1. Each Party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

Article II

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

- (a) operational;
- (b) under construction;
- (c) undergoing testing;
- (d) undergoing overhaul, repair or conversion; or
- (e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the area of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-array ABM radars.

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capacity, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by the Treaty, each Party undertakes:

(a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

Article VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

Article IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

Article XII

1. For the purpose of providing assurance or 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 deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty; including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

Article XV

1. This Treaty shall be of unlimited duration.

2. 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 the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

DONE at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America:

Richard Nixon

President of the United States of America

For The Union Of Soviet Socialist Republics:

L. I. Brezhnev

General Secretary of the Central Committee of the CPSU

**Agreed Statements Regarding the Treaty
Between the United States of America and the
Union of Soviet Socialist Republics on the
Limitation of Anti-Ballistic Missile Systems**

[Document agreed upon and initialed by the Heads of
the Delegations on 26 May 1972]

The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

The Parties understand that Article V of the Treaty includes obligations not to develop, test or deploy ABM interceptor missiles for the delivery by each ABM interceptor missile of more than one independently guided warhead.

The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV, and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

The Parties understand that Article IX of the Treaty includes the obligation of the United States and the USSR not to provide to other States technical descriptions or blueprints specially worked out for the construction of ABM systems and their components limited by the Treaty.

**Joint Statement Between the United States and
the Russian Federation Concerning Strategic
Offensive And Defensive Arms and Further
Strengthening of Stability**

[20 June 1999]

Confirming their dedication to the cause of strengthening strategic stability and international security, stressing the importance of further reduction of strategic offensive arms, and recognizing the fundamental importance of the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) for the attainment of these goals, the United States of America and the Russian Federation declare their determination to continue efforts directed at achieving meaningful results in these areas.

The two governments believe that strategic stability can be strengthened only if there is compliance with existing agreements between the Parties on limitation and reduction of arms. The two governments will do everything in their power to facilitate the successful completion of the START II ratification processes in both countries.

The two governments reaffirm their readiness, expressed in Helsinki in March 1997, to conduct new negotiations on strategic offensive arms aimed at further reducing for each side the level of strategic nuclear warheads, elaborating measures of transparency concerning existing strategic nuclear warheads and their elimination, as well as other agreed technical and organizational measures in order to contribute to the irreversibility of deep reductions including prevention of a rapid build-up in the numbers of warheads and to contribute through all this to the strengthening of strategic stability in the world. The two governments will strive to accomplish the important task of achieving results in these negotiations as early as possible.

Proceeding from the fundamental significance of the ABM Treaty for further reductions in strategic offensive arms, and from the need to maintain the strategic balance between the United States of America and the Russian Federation, the Parties reaffirm their commitment to the Treaty, which is a cornerstone of strategic stability, and to continuing efforts to strengthen the Treaty, to enhance its viability and effectiveness in the future.

The United States of America and the Russian Federation, recalling their concern about the proliferation in the world of weapons of mass destruction and their means of delivery, including missiles and missile technologies, expressed by them in the Joint Statement on Common Security Challenges at the Threshold of the Twenty First Century, adopted on September 2, 1998 in Moscow, stress their common desire to reverse that process using to this end the existing and possible new international legal mechanisms.

In this regard, both Parties affirm their existing obligations under Article XIII of the ABM Treaty to consider possible changes in the strategic situation that have a bearing on the ABM Treaty and, as appropriate, possible proposals for further increasing the viability of this Treaty.

The Parties emphasize that the package of agreements signed on September 26, 1997 in New York is important under present conditions for the effectiveness of the ABM Treaty, and they will facilitate the earliest possible ratification and entry into force of those agreements.

The implementation of measures to exchange data on missile launches and on early warning and to set up an appropriate joint center, recorded in the Joint Statement by the Presidents of the United States of America and the Russian Federation signed September 2, 1998 in Moscow, will also promote the strengthening of strategic stability.

Discussions on START III and the ABM Treaty will begin later this summer. The two governments express their confidence that implementation of this Joint Statement will be a new significant step to enhance strategic stability and the security of both nations.

**Remarks by the President [George W Bush] on
National Missile Defense, The Rose Garden, 13
December 2001**

[Statement on withdrawal from the ABM Treaty,
reproduced from White House Press Release, 13
December 2001]

THE PRESIDENT: Good morning. I've just concluded a meeting of my National Security Council. We reviewed what I discussed with my friend, President Vladimir Putin, over the course of many meetings, many months. And that is the need for America to move beyond the 1972 Anti Ballistic Missile treaty.

Today, I have given formal notice to Russia, in accordance with the treaty, that the United States of America is withdrawing from this almost 30 year old treaty. I have concluded the ABM treaty hinders our government's ability to develop ways to protect our people from future terrorist or rogue state missile attacks.

The 1972 ABM treaty was signed by the United States and the Soviet Union at a much different time, in a vastly different world. One of the signatories, the Soviet Union, no longer exists. And neither does the hostility that once led both our countries to keep thousands of nuclear weapons on hair-trigger alert, pointed at each other. The grim theory was that neither side would launch a nuclear attack because it knew the other would respond, thereby destroying both.

Today, as the events of September the 11th made all too clear, the greatest threats to both our countries come not from each other, or other big powers in the world, but from terrorists who strike without warning, or rogue states who seek weapons of mass destruction.

We know that the terrorists, and some of those who support them, seek the ability to deliver death and destruction to our doorstep via missile. And we must have the freedom and the flexibility to develop effective defenses against those attacks. Defending the American people is my highest priority as Commander in Chief, and I cannot and will not allow the United States to remain in a treaty that prevents us from developing effective defenses.

At the same time, the United States and Russia have developed a new, much more hopeful and constructive relationship. We are moving to replace mutually assured destruction with mutual cooperation. Beginning in Ljubljana, and continuing in meetings in Genoa, Shanghai, Washington and Crawford, President Putin and I developed common ground for a new strategic relationship. Russia is in the midst of a transition to free markets and democracy. We are committed to forging strong economic ties between Russia and the United States, and new bonds between Russia and our partners in NATO. NATO has made clear its desire to identify and pursue opportunities for joint action at 20.

I look forward to visiting Moscow, to continue our discussions, as we seek a formal way to express a new strategic relationship that will last long beyond our individual administrations, providing a foundation for peace for the years to come.

We're already working closely together as the world rallies in the war against terrorism. I appreciate so much President Putin's important advice and cooperation as we fight to dismantle the al Qaeda network in Afghanistan. I appreciate his commitment to reduce Russia's offensive nuclear weapons. I reiterate our pledge to reduce our own nuclear arsenal between 1,700 and 2,200 operationally deployed strategic nuclear weapons. President Putin and I have also agreed that my decision to withdraw from the treaty will not, in any way, undermine our new relationship or Russian security.

As President Putin said in Crawford, we are on the path to a fundamentally different relationship. The Cold War is long gone. Today we leave behind one of its last vestiges.

But this is not a day for looking back. This is a day for looking forward with hope, and anticipation of greater prosperity and peace for Russians, for Americans and for the entire world.

Thank you.

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 counterterrorism 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.

Statement by Russian President Vladimir Putin Regarding the Decision of the Administration of the United States of America to Withdraw from the Antibalistic Missile Treaty of 1972

[Moscow, 13 December 2001]

The US Administration today announced that it will withdraw from the 1972 ABM Treaty in six months' time.

The Treaty does indeed allow each of the parties to withdraw from it under exceptional circumstances. The leadership of the United States has spoken about it repeatedly and this step has not come as a surprise to us. But we believe this decision to be mistaken.

As is known, Russia, like the United States and unlike other nuclear powers, has long possessed an effective system to overcome anti-missile defense. So, I can say with full confidence that the decision made by the President of the United States does not pose a threat to the national security of the Russian Federation.

At the same time our country elected not to accept the insistent proposals on the part of the US to jointly withdraw from the ABM Treaty and did everything it could to preserve the Treaty. I still think that this is a correct and valid position. Russia was guided above all by the aim of preserving and strengthening the international legal foundation in the field of disarmament and non-proliferation of mass destruction weapons.

The ABM Treaty is one of the supporting elements of the legal system in this field. That system was created through joint efforts during the past decades.

It is our conviction that the development of the situation in the present world dictates a certain logic of actions.

Now that the world has been confronted with new threats one cannot allow a legal vacuum to be formed in the sphere of strategic stability. One should not undermine the regimes of non-proliferation of mass destruction weapons.

I believe that the present level of bilateral relations between the Russian Federation and the US should not only be preserved but should be used for working out a new framework of strategic relations as soon as possible.

Along with the problem of anti-missile defense a particularly important task under these conditions is putting a legal seal on the achieved agreements on further radical, irreversible and verifiable cuts of strategic offensive weapons, in our opinion to the level of 1,500-2,200 nuclear warheads for each side.

In conclusion I would like to note that Russia will continue to adhere firmly to its course in world affairs aimed at strengthening strategic stability and international security.

Strategic Offensive Reductions Treaty

[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.

N — Documents relating to the Democratic People's Republic of Korea

Joint Declaration for a Non-Nuclear Korean Peninsula

[initialled 31 December 1991, signed 20 January 1992]

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 Statement between the United States of America and the Democratic Peoples' Republic of Korea

[12 August 1994]

The delegations of the United States of America (U.S.) and the Democratic People's Republic of Korea (DPRK) met in Geneva from August 5–12 1994, to resume the third round of talks.

Both sides reaffirmed the principles of the June, 11 1992 U.S.–DPRK joint statement and reached agreement that the following elements should be part of a final resolution of the nuclear issue:

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(1) The DPRK is prepared to replace its graphite-moderated reactors and related facilities with light water reactor (LWR) power plants and the U.S. is prepared to make arrangements for the provision of LWRs of approximately 2000 MW(e) to the DPRK as early as possible and to make arrangements for interim energy alternatives to the DPRK's graphite-moderated reactors. Upon receipt of U.S. assurances for the provision of LWRs and for arrangements for interim energy alternatives, the DPRK will freeze construction of the 50 MW(e) and 200 MW(e) reactors, forego reprocessing, and seal the Radiochemical Laboratory, to be monitored by the IAEA.

(2) The U.S. and the DPRK are prepared to establish diplomatic representation in each other's capitals and to reduce barriers to trade and investment, as a move toward full normalization of political and economic relations.

(3) To help achieve peace and security on a nuclear-free Korean Peninsula, the U.S. is prepared to provide the DPRK with assurances against the threat or use of nuclear weapons by the U.S. and the DPRK remains prepared to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

(4) The DPRK is prepared to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons and to allow implementation of its safeguards agreement under the Treaty.

Important issues raised during the talks remain to be resolved. Both sides agree that the expert-level discussions are necessary to advance the replacement of the DPRK's graphite-moderated program with LWR technology, the safe storage and disposition of the spent fuel, provision of alternative energy, and the establishment of liaison offices. Accordingly, expert-level talks will be held in the U.S. and DPRK or elsewhere as agreed. The DPRK and U.S. agreed to recess their talks and resume in Geneva on September 23 1994.

In the meantime, the U.S. will pursue arrangements necessary to provide assurances for the LWR project to the DPRK as part of a final resolution of the nuclear issue, and the DPRK will observe the freeze on nuclear activities and maintain the community of safeguards, as agreed in the June 20-22 1993 exchange of messages between Assistant Secretary of State Robert L. Gallucci and First Vice Minister of Foreign Affairs Kan Sok Ju.

Agreed Framework between the United States of America and the Democratic People's Republic of Korea

[21 October 1994]

Delegations of the Governments of the United States of America (US) and the Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the US and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the US and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The US and the DPRK decided to take the following actions for the resolution of the nuclear issue.

I. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

1) In accordance with the October 20, 1994 letter of assurance from the US President, the US will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

- The US will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The US representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.

- The US, representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.
- As necessary, the US and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

2) In accordance with October 20, 1994 letter of assurance from the US President, the US, representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR Unit.

- Alternative energy will be provided in the form of heavy oil for heating and electricity production.
- Deliveries of heavy oil will begin within three months of the date of this Document, and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

3) Upon receipt of US assurances for the provision of LWRs and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

- The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

- Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

- The US and the DPRK will cooperate in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in safe manner that does not involve reprocessing in the DPRK.

4) As soon as possible after the date of this Document, US and DPRK experts will hold two sets of experts talks.

- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.
- At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

3) As progress is made on issues of concern to each side, the US and the DPRK will upgrade bilateral relations to the ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

1) The US will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the US.

2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

1) The DPRK will remain a part to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze.

3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

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

[Resolution adopted by the IAEA Board of Governors,
6 January 2003, GOV/2003/3]

The Board of Governors,

(a) Recalling its resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742 and General Conference resolutions GC(XXXVII)RES/624, GC(XXXVIII)RES/16, GC(39)RES/3, GC(40)RES/4, GC(41)RES/22, GC(42)RES/2, GC(43)RES/3, GC(44)RES/26, GC(45)RES/16 and GC(46)RES/14,

(b) Recalling also its resolution GOV/2002/60 of 29 November 2002, and noting that there has been no positive response by the DPRK to that resolution or to the efforts of the Director General pursuant to it,

(c) Noting that the Democratic People's Republic of Korea (DPRK) is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the NPT remains binding and in force, and that both the IAEA and DPRK have an obligation to 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.

Implementation of the Safeguards Agreement Between the Agency and the Democratic People's Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General

[GC(47)/19, 13 August 2003]

1. In resolution GC(46)/RES/14 of 20 September 2002, the General Conference decided to include in the agenda for its

forty-seventh regular session an item entitled: "Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea." This report provides information to the General Conference for its consideration under this agenda item.

A. Background

2. Since 1993, the Agency has been unable to fully implement the comprehensive safeguards agreement with the Democratic People's Republic of Korea (DPRK) pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), reproduced in document INFCIRC/403. The Agency has never been allowed by the DPRK – a party to the NPT since 1985 – to verify the correctness and completeness of the DPRK's initial declaration of nuclear material subject to safeguards under that agreement. From November 1994 to December 2002, however, the Agency monitored the 'freeze' of the DPRK's graphite moderated reactor and related facilities as requested by the United Nations Security Council and foreseen in the 1994 US–DPRK 'Agreed Framework'.

3. In his report to last year's General Conference (GC(46)/16), the Director General noted that no tangible progress had been made on important issues that had been outstanding since the Agency began to verify the 'freeze' in November 1994. Having taken note of the Director General's report, the General Conference adopted resolution GC(46)/RES/14 in which it noted with growing concern that the Agency continued to be unable to verify the correctness and completeness of the initial declaration made by the DPRK and was therefore unable to conclude that there had been no diversion of nuclear material. It also urged the DPRK to come into full compliance with its NPT safeguards agreement, including taking all steps that the Agency deemed necessary to preserve all relevant information.

B. Developments since the forty-sixth regular session of the General Conference

4. Following reports of an unsafeguarded uranium enrichment programme in the DPRK, the Secretariat sent letters on 17 and 18 October 2002 to the Government of the DPRK seeking urgent confirmation of the accuracy of these reports. The Secretariat also expressed its readiness to dispatch a senior level team to the DPRK, or to receive a DPRK team in Vienna, to discuss the matter and the general question of the implementation of the NPT safeguards agreement between the DPRK and the Agency.

5. On 28 November 2002 the Director General reported to the Board of Governors his deep concern regarding the possible existence of such an undeclared enrichment programme in the DPRK. He noted that under the DPRK's NPT safeguards agreement, if such an enrichment programme existed, it would have to be subject to safeguards to ensure its peaceful nature. He also expressed the hope that the DPRK would respond to the Agency's enquiry without further delay and urged that the DPRK enter soon into senior level discussions with the Agency on requirements and modalities for compliance with its NPT safeguards agreement. No response was received from the DPRK.

6. On 29 November 2002, the Board of Governors adopted resolution GOV/2002/60 in which it "reiterated its previous calls to the DPRK to comply fully and promptly with its safeguards agreement and to co-operate fully with the Agency to that end"; and "demanded that the DPRK urgently and constructively respond to letters from the IAEA Secretariat requesting clarification of the reported uranium programme". As requested by the Board, the Director General transmitted the resolution to the DPRK and renewed the Secretariat's readiness to hold senior level talks with the DPRK (GOV/INF/2002/16). The reply received from the DPRK on 4 December 2002 (GOV/INF/2002/16) did not respond directly to the request in the resolution that the DPRK clarify reports about an undeclared enrichment programme; nor did it respond to the Secretariat's repeated invitations for senior level talks.

7. The Agency was notified by the DPRK on 12 December 2002 of its decision "to take measures to lift the 'freeze' on our [DPRK] nuclear facilities ... and to normalize the operation of

N-DPRK

the facilities necessary for power generation". The DPRK demanded that the Agency immediately remove all seals and cameras from all facilities in the DPRK. Furthermore, the letter informed the Director General that "if the IAEA fails to expeditiously take measures to meet our [DPRK] request, we [DPRK] would like to take necessary measures unilaterally" (GOV/INF/2002/17). The Director General replied on 12 December 2002, urging the DPRK "not [to] take any steps unilaterally to remove or impede the functioning of ... seals or cameras" and noted that such actions "would not be in compliance with the requirements of the safeguards agreement" (GOV/INF/2002/17). In a reply received by the Agency on 14 December 2002, the DPRK stated that the DPRK itself would take the "necessary steps to unfreeze the nuclear facilities" and confirmed the DPRK's intention to remove the seals and cameras (GOV/INF/2002/18). In his response of 14 December 2002, the Director General "[took] note that the DPRK authorities have decided to restart activities at the nuclear facilities previously subject to the 'freeze'" and stated that the Agency was "preparing for a change from a situation in which the IAEA inspectors monitor the 'freeze' pursuant to the Agreed Framework to a different situation in which we only apply safeguards in accordance with the safeguards agreement between the DPRK and the IAEA pursuant to the NPT", noting that the Agency would "need time to complete [its] technical preparations ... to determine which cameras or seals can be removed [and] which have to stay". He repeated the offer made in previous correspondence, for senior experts to meet in the DPRK or in Vienna, to discuss and agree on the required practical arrangements.

8. On 21 December 2002, the Director General was informed by Agency inspectors in Nyongbyon that the DPRK had unilaterally cut most of the seals, impeded the functioning of surveillance equipment installed at the 5 MWe reactor and removed containment and surveillance equipment required for safeguarding the 20 damaged irradiated fuel rods containing nuclear material located in the dry storage at the 5 MWe reactor. He immediately sent a letter to the DPRK reiterating that it was essential for the purpose of the continuity of safeguards that the current containment and surveillance measures continued to be in place and that the DPRK did not take any steps unilaterally to remove or impede the functioning of the seals and cameras that were required for the purposes of safeguards (GOV/INF/2002/19). The equipment in question was listed in a separate communication from the Secretariat to the DPRK dated 21 December 2002. Notwithstanding, the DPRK had by 24 December 2002 unilaterally removed all seals and obstructed all cameras installed for verification purposes at the spent fuel pond of the 5 MWe reactor and at the reprocessing plant. Seals placed on large quantities of nuclear material scrap and on equipment at the fuel fabrication plant were also detached. The DPRK informed Agency inspectors in Nyongbyon that it would restart the 5 MWe reactor within one to two months. In a letter dated 26 December 2002, the Secretariat requested the immediate re-installation of seals and cameras required for the implementation of safeguards.

9. The DPRK sent a letter on 27 December 2002 to the Director General reiterating the DPRK Government's decision to "immediately resume the operation and construction of the nuclear facilities needed for generating electricity" and stating that "with the releasing of the freeze" on the DPRK's nuclear facilities, the mission of the Agency inspectors in Nyongbyon had "automatically come to its end". It announced its decision "to let the inspectors leave the DPRK since there is no justification for them to remain," and asked the Director General "to take necessary steps immediately" (GOV/INF/2002/20). In a letter of the same date (GOV/INF/2002/20), the Director General responded that he expected the DPRK to allow the inspectors to remain in Nyongbyon to undertake the necessary safeguards measures that had been outlined in the Secretariat's letter of 26 December 2002. On 28 December 2002, the DPRK confirmed to the Agency inspectors in the field receipt of the Director General's letter dated 27 December and said "there would be no response to it". The DPRK also requested that the

Agency inspectors leave the DPRK immediately. In his 30 December 2002 report to the Board of Governors (GOV/2002/62), the Director General provided information on these developments. On 31 December 2002, the two remaining Agency inspectors left the DPRK.

10. On 31 December 2002, the DPRK re-iterated to the Director General its views on the safeguards agreement (GOV/INF/2003/2). Following consideration of the Director General's report at its meeting on 6 January 2003, the Board adopted the resolution set out in document GOV/2003/3, which reiterated the Board's previous calls to the DPRK to comply promptly and fully with its NPT safeguards agreement, which remained binding and in force, and called upon the DPRK to 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. Following a request 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 (GOV/INF/2003/3).

11. The Government of the DPRK, in its response to the Director General dated 10 January 2003 (GOV/INF/2003/3), noted that "pursuant to the DPRK-US Joint Statement, the DPRK Government had unilaterally decided on 12 March 1993 to put a moratorium on the effectuation of its withdrawal from the NPT", and announced its decision, taken on 10 January 2003, to "lift" that "moratorium", and to withdraw from the NPT with effect from 11 January 2003. In the DPRK's view, 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.

12. Based on a report by the Director General (GOV/2003/4), the Board, in a resolution of 12 February 2003 (GOV/2003/14), confirmed that the Agency's NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, called upon the DPRK to remedy its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK's non-compliance and the Agency's inability to verify non-diversion of nuclear material subject to safeguards to all Members of the Agency and to the UN Security Council and General Assembly. In parallel, the Board stressed its continuing desire for a peaceful solution of this issue. The Board requested the Director General to continue his efforts to implement the safeguards agreement with the DPRK. On the same day, the Director General transmitted the Board's resolution to the Minister of Foreign Affairs of the DPRK and sent letters to the Presidents of the United Nations Security Council and the General Assembly to inform both organs of the Board's resolution.

13. The Board also discussed the issue in its March and June 2003 meetings. It noted with regret the lack of co-operation by the DPRK and the fact that the DPRK had yet to take any of the necessary steps called for in Board resolution GOV/2003/3. The Board expressed its full support to the Director General in his efforts to bring the DPRK into compliance with its safeguards agreement.

C. Conclusions

14. The Agency remains unable to verify that the DPRK is in compliance with its safeguards agreement pursuant to the NPT. The status of the DPRK under the NPT, however, is in need of clarification. As a result of the unilateral actions of the DPRK to interfere with or remove the Agency's containment and surveillance equipment at its nuclear facilities and to expel Agency inspectors, the Secretariat has remained, since the end of 2002, unable to verify that nuclear material previously placed under safeguards in the DPRK has not been diverted.

O — Documents relating to Iran (Islamic Republic of)

Statement by H.E. Reza Aghazadeh, Vice-President of the Islamic Republic of Iran and President of the Atomic Energy Organization of Iran

[IAEA General Conference, 16 September 2002]

Mr. President;

It is a great pleasure to attend the 46th General Conference of the IAEA; and as the representative of the Islamic Republic of Iran, I would like to take this opportunity to congratulate you on election to the presidency of this session. I am confident that, through your guidance and able leadership and with the addition of valuable contributions of the participants, this conference shall enjoy full success in addressing delicate and important issues such as:

- The inalienable right of peaceful use of nuclear energy and the relevant know-how.
- The enhancement of international peace and security by seeking ways and means of freeing the world of weapons of mass destruction.
- The universal application of the comprehensive safeguards regime without prejudice nor discrimination.
- Last but not least, serious and deliberate vigilance vis a vis international nuclear terrorism

Furthermore, Mr. President allow me to extend my special thanks to Dr. Elbaradei for his comprehensive and informative statement and wish him every success.

Finally, we would like to welcome the State of Eritrea, the Kyrgyz Republic and the Republic of Seychelles to the family of the IAEA member states.

Mr. President,

After the end of the second world war and the ensuing tragedy of the atomic holocaust of Hiroshima and Nagasaki, atomic energy and the associated nuclear technology have always been at a cross-roads manifesting two distinct features; one in the field of human development and the other in the area of regional and global wrangling. It is indeed very enlightening to note that nuclear competition with the aim of unilateral domination over the world achieved nothing but decades of ominous cold war. What is, however, very discouraging is to witness that despite the apparent disappearance of the traces of the cold war, the sense of authoritarianism and unilateralism still seem very vivid and to be holding sway.

Our debate, Mr. President, is on the peaceful use of nuclear energy or put in other words the positive features of nuclear technology. We firmly believe that the real motive behind the creation of the Agency was basically the intention of facilitating the transfer of peaceful uses of nuclear technology to the developing member states. So far the Agency has pursued its statutory mandate in this regard very faithfully.

We would, however, like to emphasize the importance of staying the course of upholding the principle of balance between the promotional and verification activities. Loyalty to such a doctrine keeps the Agency within its preordained course.

Mr. President, it is now an accepted fact that among factors strengthening the Non-Proliferation Treaty (NPT), is the establishment of Nuclear Weapon Free Zones (NWFZ) in the world and it is very encouraging to note that a few such NWFZ, have already been created in different regions of the world.

As the Middle East is among the most strategic areas of the globe, the world community has been witness to Iran's call in

1974, for the first time, to establish a nuclear weapon free zone in the Middle East. Israel, however, the only non-adherent party has so far not been cooperative in this regard. It has consistently shrugged off this essential international call for safety and peace by turning its back on world public opinion and by refusing to even allow the Agency to inspect its nuclear installations. Such an arrogant attitude is certainly not conducive and will most probably lead to an apprehensive paradigm with unexpected consequences in the region. It, therefore, goes without saying that adherence to NPT by all the regional member states is an essential preliminary step towards the establishment of Nuclear Weapon Free Zone in the Middle East.

Mr. President,

Today more than at any other time in the past, the world community is in dire need of mutual understanding and confidence building. It is, therefore, very discouraging to witness the attempt by certain quarters to unravel some important aspects of international treaties such as the CTBT, BWC and CWC. Such developments shall send the wrong message worldwide and will most probably set an unwanted precedent for shaking the fundamentals of other important non-proliferation treaties such as the NPT.

Mr. President,

Iran is embarking on a long-term plan, based on the merits of energy mix, to construct nuclear power plants with a total capacity of 6000 MW within two decades. Naturally, such a sizeable project entails with it an all out planning, well in advance, in various fields of nuclear technology such as fuel cycle, safety and waste management. I take this opportunity to invite all the technologically advanced member States to participate in my country's ambitious plan for the construction of nuclear power plants and the associated technologies such as fuel cycle, safety and waste management techniques.

Mr. President,

It is very gratifying to convey the satisfaction of my government in relation to the major consultative and technical cooperation assistance provided by the Agency to the Bushehr Nuclear Power Plant Project. In the same vein, I wish to extend my special thanks to Dr. Elbaradei and his Secretariat for facilitating such cooperation.

Finally, Mr. President, the Islamic Republic of Iran, on the basis of its Islamic tenets, beliefs and human affinity, has always condemned the possession of weapons of mass destruction.

Eversince the inception of the Agency, my country has maintained its strong and active ties with the organization and has submitted all its nuclear activities including the Bushehr Power Plant Project to the supervision of the Agency. Complete transparency of my country's nuclear activities is a serious commitment endorsed by my government.

Thank you.

"Iran's Nuclear Policy (Peaceful, transparent, Independent)" — Statement by H.E. Reza Aghazadeh, Vice President of the Islamic Republic of Iran

[Vienna, 6 May 2003]

Excellencies, Ladies and gentlemen,

I'm very pleased to address such a scholarly gathering as the representative of the Islamic republic of Iran, a country which

is home to one of the oldest civilizations and the caller of the dialogue among civilizations and promoter of the peace cause.

Our world, especially the Middle East, is facing a very crucial and precarious time where show of force and domineering stance have replaced logic and rationalism.

Let's hope that at the end truth and justice will prevail.

The Islamic Republic of Iran which took its first serious step in this field in the mid 1950s by establishing the Atomic Center of Tehran University has based its nuclear development program on peaceful use of this advanced technology.

My country's nuclear development plan has been subject to variations from time to time, but because of the striking impact of nuclear technology on scientific, economic and social indicators and sustainable development in general, our government and people are determined to open their way through the tortuous path of the peaceful use of nuclear technology despite all difficulties and imposed restrictions.

First, I would like to inform the honorable delegates of the reasons and needs for Iran's peaceful nuclear development.

Our prime priority of nuclear program is generation of nuclear electricity. Due to the rapid socio-economic development of Iran during the past three decades, our strategy for use of fossil resources has been affected by two restrictive elements. On the one hand, rising living standards and improvement of economic indicators have prompted an increase in the demand for energy in domestic and industrial sectors and on the other hand, our national economy is dependent on oil revenues. To dispose of these two contradictory and restrictive elements, our country needs to develop a long-term strategy to reverse the trend of unrestrained use of fossil resources.

Here, I would like to give the honourable delegates an overview of energy situation in my country.

At present, the Islamic Republic of Iran with a population of around 65 million people has an equivalent amount of 932.9 million barrels of crude oil for supply of its primary energy. The supply of primary energy of our country has registered an average growth rate of 6.03% since 1977 and energy consumption rate has increased from an equivalent amount of 180.9 million to 661.7 million barrels of crude oil in 2001 at an annual average growth rate of 5.8%. During the same period the electricity production rate has increased from 19847 million KWh in 1977 to 130082.3 million KWh in 2001, registering an annual average growth rate of 8.52%. It is worth noting, that the consumption of energy for electricity generation in our fossil power plants has increased from an amount of 29.6 million barrels of crude oil in 1977 to 225.7 million barrels in 2001, registering a consumption growth rate of 8.8%, which is clearly a very high score.

Hence, we are ought to seek a remedy for this situation. The Islamic Republic of Iran can not merely rely on the provision of its energy from fossil fuels just on the ground of possession of large fossil resources for the following considerations:

First, these resources are limited and belong to all subsequent generations and unrestrained use of them is not prudent.

Second, the utilization of these resources in processing industries such as petrochemicals will generate much greater added value.

Third, local use of these resources as fuel will drastically affect our foreign exchange earnings from export of crude oil and natural gas. It's worth mentioning that the continued use of energy in its present form in our country is bound to turn our country into an importer of crude oil and some of its by-products in the coming decades.

Fourth, our government is paying considerable indirect subsidies on local fuel consumption which entails heavy costs for the government in a way that the current pricing mechanism does not even meet the production and distribution costs of these fuel products. And the final and very important consideration is environmental issues which are now of concern to the entire international community and all countries are encouraged to observe the environmental standards to ensure the survival of the earth and its environment in line with the international initiatives which are now in force.

The aforementioned considerations have made the reliance of our country on fossil fuels for energy generation

unreasonable and unaffordable and have also made the use of new technologies including the nuclear technology more competitive..In order to determine the optimal shares of different types of power plants in the supply of electrical energy needs of the country within the next 20 years, we conducted a survey following the WASP model; a widely known model for optimization of energy supply. The results of the survey indicate that by the year 2020 the share of nuclear power plants in the supply of energy in the various growth scenarios of low, medium and high will be respectively 4000, 7000 and 11000 megawatt.

Based on the results of this survey, the Islamic Republic of Iran has chosen the medium scenario namely the production of 6000 megawatt nuclear electricity in addition to the 1000 megawatt Bushehr power plant which is now under construction as the backbone of its plan for development of nuclear power plants.

What is noteworthy at this point is Iran's decision and determination to diversify its range of nuclear power plants and at the same time focus on those types of plants which can be designed and built with the help of nuclear knowledge which has been developed in our country.

We plan to utilize other types of power plants including HWR and specially CANDU in addition to LWR which is now under construction in Bushehr.

The use of CANDU reactors which is more amenable to indigenous development will enable us to use natural uranium recovered from local resources for production of nuclear fuel.

Without a doubt, the decision of the Islamic Republic of Iran to develop the technology of HWR power plants and research reactors will encourage us either to use the knowledge of countries possessing this technology or develop this knowledge by relying on our own local capabilities and specialized human resources. It goes without saying that the continuous surveillance and inspection of IAEA will dispel any doubts cast by certain countries over such activities.

If the plan for construction of nuclear power plants and generation of 7000 megawatt electricity is to be materialized by 2020, we will annually save an equivalent amount of 190 million barrels of crude oil based on the 60% EAF (energy availability factor). The economic value of such savings is estimated to be over 5 billion US dollars per year. Besides, it will also prevent the production and release into the atmosphere of over 157000 tons of carbon dioxide, 1150 tons of suspending particles in the air, 130 tons of sulphur and 50 tons of nitrous oxide. It is evident that with any increase of EAF, the economic and environmental advantages of nuclear power plants would be greater.

The second objective in the nuclear development plan of Iran is the attainment of self-sufficiency in the provision of nuclear fuel. Decision to build different types of nuclear power plants obliges us to work for the production of different types of nuclear fuels, of course, all under the surveillance of IAEA safeguards. To be able to produce nuclear fuels indigenously we will have to put into place a system for mining and processing of uranium ores and also for its conversion and enrichment.

Yazd Saghand project is designed to recover uranium from natural deposits. In this facility, uranium is extracted from a depth of 350 meters and transported to the Ardakan facility to go through various physical and chemical processes to produce yellow cake. The Isfahan facility known as UCF project converts yellow cake to uranium hexa fluoride, metallic uranium and uranium dioxide; the last two items are the main components of nuclear fuel.

UF₆ is the main feedstock for the Natanz enrichment facility. Therefore, our activities in the Natanz facility are designed to complete the uranium enrichment unit for production of nuclear fuels for power plants using low enriched uranium of around 3% to 5% U-235. All the aforementioned projects are being carried out with the full knowledge and also under the inspection of IAEA safeguards.

A Zirconium Production Plant (ZPP) is now under construction in Isfahan for production of fuel cladding. Moreover we are in the process of constructing a facility in Arak to produce heavy water which is an essential constituent of HWR reactors.

In the month of June 2002 our Permanent Resident Representative to IAEA had notified the Secretariat about my country's involvement in the various fields of fuel cycle. Later in

the month of September 2002, they were officially informed about the construction of the Natanz enrichment facility which along with the UCF project were recently visited by Director General and his colleagues.

Nuclear experts are aware that the volume of nuclear fuels needed for power plants with a capacity of 7000 megawatt is very high and that we are bound to work out a long-term plan for the provision of the needed fuel from our local resources by 2020.

Some political and media circles brand Iran's nuclear program as ambitious and economically unjustifiable. These critics should exactly clarify what is ambitious.

How could a country's program to produce 7000 megawatt nuclear electricity and its required fuel under the surveillance of IAEA be called ambitious. If that is the case, then, there are tens of countries which fall into the same category. As to the allegation that this activity is economically unjustifiable one must say that countries such as the United States, the Russian Federation, France, UK, Germany, China, Japan, India, Canada, Pakistan and Argentina which possess the technology of nuclear fuel cycle on either industrial or semi industrial scales are engaged in an economically unjustifiable activity.

Also, in response to the allegation that Iran's uranium enrichment facility is designed to develop nuclear weapons, I should say that at present over 12 countries are engaged in uranium enrichment activity on either industrial or semi-industrial scales, can one then claim that all these countries are working to develop nuclear weapons? Can advances in chemistry, or microbiology and genetics be construed as a tendency to develop chemical or microbiological weapons?

There are also assertions that while the Russian Federation is committed to meet Iran's need for nuclear fuel, then, why Iran is investing millions of dollars on developing its own nuclear fuel cycle. In response to such assertions, I should say that, first, the Russian Federation is committed to provide nuclear fuel only for the Bushehr power plant and has no commitment to meet our needs for the nuclear fuel in other nuclear power plants that we have decided to build. Second, even with respect to the Bushehr power plant, the Russian Federation has committed itself only to provide nuclear fuel for a limited period of time and after the termination of our contract with Russia, we have to provide the nuclear fuel needed for this plant from other sources.

The speculations raised over the secrecy of Natanz and Arak facilities are quite unfounded and irrational for the following reasons: First, the Arak facility is designed to produce heavy water which does not fall under the IAEA safeguards. Therefore, we are not legally bound to declare it. Second, given the huge installations and distillation towers erected on the ground in Arak as well as sophisticated satellites and coverage of the international mass media, speaking of the secrecy of the activities of such facility looks irrational and unreasonable. Third, under the provisions of NPT and our safeguards agreement with IAEA, we were obliged to inform IAEA 180 days before the date of transporting UF₆ into the Natanz site. So, we had no legal obligation to declare it before the date. However, we decided to formally inform IAEA of the existence of this facility in September 2002 before the hue and cry that was raised by the Western media and their propaganda machine.

Although we were under no legal obligation to do so we, as a sign of goodwill, invited the IAEA Director General and his colleagues to visit the Natanz facility.

Therefore, there has not been and will not be any attempted secrecy in this regard as we are committed not to keep any issue relevant to the provisions of NPT secret from the international sight.

Here, I deem it necessary to refer, albeit, briefly to the cooperation between the Islamic Republic of Iran and IAEA as well as the policy of my country towards nuclear treaties and safeguards.

The *raison d'être*, objectives and responsibilities of IAEA regarding the development of peaceful uses of atomic energy in the world and prevention of its non-peaceful applications were accepted by the Islamic Republic of Iran since its inception and my country was among the first countries to become a member of IAEA by ratifying its statute in 1958. Ever since, there has

been good cooperation between this Agency and my country, and it is our sincere wish to further expand our collaboration with the Agency.

My country's policy from the very beginning has been based on support for all treaties and conventions designed to prevent proliferation of nuclear weapons. It was in line with the same policy that Iran signed the statute of IAEA in 1958 and explicitly obliged itself under its provisions to peaceful use of nuclear energy and non-proliferation of nuclear weapons. Likewise, Iran acceded to different nuclear treaties such as Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space And Under Water, in 1963, NPT in 1970 and Treaty on prohibition of Emplacement of Nuclear Weapons And Other Weapons of Mass Destruction on the Sea Bed, the Ocean Floor And in the Subsoil Thereof. Besides these instruments, Iran also signed [the] CTBT.

As to the safeguard's regime, I should say Iran was among the first countries to accept the relevant international commitments. Iran signed a Comprehensive Safeguards Agreement with IAEA in 1973 based on Article 3 of NPT under which it undertook to place its nuclear activities and facilities under the surveillance and inspection of the Agency.

Iran also signed in 1974 the subsidiary Arrangement to facilitate the inspection of Iran's nuclear activities by IAEA Safeguards. These measures demonstrate the transparency of nuclear activities in my country.

Though Iran has signed and ratified all binding international instruments on non-proliferation of nuclear weapons and disarmament, unfortunately, it is still being, either partially or fully, denied its legitimate right under Article 4 of NPT to make peaceful use of nuclear energy.

It is sometimes alleged that Iran's peaceful nuclear activities are not sufficiently transparent.

In response to such allegation, I should say that nuclear transparency has its own criteria and standards set forth in the relevant international treaties and the decisions of IAEA. Under these treaties and decisions, any country which has fulfilled its international commitments on nuclear activities, has observed the criteria and standards of nuclear transparency. But based on the same standards, any information related to each nuclear facility should be transmitted in due course through certain stages and procedures. Here your kind attention is drawn to the very important Report drafted by the Agency after the visit to I.R. of Iran by a top-ranking delegation from IAEA headed by Mr. Jon Jennekens, Deputy Director General and Head of Safeguards Department at my country's invitation on February 1992;

"The conclusion of the Team is that all of the facilities visited at the six sites included in the tour were presently used to conduct activities which are consistent with the peaceful application of nuclear energy and ionizing radiation....Iranian authorities consistently stated their willingness to extend the duration of the visit for as long as the Team considered it necessary and similarly to arrange for the Team to visit any sites in Iran which might be of interest to the Agency in the peaceful nature of Iran's nuclear research and development and proposed nuclear power program."

Iran's policy towards the Additional Protocol is both clear and rational.

Under its provisions, the protocol will become effective only after its ratification by the competent authorities (parliaments) of the respective countries.

My country has no difficulty accepting this protocol and, as a matter of fact, it is approaching it positively. At the same time, it doesn't intend to ratify and enforce the provisions of this protocol without any conditions. The International Law of Treaties, too, does not oblige any country to accede to any international treaty or instrument.

Our people and authorities always ask why Iran which has acceded to different nuclear treaties and safeguards agreements and has rendered all sorts of cooperation as demanded by IAEA and while its nuclear activities, as attested by the official reports of IAEA inspection teams are peaceful, still remains subject to various international pressures and restrictions. Meanwhile countries which possess weapons of mass destruction and refuse to accede to treaties such NPT are

left on their own without being asked to be accountable for their nuclear conduct.

In conclusion, I wish to make the following few points:

As I stated in the 46th session of IAEA in September 2002, Iran has envisaged the production of 7000 megawatt nuclear electricity within the next two decades in its long-term planning. To achieve this grand objective, we need to formulate and enforce plans in various advanced fields of nuclear technology such as nuclear fuel cycle, nuclear safety and nuclear wastes. In pursuit of this objective, we first sought assistance from Western countries and called for joint cooperation in the above-mentioned areas. We opened the way for dialogue and elaborately explained why we need nuclear energy. But, unfortunately, our offer met with a cool reception. It may be of interest, here, to note that my country under the current undue restrictions has not yet been able to recover its approximately 100 tones enriched uranium and 390 tones tails uranium currently stored in Lingen, Germany. They did not even allow us the transfer of the said material to a country -specifically Russia- outside the Euroatom [*sic*] area. Having been despaired of the Western cooperation in this field, we turned to the policy of self-sufficiency. In this connection, we realized that we need to carry on our activities concurrently in various fields. Hence, we concurrently focused on the production of heavy water for HWR reactors and uranium enrichment for production of nuclear fuel for LWR reactors while we were not certain as to which of these two endeavors shall embrace success.

Thanks God that a breakthrough was achieved in both areas and we have now made the decision to build both HWR and LWR reactors.

2. Opposition of certain powers to Iran's peaceful nuclear development plan in the post revolution era under false excuses is a matter open to question. These countries not only had remained silent to the rapid and even unrestrained nuclear development of Iran before the revolution, but they had also played a major part in its development process.

Based on these recommendations and western interest, my country was allured into investing billions of dollars in the construction of nuclear facilities such as the Isfahan nuclear technological center for nuclear fuel manufacturing -undertaken by both the French and the British- and Bushehr nuclear power plants, etc. Can we now ignore all those investments and just dispense with them.

The recommendations made by Stanford Research Institute for the production of 20,000 megawatt nuclear electricity within a period of 20 years and the monopoly of western countries over Iran's nuclear contracts for the construction of nuclear power plants and production of nuclear fuel point to the influence exercised by the West over Iran's nuclear activities in the pre-revolution era.

I am basically wondering as to which of these offers and policies of the West should we adhere to. The offer of the US researchers for the production of over 20000 megawatt nuclear electricity and their plan for its materialization or the politically charged, interventionist suggestions made by certain politicians saying that oil and gas rich Iran does not need to build nuclear power plants? I would like to ask whether the same suggestion has ever been forwarded to other fossil fuel rich countries such as the United States, the Russian Federation, UK, Canada, Mexico and others.

3. Iran is a party to NPT and some other major international instruments such as CTBT, BWC, CWC etc. It has always remained loyal and committed to these instruments and has been insistent on the fulfillment of its commitments.

Furthermore, it has sincerely cooperated with the relevant international organizations like IAEA on a voluntary basis.

Unlike some countries which exclude themselves from others through domineering gestures, my country as a member of many of international protocols and treaties has never created any obstacles to such treaties. It was not Iran which bombed Hiroshima and Nagasaki or used depleted uranium in the wars in the Balkans and the Persian Gulf and even in the recent war, nor was it my country which provided chemical weapons to Iraq to use them against its own people in Halabja under the cover of a news blackout provided by certain Western circles despite their deceptive slogans.

4. It is asserted that Iran being surrounded by some nuclear neighbours has no option but to equip itself with nuclear weapons for its own protection. In response to such assertion one may ask if nuclear weapons of the Soviet Union helped prevent its collapse, or if Iraq was able to ensure its protection by means of chemical and biological weapons. It may further be asked if the tragic events of September 11th were the result of a nuclear attack and if the U.S government was able to prevent these events through its nuclear weapons.

My country's policy in this regard is based on the clear stance of President Khatami who stated: "our might and strength lie in our faith, our logic and the competence of our people. Having been blessed with this might one does not need to develop destructive weapons."

5. As it was stated before, the motto of "peacefulness, transparency and independence" constitutes the main pillar of our nuclear policy and, hence, the development of an independent course for acquisition of nuclear knowledge is one of the main components of this policy. Our nation has decided to equip itself with the nuclear knowledge and technology for peaceful uses and has accepted the surveillance of IAEA safeguards over those activities which fall under the provisions of NPT. It has been for many years that our nation has defied the shoulds and should nots prescribed at the whims of certain colonial powers outside the framework of internationally recognized norms.

The rules and principles of international law do not allow any country to impose its own wishes and demands on independent states through use of force, coercion or any other violent means.

No single country can claim to be the sole guardian of the global peace, rather all countries of the world should join hands to advocate the cause of peace and remain committed to it protection.

6. Without any doubt, one of the main duties and objectives of IAEA is to prevent non-peaceful use of nuclear technology and, at the same time, ensure the peaceful development and transfer of this technology to developing countries. Hence, the Islamic Republic of Iran has always been insistent on the full application of the provisions of NPT to all IAEA member states and has remained critical of those member states which have failed to accede to this important treaty.

The practice of double-standards and discriminations followed by certain countries has practically challenged and undermined the effectiveness of NPT and CTBT. There is no doubt that treaties such as NPT are an effective step towards the control of proliferation of nuclear weapons but the practice of discrimination and double standards have obscured the prospects of total nuclear disarmament.

In closing, I avail myself of this opportunity to, once again, call on those countries which are able to assist us in the development of our nuclear power plant, nuclear fuel and its peripheral equipment to cooperate with us. My country is independent and has now become the champion of dialogue among civilizations and a promoter of the cause of the global peace.

We wish to rely on our own capabilities with respect to nuclear knowledge and technology. At the same time, we try not to ignore technological advances made by other countries in the nuclear field. We welcome any cooperation in the field of nuclear science and technology especially in the development of nuclear power plants and nuclear fuel.

Thank you.

Implementation of the NPT safeguards agreement in the Islamic Republic of Iran Report by the Director General

[GOV/2003/40, 6 June 2003]

A. Introduction

1. At the meeting of the Board of Governors on 17 March 2003, the Director General reported on discussions taking place with the Islamic Republic of Iran (hereinafter referred to as Iran) on a number of safeguards issues that needed to be clarified

and actions that needed to be taken with regard to the implementation of the Agreement between Iran and the IAEA for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement){1}

This report provides further information on the nature of the safeguards issues involved and the actions that need to be taken, and describes developments in this regard since March. More general reporting of safeguards implementation in Iran is not addressed in this document, but in the Safeguards Implementation Reports.{2}

B. Recent Developments

2. At the September 2002 regular session of the IAEA General Conference, Vice President of the Islamic Republic of Iran and President of the Atomic Energy Organization of Iran (AEOI), H.E. Mr. R. Aghazadeh, stated that Iran was “embarking on a long-term plan to construct nuclear power plants with a total capacity of 6000 MW within two decades”. He also stated that such a sizeable project entailed “an all out planning, well in advance, in various field of nuclear technology such as fuel cycle, safety and waste management”.

3. During the General Conference, the Director General met with the Vice President, and asked that Iran confirm whether it was building a large underground nuclear related facility at Natanz and a heavy water production plant at Arak, as reported in the media in August 2002. The Vice President provided some information on Iran’s intentions to develop further its nuclear fuel cycle, and agreed on a visit to the two sites later in 2002 by the Director General, accompanied by safeguards experts, and to a discussion with Iranian authorities during that meeting on Iran’s nuclear development plans.

4. The visit to Iran was originally scheduled for October 2002, but finally took place from 21 to 22 February 2003. The Director General was accompanied by the Deputy Director General for Safeguards (DDG-SG) and the Director of the Division of Safeguards Operations (B).

5. During his visit, the Director General was informed by Iran of its uranium enrichment programme, which was described as including two new facilities located at Natanz, namely a pilot fuel enrichment plant (PFEP) nearing completion of construction, and a large commercial-scale fuel enrichment plant (FEP) also under construction. These two facilities were declared to the Agency for the first time during that visit, at which time the Director General was able to visit both of them. Iran also confirmed that the heavy water production plant{3}, referred to in paragraph 3 above, was under construction in Arak.

6. During the visit, the Director General was informed that Iran would accept modifications to its Subsidiary Arrangements, as requested by the Board of Governors in 1992{4}, which would henceforth require the early provision of design information on new facilities and on modifications to existing facilities, as well as the early provision of information on new locations outside of facilities where nuclear material is customarily used (LOFs). This was confirmed to the Agency in a letter dated 26 February 2003 (see paragraph 15 below).

7. In addition, in response to the Agency’s enquiry about certain transfers of nuclear material to Iran, only recently confirmed by the supplier State in response to repeated Agency enquiries, Iran acknowledged the receipt in 1991 of natural uranium, which had not been reported previously to the Agency, in the form of UF₆ (1000 kg), UF₄ (400 kg) and UO₂ (400 kg), which was now being stored at the previously undeclared Jabr Ibn Hayan Multipurpose Laboratories (JHL) located at the Tehran Nuclear Research Centre (TNRC). Iran also informed the Agency that it had converted most of the UF₄ into uranium metal in 2000 at JHL. This information was subsequently confirmed by Iran in a separate letter to the Agency dated 26 February 2003.

8. During the discussions in Iran in February between DDG-SG and the Iranian authorities, reference was made by the Agency to information in open sources on the possible conduct of enrichment activities at the workshop of the Kalaye Electric Company in Tehran. The Iranian authorities acknowledged that the workshop had been used for the production of centrifuge components, but stated that there had

been no operations in connection with its centrifuge enrichment development programme involving the use of nuclear material, either at the Kalaye Electric Company or at any other location in Iran. According to the Iranian authorities, all testing had been carried out using simulation studies. While a centrifuge component production facility is not a nuclear facility required to be declared to the Agency under Iran’s NPT Safeguards Agreement, Iran was requested, in light of its stated policy of transparency, to permit the Agency to visit the workshop and to take environmental samples there to assist the Agency in verifying Iran’s declaration and confirming the absence of undeclared nuclear material and activities. The request was initially declined. The Iranian authorities told the Agency that Iran considered such visits, and the requested environmental sampling, as being obligatory only when an Additional Protocol was in force. However, they subsequently agreed to permit access to the workshop (to limited parts of the location in March, and to the entire workshop in May), and have recently indicated that they would consider permitting the taking of environmental samples during the visit of the Agency’s enrichment experts to Iran scheduled to take place between 7 and 11 June 2003 (see paragraph 11 below).

9. On 26 February 2003, a list of additional questions and requests for clarification was submitted to Iran regarding its centrifuge and laser enrichment programmes and its heavy water programme, and a written reply requested. A written response was received from Iran on 4 June 2003, and its contents will be followed up with the Iranian authorities.

10. In a letter dated 5 May 2003, Iran informed the Agency for the first time of its intention to construct a heavy water research reactor at Arak (the 40 MW(th) Iran Nuclear Research Reactor IR-40). Iran also informed the Agency of its plan to commence construction in 2003 of a fuel manufacturing plant at Esfahan (FMP).

11. During a meeting between the Vice President and the Director General on 5 May 2003, the Director General reiterated the Agency’s earlier request for permission to send Agency inspectors to the workshop of the Kalaye Electric Company in Tehran, and to take environmental samples. The Director General also referred to an earlier proposal the Agency had made in April for a group of Agency experts to visit Iran to discuss the centrifuge research and development programme to seek to assess how the current status of the project could have been achieved without using any nuclear material during tests. Iran agreed to consider the proposal for an expert mission, and subsequently agreed that the mission could take place from 7 to 11 June 2003.

C. Implementation of Safeguards

12. Article 8 of Iran’s Safeguards Agreement requires Iran to provide the Agency with information “concerning nuclear material subject to safeguards under the Agreement and the features of facilities relevant to safeguarding such material.”

13. As provided for in Article 34(c) of the Safeguards Agreement, nuclear material of a composition and purity suitable for fuel fabrication or for being isotopically enriched, and any nuclear material produced at a later stage in the nuclear fuel cycle, is subject to all of the safeguards procedures specified in the Agreement. These procedures include, inter alia, requirements for Iran to report to the Agency changes in the inventory of nuclear material through the submission of inventory change reports (ICRs).{5} Certain inventory changes entail additional reporting requirements. These include the import of nuclear material in quantities in excess of one effective kilogram, which, in accordance with Article 95 of the Safeguards Agreement, requires reporting to the Agency in advance of the import.

14. To enable the Agency to verify the inventory and flow of nuclear material, Iran is also required to provide design information on facilities (as defined in Article 98.1 of Iran’s Safeguards Agreement), and information on LOFs. Pursuant to Article 42 of Iran’s Safeguards Agreement, the time limit for the provision of design information on new nuclear facilities is to be specified in the Subsidiary Arrangements, but in any event it is to be provided “as early as possible before nuclear material is

introduced into a new facility". Article 49 requires that information on LOFs be provided "on a timely basis".

15. The Subsidiary Arrangements General Part in force with Iran from 1976 to 26 February 2003 included what was, until 1992, standard text which called for provision to the Agency of design information on a new facility no later than 180 days before the introduction of nuclear material into the facility, and the provision of information on a new LOF together with the report relating to the receipt of nuclear material at the LOF. With the acceptance by Iran on 26 February 2003 of the modifications to the Subsidiary Arrangements proposed by the Agency, the Subsidiary Arrangements General Part now requires Iran to inform the Agency of new nuclear facilities and modifications to existing facilities through the provision of preliminary design information as soon as the decision to construct, to authorize construction or to modify has been taken, and to provide the Agency with further design information as it is developed. Information is to be provided early in the project definition, preliminary design, construction and commissioning phases.

C.1. Imported Nuclear Material

16. The UF₆, UF₄ and UO₂ imported by Iran in 1991 are materials that, as provided for in Article 34(c) of Iran's Safeguards Agreement, are subject to all of the safeguards procedures specified in the Agreement, including, in particular, the requirement to report inventory changes. Therefore, Iran was obliged to have reported the import of the material in question at the time of import. Equally, Iran was obliged to have reported design information as soon as possible before nuclear material was introduced to the receiving facility, and a Facility Attachment concluded for that facility.

17. In its letter of 26 February 2003 confirming its receipt of the material in question, Iran stated that its interpretation of Articles 34(c) and 95 of the Safeguards Agreement had been that no reporting to the Agency was required since the total amount of uranium did not exceed one effective kilogram. However, as indicated in paragraph 13 above, all material referred to in Article 34(c) of the Safeguards Agreement must be reported to the Agency. Article 95 simply imposes an additional requirement, that of advance notification, with respect to imports of material in excess of one effective kilogram.

18. Iran submitted on 15 April 2003 an ICR with regard to the import of the nuclear material, and, on 5 May 2003, preliminary design information for JHL, where most of the material is currently being stored.

C.1.1. Processing of UF₆

19. The Iranian authorities have stated that the imported UF₆ has not been processed, and specifically that it has not been used in any enrichment, centrifuge or other tests. The one large and two small UF₆ cylinders declared as containing the imported UF₆ were shown to the Agency in February. The cylinders were made available for Agency verification at JHL in March, at which time, after the Agency inspectors noted that one of the small cylinders was lighter than declared, the State authorities explained that a small amount of the UF₆ (1.9 kg) was missing due to leaking valves on the two small cylinders. It was explained during the subsequent inspection in April that the leaks had only been noticed a year before. Final evaluation will be completed when destructive samples have been taken, environmental samples have been analysed, and supporting documentation provided by the operator has been examined.

C.1.2. Processing of UF₄

20. Iran has informed the Agency that most of the imported UF₄ was converted to uranium metal at JHL. While the equipment for the conversion process has been dismantled and stored in a container (shown to the Agency during the February visit), Iran is now refurbishing that part of the facility as a uranium metal processing laboratory. The uranium metal, together with the remaining UF₄ and the related waste, has been presented for Agency verification. Final evaluation will be done when the results of destructive analysis become available, and supporting documentation provided by the facility operator has been examined. The role of uranium metal in Iran's declared nuclear fuel cycle still needs to be fully understood, since neither its light

water reactors nor its planned heavy water reactors require uranium metal for fuel.

C.1.3. Processing of UO₂

21. During the February 2003 discussions, the Agency was informed by Iran that some of the imported UO₂ had been used at JHL for the testing of uranium purification and conversion processes. The experiments involved the dissolution of UO₂ with nitric acid, and the use of the resulting uranyl nitrate for testing a pulse column and ammonium uranyl carbonate (AUC) production processes envisioned for the Uranium Conversion Facility (UCF), a facility declared to the Agency in 2000 and currently under construction at Esfahan. In April, in response to Agency enquiries, the Iranian authorities informed the Agency that some of the UO₂ had also been used for isotope production experiments, including the undeclared irradiation of small amounts of the UO₂, at the Tehran Research Reactor (TRR). In addition, they informed the Agency that another small amount of UO₂ had been used in pellets to test the chemical processes of the Molybdenum, Iodine and Xenon Radioisotope Production Facility (MIX Facility). The unused UO₂ has been presented for Agency verification at JHL.

22. Most of the UO₂ used in the UCF-related experiments has been presented for Agency verification as liquid waste at Esfahan; the remaining waste has been disposed of at a location near Qom and cannot be verified. The whereabouts of the AUC produced during the UCF-related experiments is being discussed. Final evaluation of the accountancy will be completed when the results of destructive analysis become available, and the supporting documentation provided by the facility operator has been examined.

23. With respect to the isotope production experiments, Iran has stated that small amounts of the imported UO₂ were prepared for targets at JHL, irradiated at TRR, and sent to a laboratory belonging to the MIX Facility in Tehran for separation of I-131 in a lead-shielded cell. Iran has informed the Agency that the remaining nuclear waste was solidified and eventually transferred to a waste disposal site at Anarak. The operators at TRR and the MIX Facility have provided supporting documentation, which is being examined. The Agency is still awaiting relevant updated design information for the MIX Facility and TRR. Plans are in place to visit the waste site at Anarak in June.

24. With respect to the UO₂ to test the chemical processes of the MIX Facility, the material, including the resulting waste, has been presented for Agency verification at JHL. Final evaluation will be completed when the results of the destructive analysis become available, and supporting documentation provided by the facility operator has been examined.

C.2. Uranium Enrichment Programme

25. During the visit of the Director General in February 2003, the Vice President informed the Agency that over 100 of the approximately 1000 planned centrifuge casings had already been installed at the pilot plant and that the remaining centrifuges would be installed by the end of the year. In addition, he informed the Agency that the commercial scale enrichment facility, which is planned to contain over 50 000 centrifuges, was not scheduled to receive nuclear material in the near future.

26. The Agency has been informed that the pilot enrichment plant is scheduled to start operating in June 2003, initially with single machine tests, and later with increasing numbers of centrifuges. The Iranian authorities have also informed the Agency that the commercial enrichment plant is planned to start accepting centrifuges in early 2005, after the design is confirmed by the tests to be conducted in the pilot enrichment plant. Iran has also stated that the design and research and development work, which had been started about five years ago, were based on extensive modelling and simulation, including tests of centrifuge rotors both with and without inert gas, and that the tests of the rotors, carried out on the premises of the Amir Khabir University and the AEOL in Tehran, were conducted without nuclear material.

27. In May 2003, Iran provided preliminary design information on the enrichment facilities under construction in Natanz, which are being examined by the Agency. Since March

2003, Agency inspectors have visited facilities at Natanz three times to conduct design information verification and to take environmental samples at the pilot enrichment plant. A first series of environmental and destructive analysis samples has been taken at a number of locations. Additional samples are expected to be taken in the near future. Iran has co-operated with the Agency in this regard. The Agency has presented to the Iranian authorities a safeguards approach for the pilot enrichment plant.

28. As indicated above, on 26 February 2003, the Agency forwarded a number of questions regarding Iran's research and development on centrifuges, including the chronology of its enrichment programme, with a view to assessing, inter alia, Iran's declaration that it had been developed without the centrifuges having been tested with UF₆ process gas. Similar questions and concerns have been raised by the Agency in relation to the UO₂, UF₄ and UF₆ production at the large scale conversion facility UCF, which is stated to have been constructed without any testing, even on a small scale, of key processes.

29. The Agency is also pursuing enquiries into Iran's laser programme. Iran has acknowledged the existence of a substantial programme on lasers, and Agency inspectors have visited some locations said to have been involved in that programme. However, Iran has stated that no enrichment related laser activities have taken place.

C.3. Heavy Water Programme

30. According to information provided by the Iranian authorities (see Section B above), the Iranian heavy water reactor programme consists of the heavy water production plant currently under construction at Arak; the 40 MW(th) IR-40, construction of which is planned to start at Arak in 2004; and the FMP at Esfahan, construction of which is planned for 2003, commissioning for 2006 and commencement of operation for 2007.

31. The stated purposes of the IR-40, which will use natural UO₂ fuel and heavy water (both as a coolant and as a moderator), are reactor research and development, radioisotope production and training. The stated purpose of the FMP is fabrication of fuel assemblies for the IR-40 and for the Bushehr Nuclear Power Plant (BNPP).

D. Findings and Initial Assessment

32. Iran has failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material, the subsequent processing and use of that material and the declaration of facilities where the material was stored and processed. These failures, and the actions taken thus far to correct them, can be summarized as follows:

(a) Failure to declare the import of natural uranium in 1991, and its subsequent transfer for further processing. On 15 April 2003, Iran submitted ICRs on the import of the UO₂, UF₄ and UF₆. Iran has still to submit ICRs on the transfer of the material for further processing and use.

(b) Failure to declare the activities involving the subsequent processing and use of the imported natural uranium, including the production and loss of nuclear material, where appropriate, and the production and transfer of waste resulting therefrom. Iran has acknowledged the production of uranium metal, uranyl nitrate, ammonium uranyl carbonate, UO₂ pellets and uranium wastes. Iran must still submit ICRs on these inventory changes.

(c) Failure to declare the facilities where such material (including the waste) was received, stored and processed. On 5 May 2003, Iran provided preliminary design information for the facility JHL. Iran has informed the Agency of the locations where the undeclared processing of the imported natural uranium was conducted (TRR and the Esfahan Nuclear Technology Centre), and provided access to those locations. It has provided the Agency access to the waste storage facility at Esfahan, and has indicated that access would be provided to Anarak, as well as the waste disposal site at Qom.

(d) Failure to provide in a timely manner updated design information for the MIX Facility and for TRR. Iran has agreed to submit updated design information for the two facilities.

(e) Failure to provide in a timely manner information on the waste storage at Esfahan and at Anarak. Iran has informed the Agency of the locations where the waste has been stored or discarded. It has provided the Agency access to the waste storage facility at Esfahan, and has indicated that access will be provided to Anarak.

33. Although the quantities of nuclear material involved have not been large,^{6} and the material would need further processing before being suitable for use as the fissile material component of a nuclear explosive device, the number of failures by Iran to report the material, facilities and activities in question in a timely manner as it is obliged to do pursuant to its Safeguards Agreement is a matter of concern. While these failures are in the process of being rectified by Iran, the process of verifying the correctness and completeness of the Iranian declarations is still ongoing.

34. The Agency is continuing to pursue the open questions, including through:

(a) The completion of a more thorough expert analysis of the research and development carried out by Iran in the establishment of its enrichment capabilities. This will require the submission by Iran of a complete chronology of its centrifuge and laser enrichment efforts, including, in particular, a description of all research and development activities carried out prior to the construction of the Natanz facilities. As agreed to by Iran, this process will also involve discussions in Iran between Iranian authorities and Agency enrichment experts on Iran's enrichment programme, and visits by the Agency experts to the facilities under construction at Natanz and other relevant locations.

(b) Further follow-up on information regarding allegations about undeclared enrichment of nuclear material, including, in particular, at the Kalaye Electric Company. This will require permission for the Agency to carry out environmental sampling at the workshop located there.

(c) Further enquiries about the role of uranium metal in Iran's nuclear fuel cycle.

(d) Further enquiries about Iran's programme related to the use of heavy water, including heavy water production and heavy water reactor design and construction.

35. The Director General has repeatedly encouraged Iran to conclude an Additional Protocol. Without such protocols in force, the Agency's ability to provide credible assurances regarding the absence of undeclared nuclear activities is limited. This is particularly the case for States, like Iran, with extensive nuclear activities and advanced fuel cycle technologies. In the view of the Director General, the adherence by Iran to an Additional Protocol would therefore constitute a significant step forward. The Director General will continue to keep the Board informed of developments.

Annex — List of Nuclear Facilities under IAEA Safeguards		
Location	As in September 2002	New facilities as of June 2003
Tehran	Tehran Research Reactor (TRR)	
	Molybdenum, Iodine and Xenon Radioisotope Production Facility (MIX Facility)	
		Jabr Ibn Hayan Multipurpose Laboratories (JHL)
Bushehr	Bushehr Nuclear Power Plant (BNPP)	
Esfahan	Miniature Neutron Source Reactor (MNSR)	
	Light Water Sub-Critical Reactor (LWSCR)	
	Heavy Water Zero Power Reactor (HWSRP)	

	Fuel Fabrication Laboratory (FFL)	
	Uranium Chemistry Laboratory (UCL)	
	Uranium Conversion Facility (UCF)	
	Graphite Sub-Critical Reactor, decommissioned (GSCR)	
		Fuel Manufacturing Plant (FMP)
Natanz		Pilot Fuel Enrichment Plant (PFEP)
		Fuel Enrichment Plant (FEP)
Arak		Iran Nuclear Research Reactor (IR-40)

- {1} The Safeguards Agreement, reproduced in document INFCIRC/214, entered into force on 15 May 1974.
- {2} The Agency has been applying safeguards at a range of facilities in Iran since the mid-1970s pursuant to its Safeguards Agreement. The list of facilities under safeguards is set out in the Annex to this report.
- {2} ???
- {3} Heavy water production facilities are not nuclear facilities under comprehensive NPT safeguards agreements, and are thus not required to be declared to the Agency thereunder.
- {4} GOV/2552/Att.2/Rev.2; GOV/OR/777, paras. 74-76.
- {5} Inventory changes, as defined in Article 98.J of Iran's Safeguards Agreement, include, for example, imports, exports, domestic receipts and shipments, production of nuclear material in a reactor, loss of nuclear material due to its transformation into other elements or isotopes as a result of nuclear reactions, accidental losses of nuclear material and the generation of waste from processing which is deemed to be unrecoverable for the time being but which is stored.
- {6} The total amount of material, approximately 1.8 tonnes, is 0.13 effective kilograms of uranium. This is, however, not insignificant in terms of a State's ability to conduct nuclear research and development activities..

Statement by Iranian Delegation to the IAEA Board of Governors Meeting

[18 June 2003]

Thank you, Madame Chairperson

Allow me at the outset to sincerely thank the Director-General and the DDGs Dr. Cetto and Dr. Goldschmidt for their introductory statements. Due to the specificity of this Board Session with regards to my country, allow me, Madame Chairperson — coming from a land boastful of its culture and heritage — to resort to some poetry and words of wisdom, emanating from our prominent world known poets such as Rumi and Hafez, that normally convey a world of meaning in such concise manner - pardon me for the inapt translation:

*Indeed the state of your eyes allured war
We were wrong in perceiving peace in them
Oh eye, remember, I had a thousand wisdom and sanity
But now that I am under an illusion, prudence is not to be sane.*

I sincerely hope, Madame Chairperson, that under your able leadership, diplomatic skills and experience the Board takes the right course and is steered in the proper direction. Our goal is to get to a destination that is aimed by all and therefore any attempt made otherwise shall certainly not be conducive to the ultimate resolution of the issue at hand.

I would like to express our deep gratitude to the members of Non-Aligned Movement (NAM) for their solidarity, constructive

and fruitful deliberations and rendering support to my country. I should also thank His Excellency Ambassador Haniff, Chairman of NAM in Vienna, for delivering the statement on behalf of the NAM members.

Allow me at this point to refer to the report GOV/2003/40. Let me start by a friendly criticism of the way the report was drafted and disseminated. The report has an apparent factual format, but our assessment is that the report could have been crafted in a more partial, fair and balanced manner. Given the political rhetoric in the past few months and the early and awkward directives issued at certain influential capitals on the form, the content and the final conclusion and judgement of the report, one has no other choice but to be realistic and be satisfied with what is at hand - namely the report in front of us. There is still a point of hope holding that not all international organizations have yet come at the stage of total submission.

Madame Chairperson,

It was indeed not very appealing to see a restricted report to be almost thoroughly discussed in CNN the day it was released. Here, I humbly implore all my colleagues in this room to be more vigilant about the possible unendorsed circulation of restricted reports in the future, so as not inadvertently harm the security interests and rights of any of the Member States. Moreover according to article 5 of Model Safeguards Agreement INFCIRC/153 and article 5, part 2 of item b of INFCIRC/214, summarized information on nuclear material subject to safeguards may only be published upon decision of the Board if the states directly concerned agree thereto. To the best of my knowledge neither my state nor any a priori Board decision has authorized the revelation of the content of this report. Of course, I didn't raise this as a point of contention, but only to stress more watchfulness about, God forbid, similar cases that might pop up in future.

Madame Chairperson,

The crux of the report in front of us deals only with a small amount of 0.13 effective kilogram of natural uranium that we imported in 1991.

The material is to be used for the various testing of the different processes involved in our Uranium Conversion Facility (UCF). To remind the Board, this facility has been under the Safeguards Agreement ever since the actual construction of the facility started and that is before my country accepted the Modified Subsidiary Arrangement — a vivid display of my country's transparency and openness.

Despite the subtle differences in the interpretation of articles 95 and 34 of INFCIRC/214, nevertheless my country declared the material to the Agency and it is now under its full safeguards. Assuming we admit the negligence in delayed declaration of this small amount of nuclear material (in other words 0.13 effective kg of uranium) that is far below the inspection thresholds of the Agency (i.e. eight kg of Pu; eight kg of U-233; twenty-five kg of U-235), how one can then explain the following list of essential failures in the SIR 2002, GOV/2003/35.

1 Page 56 paragraph 187 — Of the remaining 357 facilities with 1 SQ or more of nuclear material evaluated for 2002, 34 facilities (10%) in 15 states failed to fully attain the quantity component of the inspection goal; and 32 facilities (9%) in 15 states failed to fully attain the timeliness component.

2 Page 59 paragraph 198 — At six facilities, the quantity component of the inspection goal has not been attained for several years because the measures foreseen in safeguards approaches could not be implemented..

3 Page 60 paragraph 205 — At six LWRs (seven in 2001), the quantity or timeliness components of the inspection goal couldn't be attained because spent fuel had been loaded into casks for shipment and was therefore unavailable for verification during inspections.

4 The transfer of uranium shielded ammunition into a country in hundreds of kilograms; have they been reported to the Agency's Safeguards either by the country of their origin or by the receiving country in this case, namely Iraq?

The SIR 2002 report clearly shows that hardly any Member State can claim to be impeccable. However, an important trait to seek here is the willingness of the Member States to rectify their possible failure. If indeed our collective purpose is to settle issues and to not turn them into international problems with far

reaching repercussions, then we should wisely join in all our forces to avoid the practice of double standards — a practice normally emanating from political motivation.

Madame Chairperson,

To save you of other questions, could I only and humbly ask the merit of the open question d on page 8 of the report? Is there any legal obligation on the part of any Member State to come up with justification on any of its peaceful nuclear activities? Or is it that it is only required of it to report the activities to the Agency and abide by its commitments within the framework of its Safeguards Agreement?

Is not the acquirement of peaceful nuclear technology- within the framework of the NPT- the inalienable right of all Member States?

Allow me, Madame Chairperson, within the Vienna spirit, which is the spirit of understanding and cooperation, state my country's principle positions as stated by our Vice President His Excellency Mr. Aghazadeh here at the Agency headquarter in May, 2003 and my own personal convictions.

The Islamic Republic of Iran has fulfilled its obligations under all provisions of the NPT. Iran's position, of denouncing the nuclear option, as a matter of principle, and placing its peaceful nuclear facilities under the full-scope Safeguards Agreement, is a clear manifestation of our commitment to a strong NPT. Iran considers the acquiring, development and use of nuclear weapons inhuman, immoral, illegal and against its very basic principles. They have no place in Iran's defence doctrine. They do not add to Iran's security nor do they help rid the Middle East of weapons of mass destruction, which is in Iran's supreme interests.

The Islamic Republic of Iran believes that all provisions of the NPT are of equal importance. Maintaining the balance of the 'rights and obligations' enshrined in the treaty, preserves its integrity, enhances its credibility and encourages both NPT's universality and its full implementation.

Iranians know that more capability necessarily prompts more responsibility. We would prove that accountability is part and parcel of our quest for full nuclear technology for peaceful purposes. We are enforcing our national laws and regulations on the control of nuclear and radioactive material and equipments. We welcome any constructive interaction with other parties including the Nuclear Supplier Group (NSG).

Madame Chairperson,

Many of my colleagues here and the Secretariat are well aware that ever since I started my mission here in Vienna, I have all along done my best to promote the level of cooperation between my country and the Agency and keep the process unhindered and ongoing. Clearly, confidence building requires its own tools and means, one of which is

the acknowledgement of each other's signs of cooperation and sincere intentions and the other is the use of the right language for dialogue. The language of force and threat will be futile and not conducive to the final achievement of our common goal. I ardently hope that the Board takes this essential fact into consideration. In conclusion, Madame Chairperson, my delegation hopes that rational clarification of points of fact pervade. We wish to reiterate once again that promotion of cooperation and confidence building are best addressed amicably and in an environment of peace. And in this vain, we would like to state over again our positive consideration of the additional protocol. Certainly, the positive outcome of this session will be conducive towards the settlement of this issue. And finally, Madame Chairperson, we are all here to succeed and not to fail.

Thank you.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran — Report by the IAEA Director General

[GOV/2003/63, 26 August 2003]

O-Iran

A. Introduction

1. On 6 June 2003, the Director General submitted to the Board of Governors for its consideration a report (GOV/2003/40) on a number of safeguards issues that needed to be clarified and actions that needed to be taken in connection with the implementation of the Agreement between the Islamic Republic of Iran (hereinafter referred to as Iran) and the IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/214) (the Safeguards Agreement).

2. In that report, the Director General stated that Iran had failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material imported into Iran and the subsequent processing and use of the material, and the declaration of facilities and other locations where the material was stored and processed. He described these failures and the actions being taken by Iran to correct them. In his report, the Director General also referred to the Agency's ongoing activities to verify the correctness and completeness of Iran's declarations and the safeguards measures the Secretariat intended to take in order to pursue questions that remained open.

3. At the conclusion of the Board's consideration of the Director General's report, the Chairperson summarized the Board's discussion. In the summary, the Chairperson stated that the Board shared the concern expressed by the Director General at the number of past failures by Iran to report material, facilities and activities as required by its safeguards obligations, and noted the actions taken by Iran thus far to correct these failures. The Board urged Iran promptly to rectify all safeguards problems identified in the Director General's report and to resolve questions that remained open. The Board welcomed Iran's reaffirmed commitment to full transparency and expressed its expectation that Iran would grant the Agency all necessary access. The Board encouraged Iran, as a confidence-building measure, not to introduce nuclear material at the Pilot Fuel Enrichment Plant (PFEP) located at Natanz pending the resolution of related outstanding issues. The Board called on Iran to co-operate fully with the Agency in its on-going work, and took note of the introductory statement of the Director General, in which he called on Iran to permit the Agency to take environmental samples at the workshop of the Kalaye Electric Company in Tehran. The Board welcomed Iran's readiness to look positively at signing and ratifying an Additional Protocol, and urged Iran promptly and unconditionally to conclude and implement such a protocol, in order to enhance the Agency's ability to provide credible assurances regarding the peaceful nature of Iran's nuclear activities, particularly the absence of undeclared material and activities. Finally, the Board of Governors requested the Director General to provide a further report on the situation whenever appropriate.

B. Chronology since June 2003

4. As foreseen in GOV/2003/40, an Agency team of centrifuge technology experts visited Iran from 7 to 11 June 2003 to discuss Iran's centrifuge enrichment research and development (R&D) programme. On 24 June 2003, the Agency submitted to Iran for comments a summary report reflecting the results of those discussions and the findings of the Agency's centrifuge technology experts, and proposed a follow-up meeting with the Agency experts in July. That meeting ultimately took place from 9 to 12 August 2003 as indicated below.

5. On 11 June 2003, the Agency provided to the Permanent Mission of Iran in Vienna 'talking points' on the results of environmental samples taken from the chemical traps of PFEP at Natanz indicating the presence of high enriched uranium particles, which was not consistent with the nuclear material declarations made by Iran. The Agency emphasized the need

to clarify this issue promptly, and suggested that it be addressed during the proposed centrifuge technology expert meeting.

6. On 9 July 2003, the Director General, accompanied by the Deputy Director General for Safeguards and the Director of the Division of Safeguards Operations (B), visited Iran to discuss safeguards implementation issues. He met with the President, H.E. Mr. M. Khatami; the Foreign Minister, H.E. Mr. K. Kharrazi; and Vice President of Iran and President of the Atomic Energy Organization of Iran (AEOI), H.E. Mr. R. Aghazadeh. During these meetings, the Director General emphasized the importance of the urgent resolution of outstanding safeguards issues, such as those raised by the results of environmental sampling at PFEP and the findings by the Agency's centrifuge technology experts, and in that connection, the need for full transparency by Iran. He also stressed the importance of the conclusion of an Additional Protocol by Iran to enable the Agency to provide comprehensive and credible assurances about the peaceful nature of Iran's nuclear programme. The President of Iran assured the Director General of the readiness of Iran to co-operate fully with the Agency and reiterated Iran's positive attitude towards the conclusion of an Additional Protocol, but indicated that some technical and legal aspects needed to be clarified. It was agreed that technical discussions should follow the Director General's visit, and that the Agency should dispatch a team to clarify technical and legal aspects related to the Model Additional Protocol (INFCIRC/540 (Corr.)).

7. During the follow-up technical discussions, which were held from 10 to 13 July 2003 in Iran, the Agency team raised again the issue of the results of the environmental sampling at PFEP, and reiterated the Agency's request that, in fulfilment of Iran's stated commitment to full transparency, Iran permit the Agency to take environmental samples at the workshop of the Kalaye Electric Company in Tehran. The team also inquired as to whether, in accordance with that policy, Iran would permit the Agency to visit two locations near Hashtgerd (Lashkar Ab'ad and Ramandeh) at which it had been alleged, according to recent reports in open sources, that nuclear related activities were being or had been conducted. The Iranian authorities indicated that they were not yet ready to discuss the findings of the Agency's centrifuge technology experts, nor were they willing at this stage to permit the Agency to take environmental samples at the workshop of the Kalaye Electric Company or to accede to the Agency's request to visit the two locations near Hashtgerd. The Iranian authorities indicated that they would like to propose a comprehensive solution to all of the enrichment related issues, but that it would take some time on their side. During the discussions, the specific issues that needed to be resolved were identified, and the Iranian side agreed to propose at an early date a timetable for resolving those issues.

8. In response to Iran's request for the clarification of aspects of the Additional Protocol, a team of Agency legal and technical experts participated in a meeting held in Tehran on 5 and 6 August 2003 with officials from a number of ministries of the Iranian Government. During the meeting, the Agency provided clarification of the Model Additional Protocol, and responded to detailed questions raised by the Iranian officials.

9. On 23 July 2003, the Agency received from the AEOI Vice President of Nuclear Safety and Safeguards a letter proposing a timetable for actions to be taken by 15 August 2003 in relation to urgent outstanding issues. In its reply of 25 July 2003, the Agency agreed to send to Iran a team of technical experts, with the understanding that the team would: (a) discuss the results of the environmental samples taken at Natanz; (b) take environmental samples at the workshop of the Kalaye Electric Company; (c) discuss the findings of the Agency centrifuge technology experts; and (d) visit the sites near Hashtgerd. This mission took place from 9 through 12 August 2003.

10. In a letter dated 19 August 2003, the AEOI provided additional information on the issues identified in the timetable, including Iran's heavy water reactor programme, Iran's use of previously imported UO₂ in experiments to produce UF₄, 'bench scale' conversion experiments and Iran's past interest in laser fusion and spectroscopy.

11. In a letter dated 24 August 2003, the Resident Representative of Iran to the Agency informed the Director General that Iran was 'prepared to begin negotiation with the

[IAEA] on the Additional Protocol' and expressed the hope that, 'in this negotiation the concerns of [Iran] and the ambiguities on the Additional Protocol are removed'.

C. Implementation of Safeguards

C.1. Uranium Conversion

12. In GOV/2003/40, the Director General identified a number of corrective actions by Iran which were necessary to enable the Agency to verify the previously unreported nuclear material declared to have been imported by Iran in 1991. These actions included:

(a) The submission of inventory change reports (ICRs) on the transfer of the imported UO₂, UF₄ and UF₆ for further processing and use.

(b) The submission of ICRs on the production of uranium metal, uranyl nitrate, ammonium uranyl carbonate, UO₂ pellets and uranium wastes from the imported material.

(c) The provision of design information on the waste storage facility at Esfahan, and the granting of access to that facility as well as to Anarak and Qom, where waste resulting from the processing of the imported material is stored or has been disposed of.

(d) The submission of updated design information for the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility and for the Tehran Research Reactor (TRR) to reflect activities involving the imported nuclear material.

13. Since the June report of the Director General, Iran has provided ICRs on the transfer of the imported natural uranium for its further processing and use, as well as physical inventory lists (PILs) and material balance reports (MBRs) reflecting its use in the production of uranium metal, uranyl nitrate, UO₂ pellets and wastes (Iran has stated that no ammonium uranyl carbonate was produced from that material). In addition, Iran provided updated design information for MIX and TRR on the use of the imported material in experiments at those facilities. Iran has also provided information on the storage of waste at Esfahan, and has granted Agency inspectors access to that location and to the waste sites at Anarak and Qom.

14. Iran stated on a number of occasions between February and July 2003 that no R&D using nuclear material, even on a laboratory scale, had been conducted on the conversion and production of any other nuclear material at the Uranium Conversion Facility (UCF) (specifically, UO₂, UF₄ and UF₆). The Agency was told that the basic design of the UCF processes, and test reports for those processes, had been obtained from abroad. According to the AEOI, this information was sufficient to permit Iran to complete indigenously the detailed design and manufacturing of the equipment for UCF.

15. In a letter dated 19 August 2003, however, the Iranian authorities acknowledged that, in the early 1990s, there had been 'bench scale' uranium conversion experiments. Iran has indicated that more time will be needed to find the people involved in these experiments and to trace any other closed down facilities. The Iranian authorities have indicated that they are currently preparing a response to the Agency questionnaires on closed down and decommissioned facilities in Iran and on Iran's nuclear fuel cycle, and that further information on the conversion experiments will be included in that response.

16. Drawing on this information, the Agency will continue with the verification of the imported nuclear material and its subsequent processing. In addition to physical verification activities and the evaluation of the ICRs, PILs and MBRs, this task involves the auditing of source documents on the shipment and subsequent processing of the nuclear material at various installations. Since some of the experiments took place a number of years ago and some of the imported material has been mixed with other nuclear material, the auditing and verification process is expected to be difficult and time consuming.

C.1.1. Processing of Imported UF₆

17. In March 2003, the Agency took environmental samples from the surfaces of all three of the cylinders said to have contained the imported UF₆ (two small S-type cylinders and a

large 30B-type cylinder). The results of the analysis of those samples are now available and are consistent with the declaration by Iran that the material contained in them was natural uranium.

18. As previously reported to the Board of Governors (GOV/2003/40, para. 19), the Iranian authorities have stated that none of the imported UF₆ had been processed, and, specifically, that it had not been used in any centrifuge tests. It was observed during Agency verification in March 2003, however, that some of the UF₆ (1.9 kg) was missing from the two small cylinders. The Iranian authorities have stated that this might be due to leakage from the cylinders resulting from mechanical failure of the valves and possible evaporation due to their storage in a place where temperatures reach 55 °C during the summer. On 18 August 2003, the Agency took environmental samples at the locations where Iran indicated that the small cylinders had been stored; these samples will need to be analysed and the results assessed. Investigation of this issue is continuing.

19. Verification of the contents of the large cylinder entail the weighing of the cylinder, non-destructive analysis (NDA), and destructive analysis of samples taken from the contents of the cylinder. While the weighing and NDA have been carried out, the taking of samples for destructive analysis can only be carried out when the equipment necessary for UF₆ transfer and sample taking has been installed at Natanz.

C.1.2. Processing of Imported UF₄

20. As described in the previous report (GOV/2003/40, para. 20), most of the imported natural UF₄ had been converted to uranium metal. As further noted therein, the Secretariat was seeking more information about the role of uranium metal in Iran's nuclear fuel cycle.

21. This matter was discussed further in the technical meetings held on 10-13 July in Iran. In a letter to the Agency dated 23 July 2003, the Iranian authorities stated that 113 experiments had been carried out at the Jabr Ibn Hayan Multipurpose Laboratories (JHL) using the imported UF₄ with a view to optimizing reaction conditions and parameters for producing uranium metal. In that same letter, Iran stated further that, 'In the early [90's] when the country decided to reconsider its nuclear program, we were not sure whether it will consist of CANDU reactors, Magnox reactors or light water reactors. Therefore it was decided to include a U-metal production line in the Uranium Conversion Facility (UCF) which could also be used to produce shielding material. However, as the picture is now more clear, uranium metal experiments could be considered as a process to gain know-how in nuclear material production. The Secretariat is pursuing this matter further with the Iranian authorities in light of the construction at JHL of a uranium metal purification and casting laboratory.'

22. Recent results from the destructive analysis referred to in the previous report (GOV/2003/40, para. 20) indicated the presence of depleted uranium in a UF₄ sample taken from JHL. The Agency requested Iran to explain the source of that material, since no such material is reflected in the declared inventory of Iran. The Agency also reiterated its request that Iran investigate further whether any experiments on the conversion processes had been conducted using nuclear material.

23. In its letter of 19 August 2003, Iran stated that, after intensive investigations, it had been found that, 'around the 1990's', some laboratory scale experiments had been carried out in the radiochemistry section of the NRC (the Tehran Nuclear Research Centre) to produce UF₄ using depleted UO₂ imported by Iran in 1977, but that neither the laboratory nor the radiochemistry section still existed.

C.1.3. Processing of Imported UO₂

24. The report in GOV/2003/40 described (paras 21)24) experiments said by Iran to have been carried out using the imported natural UO₂. These involved the testing of processes envisioned for UCF, isotope production experiments at TRR, and the use of pellets for testing chemical processes for the MIX Facility. Waste from these experiments was said to have been transferred to Esfahan, Anarak and Qom.

25. During the 9)12 August 2003 meeting with Iranian authorities, the Agency referred to earlier discussions which had taken place with Iran on samples taken at the hot cells of TRR and at the MIX Facility which indicated the presence of depleted uranium, material which is not included in Iran's declared nuclear material inventory. Iran was provided with a summary of these sampling results. It was suggested by Iran that the presence of depleted uranium could, in some cases, have originated from shielded containers received from other countries (identified by Iran during that meeting). The Agency has investigated the matter further through a comparison of the recent sample analysis results with analytical results of environmental samples taken in those other countries, and it has concluded that the depleted uranium particles could have originated from the imported containers.

26. As anticipated in the Director General's June report, Agency inspectors have now visited the waste disposal site at Qom and the waste storage location at Anarak where uranium bearing wastes from some of the experiments have been stored. Iran has informed the Agency that the waste currently located at Anarak will be transferred to JHL. Based on explanations provided by Iran, the nuclear material in the waste transferred to and disposed of at Qom is considered to be measured discard.

C.2. Uranium Enrichment

C.2.1. Gas Centrifuge Enrichment Programme

27. The Agency is continuing its analysis of Iran's enrichment R&D programme. This process has included thus far a visit by Agency centrifuge technology experts to Iran in June 2003 and subsequent technical discussions with the Iranian authorities. The primary focus of these discussions has been to seek clarification of the statement made by the Iranian authorities in February 2003 that the design and development work, which had been started in 1997, had been based on information from open sources and extensive modelling and simulation, including tests of centrifuge rotors both with and without inert gas, and that the tests of the rotors, carried out on the premises of the Amir Khabir University and the premises of the AEOI in Tehran, had been conducted without nuclear material.

28. During the Agency's June visit, AEOI officials stated that the enrichment factor used in Iran's calculations had been obtained from some original centrifuge drawings, not from experiments. The Agency requested to be shown the original drawings. In August 2003, the AEOI presented redrawn copies of those documents, which included a design of a 164-machine cascade. The Iranian authorities have yet to show the Agency the originals.

29. In their summary report prepared after that visit, the experts judged that:

(a) Machines at PFEP at Natanz can be recognized as an early European design; and

(b) It is not possible to develop enrichment technology, to the level seen at Natanz, based solely on open source information and computer simulations, without process testing with UF₆.

30. These findings were provided to Iran, and were discussed with Iranian officials during the meetings that took place on 9-12 August 2003. In that discussion, in contrast to earlier information provided about the launch dates of the programme and its indigenous nature, AEOI officials stated that the decision to launch a centrifuge enrichment programme had actually been taken in 1985, and that Iran had received drawings of the centrifuge through a foreign intermediary around 1987. The officials described the programme as having consisted of three phases: activities during the first phase, from 1985 until 1997, had been located mainly at the AEOI premises in Tehran; during the second phase, between 1997 and 2002, the activities had been concentrated at the Kalaye Electric Company in Tehran; during the third phase, 2002 to the present, the R&D and assembly activities were moved to Natanz.

31. The Iranian authorities also explained that during the first phase, components had been obtained from abroad through foreign intermediaries or directly by Iranian entities, but that no help had been received from abroad to assemble centrifuges or

provide training. Efforts were concentrated on achieving an operating centrifuge, but many difficulties had been encountered as a result of machine crashes attributed to poor quality components. According to the AEOI officials, no experiments with inert or UF₆ gas were conducted. Iran indicated its willingness to make available for interview key scientists responsible for that phase of the enrichment programme. According to Iranian officials, from 1997 through 2002, the activities were concentrated at Kalaye Electric Company, and involved the assembly and testing of centrifuges, but again without inert or UF₆ gas.

32. During their 9)12 August 2003 visit to Iran, Agency inspectors were permitted to take environmental samples at the Kalaye Electric Company workshop, with a view to assessing the role of that company in Iran's enrichment R&D programme. The results of the analysis of these samples are not yet available. It was noted by inspectors that there had been considerable modification of the premises since their first visit in March 2003. Iranian authorities have informed the Agency that these modifications are attributable to the fact that the workshop is being transformed from use as a storage facility to its use as a laboratory for non-destructive analysis. This modification may impact on the accuracy of the environmental sampling and the Agency's ability to verify Iran's declarations about the types of activities previously carried out there.

33. On 25 June 2003, Iran introduced UF₆ into the first centrifuge for the purpose of single machine testing, and on 19 August 2003 began the testing of a small ten-machine cascade with UF₆. Iran continues to co-operate with the Agency in implementing safeguards measures now in place at PFEP for monitoring single machine and small cascade testing.

34. In accordance with its standard practice, the Agency took baseline environmental samples at PFEP at Natanz before nuclear material was introduced in the facility. This baseline sampling campaign was conducted during inspections carried out between March and June 2003, and samples were taken at many locations within the facility. While the Agency has already received the results from some of the samples (see below), which have been provided to Iran, other samples are still being analysed by a number of laboratories that participate in the Agency's Network of Analytical Laboratories.

35. Iran has stated that it has not carried out any enrichment and that no nuclear material was introduced to the PFEP prior to the Agency's having taken its first baseline environmental samples there. However, the sampling results which were provided to Iran on 11 June 2003, revealed particles of high enriched uranium. During the 10)13 July and 9)12 August 2003 technical meetings, more complete environmental sampling results were provided to Iran and the matter was discussed further.

36. The PFEP environmental sample results indicate the possible presence in Iran of high enriched uranium, material that is not on its inventory of declared nuclear material. During the August meeting, Iranian authorities indicated that they had carried out extensive investigation with a view to resolving this question, and had come to the conclusion that the high enriched uranium particles which had been detected must have resulted from contamination originating from centrifuge components which had been imported by Iran.

37. At that meeting, Agency inspectors explained that subsequent environmental sample analysis revealed the presence of two types of high enriched uranium, and noted that there had been differences among the samples taken from the surfaces of the centrifuge casings installed for the single machine tests. The Agency asked the Iranian authorities to investigate whether there were differences in the manufacturing history of those pieces of equipment. To investigate this matter further, the Agency took two additional samples from centrifuge components which were said to have been imported and those said to have been produced domestically. The results are not yet available.

38. Conceptually, it is possible to envisage a number of possible scenarios to explain the presence of high enriched uranium in environmental samples at Natanz. As part of the Agency's ongoing detailed plan of investigation each scenario will be considered carefully by Agency experts.

39. The Agency also intends to follow up with Iran information about other sites at which unreported nuclear activities allegedly are being or have been carried out.

C.2.2. Laser Programme

40. Iran has a substantial R&D programme on lasers. Iran has stated that it currently has no programme for laser isotope separation.

41. In May 2003, the Agency requested additional information about two sites near Hashtgerd owned by the AEOI which had been referred to in open source reports as locations allegedly engaged in laser and centrifuge uranium enrichment activities. The Agency was permitted to visit those locations on 12 August 2003.

42. One of the locations was Ramandeh, which belongs to the AEOI and is part of the Karaj Agricultural and Medical Centre. This location is primarily involved with agricultural studies said to be unrelated to nuclear fuel cycle activities. The other location visited was a laser laboratory at Lashkar Ab'ad belonging to the Research and Development Division of the AEOI. During that visit, Iranian officials stated that the laboratory had originally been devoted to laser fusion research and laser spectroscopy, but that the focus of the laboratory had been changed, and the equipment not related to current projects, such as a large imported vacuum vessel, had been moved. Among other activities observed by the Agency were the production and testing of copper vapour lasers of up to 100 watts. However, there appeared to be no activities directly related to laser spectroscopy or enrichment being carried out at the laboratory. The Iranian authorities were asked to confirm that there had not been in the past any activities related to uranium laser enrichment at this location or at any other location in Iran. The Agency has requested permission to take environmental samples at the laboratory, which the Iranian authorities have undertaken to consider.

43. In the letter from Iran dated 19 August 2003, the Agency was informed that, in the past, apart from planned co-operation in laser fusion and laser spectroscopy which never materialized, there had been a research thesis on laser spectroscopy of SF₆ prepared by a university student in co-operation with the laser division of AEOI. While such a study could be seen as relevant to laser enrichment, the underlying experiments appear not to have involved nuclear material.

C.3. Heavy Water Reactor Programme

44. On 13 July 2003 the Iranian authorities made a presentation on some technical features of the 40 MW(th) heavy water reactor (the Iran Nuclear Research Reactor, IR-40), construction of which is planned to start in 2004. The reactor, which Iranian officials have stated is based on indigenous design, is currently moving from the basic design phase to the detailed design phase. Iranian officials have further stated that Iran had tried unsuccessfully on several occasions to acquire from abroad a research reactor suitable for medical and industrial isotope production and for R&D to replace the old research reactor in Tehran. Iranian officials had concluded, therefore, that the only alternative was a heavy water reactor, which could use the UO₂ produced in UCF and the Zirconium Production Plant in Esfahan. According to the Iranian authorities, to meet the isotope production requirements, such a reactor should have a neutron flux of 10¹³ to 10¹⁴ n/cm²/s, which would require power on the order of 30)40 MW(th) when using natural UO₂ fuel.

45. The Agency was provided on 4 August 2003 with an updated DIQ, which is currently being reviewed. The DIQ does not contain any references to hot cells, contrary to what would be expected given the radioisotope production purposes of the facility. Iran has been asked to look into this matter further, particularly in light of recent open source accounts of alleged efforts by Iran to import remote manipulators and windows that would be suitable for use in hot cells.

46. In its 19 August 2003 letter, the AEOI provided information on the heavy water reactor programme, stating that a decision to start the R&D had been taken in the early 1980s. It further stated that, in the mid-1980s, laboratory scale experiments to produce heavy water had been conducted in the

Esfahan Nuclear Technology Centre, and that a decision to construct a heavy water reactor had been taken in the mid-1990s. The letter provided additional information on the amount of heavy water initially needed for the IR-40, and on the design capacity of the heavy water production plant under construction at Khondab near Arak. According to the information provided in the letter, Iran plans to start the production of heavy water next year.

D. Findings, Assessments and Next Steps

47. In connection with the nuclear material imported by Iran in 1991, Iran has submitted ICRs, PILs and MBRs, as well as relevant DIQs. The Agency has verified nuclear material presented to it and is currently auditing relevant source data. The issue of depleted uranium in the UF₄ remains to be resolved, and the environmental samples taken in connection with the UF₆ cylinders need to be analysed. To confirm that the pellet irradiation experiments have been solely for radioisotope production, the Agency has taken samples from the hot cells and lead shielded cells at the laboratories of the Tehran Nuclear Research Centre. The analytical results are not yet available.

48. In its letter of 19 August 2003, Iran acknowledged that it had carried out uranium conversion experiments in the early 1990s, experiments that Iran should have reported in accordance with its obligations under the Safeguards Agreement. Iran has stated, however, that it is taking corrective action in that regard. The Agency will continue its evaluation of the uranium conversion programme.

49. As regards enrichment, and as mentioned earlier, during the meeting of 9-12 August 2003, the Agency team received new information about the chronology and details of Iran's centrifuge enrichment programme. Agency evaluation of the new information will require, *inter alia*, an assessment of the various phases of the programme and analysis of environmental samples taken at the Kalaye Electric Company workshop.

50. Additional work is also required to enable the Agency to arrive at conclusions about Iran's statements that there have been no uranium enrichment activities in Iran involving nuclear material. The Agency intends to continue its assessment of the Iranian statement that the high enriched uranium particles identified in samples taken at Natanz could be attributable to contamination from imported components. As agreed to by Iran, this process will involve discussions in Iran with Iranian officials and staff involved in the R&D efforts and visits by Agency inspectors and enrichment technology experts to facilities and other relevant locations. In that connection, Iran has agreed to provide the Agency with all information about the centrifuge components and other contaminated equipment it obtained from abroad, including their origin and the locations where they have been stored and used in Iran, as well as access to those locations so that the Agency may take environmental samples. It is also essential that the Agency receive information from Member States either from which nuclear related equipment or other assistance relevant to the development of Iran's nuclear programme has been exported to Iran, or which have information on such assistance.

51. In connection with the Agency's investigation of Iran's heavy water reactor programme, the Agency is currently evaluating design information provided on the heavy water reactor.

52. Since the last report was issued, Iran has demonstrated an increased degree of co-operation in relation to the amount and detail of information provided to the Agency and in allowing access requested by the Agency to additional locations and the taking of associated environmental samples. The decision by Iran to start the negotiations with the Agency for the conclusion of an Additional Protocol is also a positive step. However, it should be noted that information and access were at times slow in coming and incremental, and that, as noted above, some of the information was in contrast to that previously provided by Iran. In addition, as also noted above, there remain a number of important outstanding issues, particularly with regard to Iran's enrichment programme, that require urgent resolution. Continued and accelerated co-operation and full transparency on the part of Iran are essential for the Agency to be in a position

to provide at an early date the assurances required by Member States.

53. The Director General will inform the Board of additional developments for its further consideration at the November meeting of the Board, or earlier, as appropriate.

Director General's Remarks to the IAEA Board of Governors

[9 September 2003]

I am grateful for the support of the Board in working with the Secretariat to resolve what I believe to be a very important issue related to the integrity of the non-proliferation regime. There is one common theme that runs through the interventions today, namely that this serious issue has to be brought to a conclusion as soon as possible. On this we all agree, including, I am sure, our Iranian colleagues.

We need to try to reach a peaceful resolution through verification, working within the boundaries of the Agency's mandate to exhaust all means at our disposal before we consider other alternatives. The Agency was entrusted by the NPT to be the verification arm of that treaty, and we must make sure that that verification arm works effectively.

The mandate of the Secretariat is technical in nature: verifying, ascertaining the facts and sharing those facts with the Board. We intend, as always, to keep to technical matters and to avoid any political colouring. We are — on this as on all other issues — politically 'blind', because political assessment is not the role of the Secretariat.

We know from experience that the inspection process takes time and we need to use all available means and remedies before we conclude that we are unable to verify a particular commitment. We are not yet in that situation because there is still work ahead, as you have seen in our report. If the Secretariat is taking a conservative approach it is because we believe that it is very important not to jump to conclusions which are not fully supported by the facts.

However, we are well aware that we are dealing with an issue that concerns a capability — namely enrichment — to produce weapons usable material. And we still have a number of unresolved problems. One is the fact that we have seen different levels of enrichment, different isotopes, and that raises the question of where this enrichment has taken place. Iran maintains that it is the result of contamination. We need to clarify that as early as possible.

That means that we will need the necessary support not only from Iran, but also from all countries that may have provided assistance to Iran. Moreover, we will certainly need to identify the origin of any equipment involved.

Another important issue relevant to enrichment is the question of the testing of centrifuges. Our experts tell us that testing with nuclear material must have taken place for Iran to reach the stage that it has. We need now to reconcile the opinion of our experts with the explanation provided by Iran.

There are various scenarios we need to examine: one is contamination of the equipment, another is importation of enriched uranium, a third is enrichment inside Iran and a fourth is some combination of the above.

There are other issues of course, concerning laser activities, the heavy water programme, conversion work and the production of uranium metal. These are not perhaps as disquieting as the centrifuge enrichment programme, but we still need to clarify them.

The whole matter is complicated by questions of legal rights and transparency. There are certain things that Iran might have had no legal obligation to declare, for example facilities that were under construction or imports of equipment. However, what I have emphasized to the Iranian authorities is that legal rights apart, we will not be able to resolve the various issues without full transparency and proactive co-operation.

This is because, firstly, the programme has been very wide ranging and, secondly, because it goes back as far as the mid-1980s, so that we need to reconstruct the history of an extensive twenty-year programme. For us to do that it is

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obviously not sufficient to rely just on the rights granted in the safeguards agreement. The Iranian side has understood that point and has provided us with access to certain sites and the possibility of taking environmental samples.

What lies ahead? We need full transparency and proactive co-operation by Iran. The pattern of response observed so far will not enable us to resolve the issues in a reasonable timeframe. Iran should not wait for us to ask questions and then respond; it should come forward with a complete and immediate declaration of all its nuclear activities. That would be the best way to resolve the issues within the next few weeks.

We also need the full and active co-operation of all countries that may have assisted the Iranian programme. Without that, it will be very difficult to verify the Iranian statements, particularly with regard to contamination. We are not directly concerned with the export control regime but we do need the information in order to be able to fulfil our responsibilities.

As in the case of Iraq, we will treat any information we receive with absolute confidentiality, but we need it nonetheless.

I want to be very clear: if we do not obtain the necessary information and if we do not get immediate and full co-operation by Iran, we will not be able to verify the Iranian programme. And that is in itself a conclusion — that we are unable to verify. But it is not a positive conclusion because it casts doubt on the whole system. There is obviously a moral responsibility, if not a legal responsibility, on those who may have participated in assisting Iran to come forward with information, and there is obviously an obligation on the part of Iran to give us all the necessary information, including the origin of imported equipment and components.

I would obviously like to come to a conclusion by the next meeting of the Board. The international community has every right to expect that we reach closure on such an important and sensitive non-proliferation issue within a year of the time we started our work. So I look forward to Iran continuing to accelerate its co-operation. We have seen increased co-operation since June but it should now become proactive, and translated into a policy of full transparency.

We will seek to clarify all issues by the end of November. I hope that we will not be in the position at that time to have to say that we were unable to complete our verification work.

Throughout the years we have seen cases of failure to comply with the provisions of safeguards agreements. These failures range from the "cardinal sin" of diverting weapons usable material to just a single failure to report certain material or equipment. Obviously the level of concern and the response are questions of judgement. At this stage, we need to understand all aspects of the Iranian programme and make sure that everything has been declared. I would like, by the end of the year, to be able to state that: "Yes, we believe we have seen every aspect of the Iranian programme; it is now fully declared and under safeguards".

Our reports in June and in August reflect, in terms of both substance and format, the collective work of the Secretariat. As many of you rightly said, we have been entrusted with a mandate. We will continue to drive the process forward in an impartial, transparent and comprehensive manner. But we need the support of Iran, we need the support of other States and obviously we need the support of the Board. The discussion today has been very helpful in sending a clear message. I have not heard a single voice of dissent or lack of acknowledgement that we are dealing with a very serious issue which we need to bring to closure as soon as possible.

Statement by Amb. Ali A. Salehi, Islamic Republic of Iran, to the IAEA Board of Governors

[12 September 2003]

[Editorial note: the ellipses (i.e., the '...') in this statement all appear in the original document.]

Madam Chairperson,

The debate on this issue revealed two distinctly contrasting views. One attempts to circumvent the IAEA and issue an

express ticket to the Security Council; and the other - the clearly prevailing view, though not necessarily dominating, seeks to sustain the process and allow the Agency to run its course and discharge its responsibilities withstanding political bullying. I believe the Director General summed up the debate in succinct and compelling terms. I may be paraphrasing, but the main points of that summary included, as I recall, that:

- The issue is important and needs to be cleared;
- The approach is technical and should remain technical;
- Expectation to resolve the matter soon is justified but the Agency should be allowed to exhaust its course;
- Failures do happen. But the important thing is to remedy them and ensure that all activities are under the safeguards;
- A negative conclusion on the ability of the Agency to verify the situation harms the safeguard;
- The reaction of the Board, in form and substance, should reflect the Collective view of the entire membership;
- And above all, there should not be any jumping to conclusions or jumping the gun.

The message is clear. The Agency is doing its job it can and if given enough chance it will arrive at conclusions... the process may have been slow but it is speeding up... there may be deficiencies and discrepancies but they can be remedied... and they should be allowed to be remedied... Process should be sustained... confidence enhanced... and results achieved... as otherwise all involved, including the Agency, would be at loss.

This Body engages, rarely and exceptionally, in political dialog. The debate here, alas, has rapidly evolved into one such exception. Despite my deep personal distaste for political talk, I find it now inevitable to address the misconceptions and convolutions that lie behind some hawkish perceptions.

It was stated here yesterday, by a few Governors, that time is up, that there should be a final ultimatum, a last resort, a last chance to wrap up, pack up and leave. A call that hinges again on propped up propositions of absolute urgency, entailing palpably, the now familiar and troubling presumption of "imminent and clear danger". As though the current scandal is not enough, Governments are being told now in private that Iran will be a nuclear threat in six months and hence the rush to turn a safeguard issue into one of international security.

Fine! Every State can draw up and perceive threats, real or imaginary, **as they wish**... They may also build up hoopla around such perceptions and elevate them to the level of highest international priority, **as they can**... They can spin the facts, deceive and lie, **as they want**... They are even able to wield massive power to crush the conceived culprit, **as they do**. But what then?

There is no surprise, of course, to hear such roar from the United States. At present, nothing pervades their appetite for vengeance short of confrontation and war.

It is no secret that the current US Administration, or at least its influential circle, entertains the idea of invasion of yet another territory, as they aim to re-engineer and re-shape the entire Middle East region. This hard drive towards extremism of action from them, therefore, is but plainly expected. What surprises us, on the other hand, is to see some others, such as Canada, which is known for its principled stance on international issues, to stain its credibility.

I cannot but recall Canada's passionate urge to prompt NPT's indefinite extension. Canada went on record underscoring the balance of rights and responsibilities. Canada emphasized on the requirement to implement all undertakings, inclusive specifically of those related to peaceful use, as captured and approved already in contractual terms, by all States Parties. It is bewildering to witness now the stubborn silence on rights, on the one hand, and over-stretched stress on beefed-up responsibilities, on the other. Gone is the sense of balance that depicts logic and wisdom.

At this stage, it seems that it is best to extend the precept of transparency and put all the cards openly on the table.

A Draft Resolution has been tabled initially by three sponsors, followed by additional co-sponsors who routinely join the orchestration on the premise of their tradition and institutional commitment to maintaining unanimity. To express and establish a contrasting view, regardless of validity of its

substance and merit, against this block is an awesome task ... nearly an impossible task. And the power of automatic majority has been exercised to the fullest for this decision. With minor, primarily cosmetic changes, the draft has now been re-introduced by Canada, Australia and Japan. The approach, structure, substance, language and venom have remained the same.

It has been argued that the draft resonates the Agency's account of the situation. Wrong. Dead wrong. The Agency begs for sustaining the process, for keeping the matter here in Vienna, for encouraging further cooperation, for ensuring compliance, for avoiding New York except if the whole structure crumbles, as fractures have their remedies here. The Draft, on the other hand, thrives for quick impasse, for fast pass to the Security Council, for breaking the process, for undoing cooperation, for fabricating a hasty ruling of non-compliance.

We have been told by some proponents of the move that they have bestowed the ultimate benevolence delaying the crunch for 45 days... some 360 working hours... to chew up every item on the flashy menu of to-do list. It is evident that even if everything on the list was edible, the whole lot could not be consumed and digested by us and by the Agency in such a short time. This prescription is clearly designed for not being filled.

When presenting the list, which went way beyond obligations under the safeguards, and even beyond the Additional Protocol, the distinguished Governor of the United Kingdom was elegantly ardent to repeat after spelling out every single demand: **"BUT THIS IS NOT ENOUGH"**. I myself observed and absorbed at least five so catchy a phrase, and waited impatiently to hear, at the end of the ritual, at least a minimal indication of final satisfaction. Not meant to be... The long list appeared, in the end, to be open-ended. I indulge the Distinguished Governors of Canada, Australia and Japan, who now represent the list, to take the floor now, and tell us in clear terms, that even if the entire list was carried through and implemented in earnest ... shall it suffice, at long last, to make Iran eligible to enjoy its inalienable right to peaceful nuclear activity without hindrance and impediment? Shall it?

The question is really not posed as polemic. It is a question that, if replied in clear terms, will serve as the key to unraveling this predicament, once and for all.

For the last twenty four years, Iran has been subject to the most severe series of sanctions and export restrictions on material and technology for peaceful nuclear technology. So our peaceful program had no choice but to become discreet. Our obligations had to be observed, while the slightest means to procure and produce our needs were chased rigorously and suppressed violently. No perceivable break was spared, no hole untapped, to ascertain full and complete deprivation of Iran from pursuing its peaceful program. The hunt goes on unabated today.

If cooperation has been slow, at times,... if there have been few incidence of discrepancies,... if there have been hesitations to adhere to the Protocol, ... or to embrace confidence building initiatives, it is all out of one and only one concern. The U.S. intention behind this saga is nothing but to make this deprivation final and eternal.

Is any of the sponsors willing or prepared to offer the slightest assurance that the process has an end to it and that Iran will be freed from the shackles of unbridled restrictions. **If so, please come forward, offer this key and resolve this issue for good.** Alas, there is none.

We reject the ultimatum in this draft. The United States has remained adamant on sustaining the self proclaimed deadline despite appeals by a large number of Governors, including some of the co-sponsors, to drop it. This is music to the unilateralists' ears, but spells disaster for the Agency.

Among those who have pursued and produced nuclear weapons, outside The Five, Israel gets away with murder. It is pampered instead of being chastised...

Iran, in this midst, has stressed sternly and insistently that it has no intention whatsoever to pursue nuclear weapons, that it only yearns for peaceful capability, that it is ready and prepared to fulfill all its obligations under the Safeguards...and adopt additional obligations if it is protected against mal-intentions and abuse, that it will make every effort to take remedial measures

wherever required, that it will remain transparent and maintain all its activities under the safeguards, that it intends to leave no stone unturned to further assure the Agency of its peaceful objectives, that it is a fervent subscriber to the NPT, a loyal Party to it and a staunch promoter of the Middle East as a nuclear weapon free zone. This Draft targets the very core of our commitments and the current course of ever-accelerating cooperation. Its adoption, without the minor, but essential changes in the text, can kill an otherwise constructive process. We will have no choice but to have a deep review of our existing level and extent of engagement with the Agency vis-à-vis this resolution.

Madam Chairperson,

I request that my remarks be reflected in the records of the decision to be made on this draft resolution. My delegation wishes to have no part in this process or in this resolution. We reject, in the strongest terms, this resolution. I spare the Board of Governors, more than ten amendments which I could have otherwise put to the vote.

I wish to thank the Chairperson, the Troika and each and every member of NAM for the support they provided and amendments made to this draft resolution to move the process forward and to uphold the authority and integrity of the Agency.

Unfortunately, the sponsors of the draft reacted in total disregard for principles of multilateralism and did not entertain our amendments. I reject both the process and this resolution and I leave this room in protest.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

[Resolution GOV/2003/69 adopted by the Board on 12 September 2003]

The Board of Governors,

(a) Recalling the Director General's report of 6 June 2003 (GOV/2003/40), which expressed concern over failures by the Islamic Republic of Iran to report material, facilities and activities as it was obliged to do pursuant to its safeguards agreement, and noted that the Secretariat continues to investigate a number of unresolved issues,

(b) Recalling also recent statements by Iranian authorities recommitting Iran to full NPT and IAEA safeguards compliance and renouncing Iranian interest in nuclear weapons,

(c) Acknowledging Iran's decision to start negotiations for the conclusion of an additional protocol, but noting it does not meet the Board's 19 June request that Iran promptly and unconditionally sign and implement such a Protocol,

(d) Noting with appreciation the Director General's report of 26 August 2003 (GOV/2003/63), on the implementation of safeguards in Iran, and acknowledging that as a result of intensive inspection activities in Iran by the Agency since February, the Agency now has a better, although still incomplete, understanding of Iran's nuclear programme,

(e) Commending the Secretariat for its continuing efforts to resolve all outstanding safeguards issues and sharing the view of the Director General that much essential work remains to be completed urgently to enable the Agency to draw conclusions on the programme,

(f) Noting the interim nature of the report of the Director General and calling on Iran to further enhance cooperation and provide full transparency to allow the Agency to fully understand and verify all aspects of Iran's nuclear programme, including the full history of its enrichment programme,

(g) Concerned by the statement of the Director General that information and access were at times slow in coming and incremental, that some of the information was in contrast to that previously provided by Iran, and that there remain a number of important outstanding issues that require urgent resolution,

(h) Noting with concern:

- that the Agency environmental sampling at Natanz has revealed the presence of two types of high enriched uranium, which requires additional work to enable the Agency to arrive at a conclusion;

- that IAEA inspectors found considerable modifications had been made to the premises at the Kalaye Electric Company prior to inspections that may impact on the accuracy of the environmental sampling;
 - that some of Iran's statements to the IAEA have undergone significant and material changes, and that the number of outstanding issues has increased since the report;
 - that despite the Board's statement in June 2003 encouraging Iran, as a confidence-building measure, not to introduce nuclear material into its pilot centrifuge enrichment cascade at Natanz, Iran has introduced such material;
 - (i) Expressing grave concern that, more than one year after initial IAEA inquiries to Iran about undeclared activities, Iran has still not enabled the IAEA to provide the assurances required by Member States that all nuclear material in Iran is declared and submitted to Agency safeguards and that there are no undeclared nuclear activities in Iran,
 - (j) Mindful of Iran's heavy responsibility to the international community regarding the transparency of its extensive nuclear activities,
 - (k) Recognising the basic and inalienable right of all Member States to develop atomic energy for peaceful purpose,
 - (l) Stressing the need for effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards agreements, and underlining the vital importance of effective safeguards for facilitating cooperation in the field of peaceful uses of nuclear energy,
1. Calls on Iran to provide accelerated cooperation and full transparency to allow the Agency to provide at an early date the assurances required by Member States;
 2. Calls on Iran to ensure there are no further failures to report material, facilities and activities that Iran is obliged to report pursuant to its safeguards agreement;
 3. Reiterates the Board's statement in June 2003 encouraging Iran not to introduce nuclear material into its pilot enrichment cascade in Natanz, and in this context calls on Iran to suspend all further uranium enrichment-related activities, including the further introduction of nuclear material into Natanz, and, as a confidence-building measure, any reprocessing activities, pending provision by the Director General of the assurances required by Member States, and pending satisfactory application of the provisions of the additional protocol;
 4. Decides it is essential and urgent in order to ensure IAEA verification of non-diversion of nuclear material that Iran remedy all failures identified by the Agency and cooperate fully with the Agency to ensure verification of compliance with Iran's safeguards agreement by taking all necessary actions by the end of October 2003, including:
 - (i) providing a full declaration of all imported material and components relevant to the enrichment programme, especially imported equipment and components stated to have been contaminated with high enriched uranium particles, and collaborating with the Agency in identifying the source and date of receipt of such imports and the locations where they have been stored and used in Iran;
 - (ii) granting unrestricted access, including environmental sampling, for the Agency to whatever locations the Agency deems necessary for the purposes of verification of the correctness and completeness of Iran's declarations;
 - (iii) resolving questions regarding the conclusion of Agency experts that process testing on gas centrifuges must have been conducted in order for Iran to develop its enrichment technology to its current extent;
 - (iv) providing complete information regarding the conduct of uranium conversion experiments;
 - (v) providing such other information and explanations, and taking such other steps as are deemed necessary by the Agency to resolve all outstanding issues involving nuclear materials and nuclear activities, including environmental sampling results;
 5. Requests all third countries to cooperate closely and fully with the Agency in the clarification of open questions on the Iranian nuclear programme;

6. Requests Iran to work with the Secretariat to promptly and unconditionally sign, ratify and fully implement the additional protocol, and, as a confidence-building measure, henceforth to act in accordance with the additional protocol;

7. Requests the Director General to continue his efforts to implement the Agency's safeguards agreement with Iran, and to submit a report in November 2003, or earlier if appropriate, on the implementation of this resolution, enabling the Board to draw definitive conclusions; and

8. Decides to remain seized of the matter.

Statement by the Iranian Government and visiting EU Foreign Ministers

[Tehran, 21 October 2003]

Upon the invitation of the Government of the Islamic Republic of Iran the Foreign Ministers of Britain, France and Germany paid a visit to Tehran on October 21, 2003.

The Iranian authorities and the ministers, following extensive consultations, agreed on measures aimed at the settlement of all outstanding IAEA issues with regards to the Iranian nuclear programme and at enhancing confidence for peaceful cooperation in the nuclear field.

The Iranian authorities reaffirmed that nuclear weapons have no place in Iran's defence doctrine and that its nuclear programme and activities have been exclusively in the peaceful domain. They reiterated Iran's commitment to the nuclear non-proliferation regime and informed the ministers that:

The Iranian Government has decided to engage in full co-operation with the IAEA to address and resolve through full transparency all requirements and outstanding issues of the Agency and clarify and correct any possible failures and deficiencies within the IAEA.

To promote confidence with a view to removing existing barriers for co-operation in the nuclear field:

- having received the necessary clarifications, the Iranian Government has decided to sign the IAEA Additional Protocol and commence ratification procedures. As a confirmation of its good intentions the Iranian Government will continue to co-operate with the Agency in accordance with the Protocol in advance of its ratification.
- while Iran has a right within the nuclear non-proliferation regime to develop nuclear energy for peaceful purposes it has decided voluntarily to suspend all uranium enrichment and reprocessing activities as defined by the IAEA.

Dialogue

The Foreign Ministers of Britain, France and Germany welcomed the decisions of the Iranian Government and informed the Iranian authorities that:

Their governments recognise the right of Iran to enjoy peaceful use of nuclear energy in accordance with the nuclear Non-Proliferation Treaty.

In their view the Additional Protocol is in no way intended to undermine the sovereignty, national dignity or national security of its State Parties.

In their view full implementation of Iran's decisions, confirmed by the IAEA's Director General, should enable the immediate situation to be resolved by the IAEA Board.

The three governments believe that this will open the way to a dialogue on a basis for longer term co-operation which will provide all parties with satisfactory assurances relating to Iran's nuclear power generation programme. Once international concerns, including those of the three governments, are fully resolved Iran could expect easier access to modern technology and supplies in a range of areas.

They will co-operate with Iran to promote security and stability in the region including the establishment of a zone free from weapons of mass destruction in the Middle East in accordance with the objectives of the United Nations.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran — Report by the Director General

[GOV/2003/75, 10 November 2003]

1. This report on safeguards issues in the Islamic Republic of Iran (hereinafter referred to as Iran) responds to paragraph 7 of the Board of Governors' resolution GOV/2003/69 of 12 September 2003. It covers relevant developments from the time of the Director General's visit to Iran on 20-21 February 2003 and Iran's acknowledgement of its centrifuge enrichment programme, but concentrates on the period since his last report (GOV/2003/63 of 23 August 2003). This report begins with the background to the issues in question (Section A) and a chronology of recent events (Section B). Information on the Agency's verification activities is summarized in Section C, organized according to the various technical processes involved (the details of which are set out in Annex 1). Section D provides a summary of the Agency's findings, while Section E sets out its current assessment and next steps. Annexes 2 and 3 to this report contain, respectively, a list of the locations identified to date as relevant to the implementation of safeguards in Iran, and a map showing those locations. Annex 4 is a list of relevant abbreviations and terms used in the text of the report.

A. Background

2. At the meeting of the Board of Governors on 17 March 2003, the Director General reported on discussions taking place with Iran on a number of safeguards issues that needed to be clarified and actions that needed to be taken in connection with the implementation of the Agreement between Iran and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/214) (the Safeguards Agreement).

3. On 6 June 2003, the Director General submitted to the Board of Governors a report (GOV/2003/40) providing further information on the nature of the safeguards issues involved and the actions that needed to be taken, and describing developments in that regard since March 2003. In that report, the Director General stated that Iran had failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material imported into Iran and the subsequent processing and use of the material, and the declaring of facilities and other locations where the material had been stored and processed. He described these failures and the actions being taken by Iran to correct them.

4. On 18-19 June 2003, the Board considered the above report of the Director General. In its conclusions, the Board noted its concern about the number of past failures by Iran to report material, facilities and activities as required by its safeguards obligations, and noted the actions taken by Iran to correct those failures. The Board urged Iran to rectify promptly all of the safeguards problems identified in the Director General's report and to resolve questions that remained open. It welcomed Iran's reaffirmed commitment to full transparency and expressed its expectation that Iran would grant the Agency all necessary access. The Board encouraged Iran, as a confidence building measure, not to introduce nuclear material at the Pilot Fuel Enrichment Plant (PFEP) located at Natanz pending the resolution of related outstanding issues. The Board called on Iran to co-operate fully with the Agency in its ongoing work. It welcomed Iran's readiness to look positively at signing and ratifying an Additional Protocol, and urged Iran to promptly and unconditionally conclude and implement such a protocol, in order to enhance the Agency's ability to provide credible assurances regarding the peaceful nature of Iran's nuclear activities, particularly the absence of undeclared material and activities.

5. On 26 August 2003, the Director General submitted to the Board for its consideration a further report (GOV/2003/63) on relevant developments since June 2003. The report included: a summary of the state of the Agency's understanding of Iran's nuclear programme at that time; the Agency's findings and assessments, including the identification of some additional

failures to report and the issues that needed to be clarified (particularly with regard to enrichment); and the corrective actions that needed to be taken. In the report, the Director General noted an increased degree of co-operation by Iran, while noting that some of the information and access were at times slow in coming and incremental, and that some of the information was in contrast to that previously provided by Iran.

6. At its meeting on 12 September 2003, the Board of Governors adopted a resolution (GOV/2003/69) in which it, inter alia:

- Called on Iran to provide accelerated co-operation and full transparency to allow the Agency to provide at an early date the assurances required by Member States (GOV/2003/69, para. 1).
- Called on Iran to ensure that there were no further failures to report material, facilities and activities that Iran is obliged to report pursuant to its Safeguards Agreement (GOV/2003/69, para. 2).
- Called on Iran to suspend all further uranium enrichment related activities and, as a confidence building measure, any reprocessing activities, pending provision by the Director General of the assurances required by Member States and pending satisfactory application of the provisions of the Additional Protocol (GOV/2003/69, para. 3).
- Decided that, in order to ensure Agency verification of non-diversion of nuclear material, it was essential and urgent that Iran remedy all failures identified by the Agency and co-operate fully with the Agency by taking certain specified actions by the end of October 2003 (GOV/2003/69, para. 4).
- Requested all third countries to co-operate closely and fully with the Agency in the clarification of open questions on the Iranian nuclear programme (GOV/2003/69, para. 5).
- Requested that Iran work with the Secretariat to sign, ratify and fully implement the Additional Protocol promptly and unconditionally, and as a confidence building measure to act henceforth in accordance with the Additional Protocol (GOV/2003/69, para. 6).

7. The Board also asked the Director General to submit a report to the Board, in November 2003 or earlier if appropriate, on the implementation of the Board's resolution, enabling it to draw definitive conclusions.

B. Chronology since September 2003

8. Between 14 and 18 September 2003, the Agency conducted a safeguards inspection at the Tehran Research Reactor (TRR) and at the PFEP in Natanz. The inspection activities at TRR included physical inventory verification and design information verification, as well as a number of activities to follow up on issues related to the natural uranium imported in 1991, including further examination of the cylinders from which imported UF₆ gas was said to have leaked (see GOV/2003/63, para. 18).

9. On 16 September 2003, the Agency met representatives of Iran to discuss the results of the analysis of the environmental samples taken at the Kalaye Electric Company in August 2003, which had revealed the presence of high enriched uranium (HEU) particles and low enriched uranium (LEU) particles which were not consistent with the nuclear material in the declared inventory of Iran. Also discussed were the results of the environmental sampling taken at PFEP, which had revealed the presence of other types of HEU particles, as well as LEU and other particles, not of a type on Iran's inventory.

10. The Deputy Director General for Safeguards (DDG-SG) and the Director of Safeguards Operations Division B (DIR-SGOB) travelled to Iran on 2-3 October 2003 to discuss the most urgent safeguards implementation issues that remained open. Following these discussions, a technical team of the Agency visited Iran from 4 to 12 October 2003 in order to carry out activities related to the verification of Iran's activities in the areas of uranium conversion and laser and gas centrifuge enrichment. Following up on recent open source reports of enrichment activities being undertaken at an industrial complex in Kolahdouz in western Tehran, the team was permitted on 5 October 2003 to visit three locations which the Agency had identified as corresponding to those mentioned in the reports.

While no work was seen at those locations that could be linked to uranium enrichment, environmental samples were taken.

11. In a letter to the Agency dated 9 October 2003 from Mr. E. Khalilipour, Vice President of the Atomic Energy Organization of Iran (AEOI), Iran provided information that had not been provided earlier on research activities carried out on uranium conversion processes, including acknowledgement of laboratory and bench scale experiments. Specifically, Iran confirmed that, between 1981 and 1993, it had carried out at the Esfahan Nuclear Technology Centre (ENTC) bench scale preparation of UO_2 and, at the Tehran Nuclear Research Centre (TNRC), bench scale preparation of ammonium uranyl carbonate (AUC), UO_3 , UF_4 and UF_6 .

12. Between 13 and 22 October 2003, an Agency inspection team conducted safeguards inspections at PFEP and other facilities in Esfahan and Tehran. These inspections included follow-up activities related to the HEU and LEU particles found at the Kalaye Electric Company and at Natanz and to the newly acknowledged existence of nuclear material resulting from uranium conversion experiments.

13. On 16 October 2003, at the invitation of the Iranian Government, the Director General met in Tehran with H.E. Dr. H. Rohani, Secretary of the Supreme National Security Council of Iran, to discuss the open issues requiring urgent resolution. These issues related to the use of nuclear material in the testing of centrifuges (including the presence of LEU and HEU particles at the Kalaye Electric Company and at Natanz); the testing of conversion processes; the purpose of uranium metal production; the existence of laser isotope enrichment; and details of Iran's heavy water reactor programme. At this meeting, Dr. Rohani stated that a decision had been taken to provide the Agency, in the course of the following week, with a full disclosure of Iran's past and present nuclear activities. He also expressed Iran's readiness to conclude an Additional Protocol and, pending its entry into force, to act in accordance with the Protocol and with a policy of full transparency.

14. Upon the request of the Iranian authorities, a meeting was held on 18–19 October 2003, also in Tehran, between legal, policy and technical staff of the Agency and Iranian officials to discuss issues related to the conclusion by Iran of an Additional Protocol.

15. As a follow-up to the 16 October 2003 meeting, in a letter to the Director General dated 21 October 2003 and received on 23 October 2003, H.E. Mr. R. Aghazadeh, Vice President of the Islamic Republic of Iran and President of the AEOI, reaffirmed that "the Islamic Republic of Iran ha[d] decided to provide a full picture of its nuclear activities, with a view to removing any ambiguities and doubts about the exclusively peaceful character of these activities and commencing a new phase of confidence and co-operation in this field at the international level." Mr. Aghazadeh stated further in his letter that Iran was prepared "to provide, in full transparency, any additional clarifications that the Agency may deem necessary."¹

16. In that letter, Iran acknowledged that: between 1998 and 2002 it had carried out some testing of centrifuges at the Kalaye Electric Company using UF_6 imported in 1991; between 1991 and 2000 it had had a laser enrichment programme, in the course of which it had used 30 kg of uranium metal not previously declared to the Agency; and between 1988 and 1992 it had irradiated 7 kg of UO_2 targets and extracted small quantities of plutonium. Attached to the letter was significant additional information with respect to those activities, as well as information concerning Iran's conversion and heavy water reactor programmes.

17. Between 27 October and 1 November 2003, a technical team from the Agency, led by DIR-SGOB and including centrifuge technology experts, visited Iran to follow up on these and other issues, including, in particular, the source of HEU and LEU contamination.

18. On 10 November 2003, the Agency received from the Government of Iran a letter of the same date in which Iran conveyed its acceptance of the draft text of the Additional Protocol based on the Model Additional Protocol (INFCIRC/540 (Corr.)) Iran indicated that it was prepared to sign the Additional Protocol, and that, pending its entry into force, Iran would act in accordance with the provisions of that Protocol.

19. On the same day, the Iranian Government informed the Director General that it had decided to suspend, with effect from 10 November 2003, all enrichment related and reprocessing activities in Iran⁽²⁾, and specifically: to suspend all activities on the site of Natanz, not to produce feed material for enrichment processes and not to import enrichment related items.

C. Verification Activities

C.1. Uranium Conversion

20. The Agency received preliminary design information on the Uranium Conversion Facility (UCF) under construction at ENTC in July 2000, and has been carrying out continuous design information verification (DIV) since then. In that design information, the facility was described as being intended for the conversion of uranium ore concentrate into UF_6 , for enrichment outside Iran, and for the subsequent conversion (at UCF) of the enriched UF_6 into low enriched UO_2 , enriched uranium metal and depleted uranium metal. Following its declaration of the enrichment facilities at Natanz in February 2003, Iran acknowledged that it intended to carry out the enrichment activities domestically using UF_6 to be produced by UCF.

21. At the time of the Director General's last report to the Board of Governors (GOV/2003/63), questions remained about the completeness of Iran's declarations concerning the chronology and details of its uranium conversion activities, in particular in light of its previous assertion that it had designed UCF without having used nuclear material to test the most difficult conversion processes.

22. While Iran acknowledged in February 2003 having used some of the *natural* uranium imported in 1991 for testing certain parts of the conversion process (i.e. uranium dissolution, purification using pulse columns and the production of uranium metal), it denied having tested other processes (e.g. conversion of UO_2 to UF_4 and conversion of UF_4 to UF_6), stating that they had been developed based on the supplier's drawings. In a letter dated 19 August 2003, Iran further acknowledged that it had carried out UF_4 conversion experiments on a laboratory scale during the 1990s at the Radiochemistry Laboratories of TNRC using imported *depleted* UO_2 which had previously been declared as having been lost during processing (process loss). This activity was acknowledged by Iran only after the Agency's July 2003 waste analysis results indicated the presence of depleted UF_4 .

23. On 9 October 2003, Iran further acknowledged that, contrary to its previous statements, practically all of the materials important to uranium conversion had been produced in laboratory and bench scale experiments (in kilogram quantities) between 1981 and 1993 without having been reported to the Agency. These activities were carried out at TNRC and ENTC.

24. The information provided in Iran's letter of 21 October 2003 reveals that, in conducting these experiments, Iran had used nuclear material imported by Iran in 1977 and 1982, some of which had been exempted from safeguards, as well as safeguarded nuclear material which had been declared to the Agency as a process loss. Iran also declared that, using nuclear material imported in 1991 and reported to the Agency in February 2003, experiments had been carried out on the conversion of some of the UF_4 to UF_6 , and on the conversion of UO_2 to UF_4 . On 1 November 2003, Iran agreed to submit all relevant inventory change reports (ICRs) and design information to cover these activities.

25. In addition to the issues associated with the testing of UCF processes, the Agency had previously raised with Iran questions related to the purpose and use of nuclear material to be produced at UCF, such as uranium metal. In its letter of 21 October 2003, Iran acknowledged that the uranium metal had been intended not only for the production of shielding material, as previously stated, but also for use in the laser enrichment programme (as discussed below).

C.2. Reprocessing Experiments

26. In its letter of 21 October 2003, Iran acknowledged the irradiation of depleted UO_2 targets at TRR and subsequent plutonium separation experiments in a hot cell in the Nuclear

Safety Building of TNRC. Neither the activities nor the separated plutonium had been reported previously to the Agency.

27. In the meetings held 27 October–1 November 2003, Iran provided additional information about these experiments. According to Iranian officials, the experiments took place between 1988 and 1992, and involved pressed or sintered UO_2 pellets prepared at ENTC using depleted uranium that had been exempted from safeguards in 1978. The capsules containing the pellets had been irradiated in TRR in connection with a project to produce fission product isotopes of molybdenum, iodine and xenon. The plutonium separation was carried out at TNRC in three shielded glove boxes, which, according to Iran, were dismantled in 1992 and later stored in a warehouse at ENTC along with related equipment. Iran stated that these experiments had been carried out to learn about the nuclear fuel cycle, and to gain experience in reprocessing chemistry.

28. According to Iran, a total of about 7 kg of UO_2 was irradiated, 3 kg of which was processed to separate plutonium. The small amount of separated plutonium was stored in a laboratory of Jabr Ibn Hayan Multipurpose Laboratories (JHL), while the remaining 4 kg of unprocessed irradiated UO_2 targets was placed in containers and stored at the TNRC site, and the wastes disposed of at the Qom salt marsh.

29. On 1 November 2003, Iran agreed to submit all nuclear material accountancy reports, and design information for ENTC and JHL, covering these activities. On that date, Iran also presented the separated plutonium and the irradiated unprocessed targets to Agency inspectors at JHL. Verification of the material, as well as of possible nuclear material hold-up in the dismantled glove boxes, is foreseen to take place during the 8–15 November 2003 inspection.

C.3. Uranium Enrichment

C.3.1. Gas Centrifuge Enrichment

30. In February 2003, Iran acknowledged the existence of two centrifuge enrichment plants under construction at Natanz: PFEP and a large commercial-scale Fuel Enrichment Plant (FEP). In February 2003, Iran also acknowledged that the workshop of the Kalaye Electric Company in Tehran had been used for the production of centrifuge components, but stated that there had been no testing of these components involving the use of nuclear material, either at the Kalaye Electric Company or at any other location in Iran. According to Iran, its enrichment programme was indigenous and based on information from open sources.

31. During the visit of 2–3 October 2003, the Agency was shown, for the first time, the centrifuge drawings previously requested by it (see GOV/2003/63, para. 28).

32. In its letter of 21 October 2003, Iran acknowledged that “a limited number of tests, using small amounts of UF_6 , [had been] conducted in 1999 and 2002” at the Kalaye Electric Company. In a meeting with enrichment technology experts held during the 27 October–1 November 2003 visit, Iranian authorities explained that the experiments that had been carried out at the Kalaye Electric Company had involved the 1.9 kg of imported UF_6 , the absence of which the State authorities had earlier attempted to conceal by attributing the loss to evaporation due to leaking valves on the cylinders containing the gas (see GOV/2003/63, para. 18).

33. During that visit, the Agency was able to meet with the individual who had been in charge of the centrifuge research and development work during the period 1992–2001 with a view to clarifying issues associated with these activities. Iran has agreed to provide the relevant ICRs and design information, and to present the nuclear material for Agency verification during the inspection scheduled for 8–15 November 2003.

34. As mentioned above, environmental samples taken by the Agency at PFEP and at the Kalaye Electric Company revealed particles of HEU and LEU indicating the possible presence in Iran of nuclear material that had not been declared to the Agency. The Iranian authorities attributed the presence of these particles to contamination originating from centrifuge components which had been imported by Iran. In connection with its efforts to verify that information, the Agency requested, and Iran provided in October 2003, a list of imported and domestically produced centrifuge components, material and

equipment, and an indication of the batches of items that Iran claims to have been the source of the contamination. The Agency carried out another sample-taking campaign in October 2003, at which time all major imported and domestically produced components, as well as various pieces of manufacturing equipment, were sampled.

35. In a meeting on 1 November 2003, the Iranian authorities stated that all nuclear material in Iran had been declared to the Agency, that Iran had not enriched uranium beyond 1.2% U-235 using centrifuges and that, therefore, the contamination could not have arisen as a result of indigenous activities. The Agency has now obtained information about the origin of the centrifuge components and equipment which Iran claims to be the source of HEU contamination. The Agency will continue its investigation of the source of HEU and LEU contamination, including through follow up with other relevant parties.

C.3.2. Laser Enrichment

36. As reflected in GOV/2003/63 (para. 41), Iran permitted the Agency to visit in August 2003 a laboratory located at Lashkar Ab'ad, which was described by Iran as originally having been devoted to laser fusion research and laser spectroscopy, but whose focus had been changed to research and development and the manufacture of copper vapour lasers (CVLs). In its 19 August 2003 letter to the Agency, Iran stated that it had had a substantial research and development programme on lasers, but that it currently had no programme for laser isotope separation.

37. During discussions which took place in Iran from 2 to 3 October 2003, in response to Agency questioning, the Iranian authorities acknowledged that Iran had imported and installed at TNRC laser related equipment from two countries: in 1992, a laser spectroscopy laboratory intended for the study of laser induced fusion, optogalvanic phenomena and photoionization spectroscopy; and in 2000, a large vacuum vessel, now stored at Karaj, for use in the spectroscopic studies referred to in the previous paragraph.

38. On 6 October 2003, Agency inspectors were permitted to take at Lashkar Ab'ad the environmental samples requested by the Agency in August 2003. The inspectors also visited a warehouse in the Karaj Agricultural and Medical Centre of the AEOI, where a large imported vacuum vessel and associated hardware were stored. The Iranian authorities stated that the equipment had been imported in 2000, that it had never been used, and that it had now been packed for shipment back to the manufacturer, since the contract related to its supply had been terminated by the foreign partner in 2000. The inspectors were informed that later during their visit to Tehran the equipment related to the laboratory imported in 1992 would be made available for examination and environmental sampling and the individuals involved in the projects would be available for interviews. However, these interviews and the presentation of the equipment were deferred by Iran.

39. In its letter dated 21 October 2003, Iran acknowledged that, starting in the 1970s, it had had contracts related to laser enrichment with foreign sources from four countries. These contracts are discussed in detail in Annex 1 to this report.

40. During the inspectors' follow-up visit to Iran between 27 October and 1 November 2003, Iran provided more information on Lashkar Ab'ad and acknowledged that a pilot plant for laser enrichment had been established there in 2000. The project for the establishment of the plant consisted of several contracts covering not only the supply of information, as indicated in Iran's letter of 21 October 2003 to the Agency, but also the delivery of additional equipment. Iran also stated that uranium laser enrichment experiments had been conducted between October 2002 and January 2003 using previously undeclared natural uranium metal imported from one of the other suppliers. According to Iranian authorities, all of the equipment was dismantled in May 2003 and transferred to Karaj for storage together with the uranium metal. The equipment and material were presented to Agency inspectors at Karaj on 28 October 2003.

41. In the meeting of 1 November 2003, Iran agreed to submit all of the relevant ICRs and design information, and to

present the nuclear material for Agency verification during the inspection scheduled for 8–15 November 2003.

C.4. Heavy Water Reactor Programme

42. On 12 July 2003, the Iranian authorities made a presentation on the technical features, said to have been based on indigenous design, of the Iran Nuclear Research Reactor (IR-40) to be constructed at Arak. The purpose of the reactor was declared to be research and development and the production of radioisotopes for medical and industrial use. Iran explained that it had tried to acquire a reactor from abroad to replace the old research reactor in Tehran (TRR), but that those attempts had failed, and that Iran had concluded, therefore, that the only alternative was a heavy water reactor which could use domestically produced UO_2 and zirconium. In order to have a sufficient neutron flux, a reactor with power on the order of 30–40 MW(th) was said to be required.

43. During their visit in July 2003, Agency inspectors were provided with drawings of the IR-40. Contrary to what would have been expected given the declared radioisotope production purpose of the facility, the drawings contained no references to hot cells. The Agency raised this issue during that visit, particularly in light of open source reports of recent efforts by Iran to acquire from abroad heavy manipulators and leaded windows designed for hot cell applications. The Agency indicated to the Iranian authorities that, given the specifications of the manipulators and windows which were the subject of those reports, a design for hot cells should have existed already and that therefore the hot cell, or cells, should already have been declared, at least on a preliminary basis, as part of the facility or as a separate installation.

44. In its letter of 21 October 2003, Iran acknowledged that two hot cells had been foreseen for this project. However, according to the information provided in that letter, neither the design nor detailed information about the dimensions or the actual layout of the hot cells was available yet, since they did not know the characteristics of the manipulators and shielded windows which they could procure. On 1 November 2003, Iran confirmed that it had tentative plans to construct at the Arak site yet another building with hot cells for the production of radioisotopes. Iran has agreed to submit the relevant preliminary design information with respect to that building in due course.

D. Findings

45. Iran's nuclear programme, as the Agency currently understands it, consists of a practically complete front end of a nuclear fuel cycle, including uranium mining and milling, conversion, enrichment, fuel fabrication, heavy water production, a light water reactor, a heavy water research reactor and associated research and development facilities.

46. Iran has now acknowledged that it has been developing, for 18 years, a uranium centrifuge enrichment programme, and, for 12 years, a laser enrichment programme. In that context, Iran has admitted that it produced small amounts of LEU using both centrifuge and laser enrichment processes, and that it had failed to report a large number of conversion, fabrication and irradiation activities involving nuclear material, including the separation of a small amount of plutonium.

47. Based on all information currently available to the Agency, it is clear that Iran has failed in a number of instances over an extended period of time to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material and its processing and use, as well as the declaration of facilities where such material has been processed and stored. In his June and August 2003 reports to the Board of Governors (GOV/2003/40 and GOV/2003/63), the Director General identified a number of instances of such failures and the corrective actions that were being, or needed to be, taken with respect thereto by Iran.

48. Since the issuance of the Director General's last report, a number of additional failures have been identified. These failures can be summarized as follows:

(a) Failure to report:

(i) the use of imported natural UF_6 for the testing of centrifuges at the Kalaye Electric Company in 1999 and 2002,

and the consequent production of enriched and depleted uranium;

(ii) the import of natural uranium metal in 1994 and its subsequent transfer for use in laser enrichment experiments, including the production of enriched uranium, the loss of nuclear material during these operations, and the production and transfer of resulting waste;

(iii) the production of UO_2 , UO_3 , UF_4 , UF_6 and AUC from imported depleted UO_2 , depleted U_3O_8 and natural U_3O_8 , and the production and transfer of resulting wastes;

(iv) the production of UO_2 targets at ENTC and their irradiation in TRR, the subsequent processing of those targets, including the separation of plutonium, the production and transfer of resulting waste, and the storage of unprocessed irradiated targets at TNRC;

(b) Failure to provide design information for:

(i) the centrifuge testing facility at the Kalaye Electric Company;

(ii) the laser laboratories at TNRC and Lashkar Ab'ad, and locations where resulting wastes were processed and stored, including the waste storage facility at Karaj;

(iii) the facilities at ENTC and TNRC involved in the production of UO_2 , UO_3 , UF_4 , UF_6 and AUC;

(iv) TRR, with respect to the irradiation of uranium targets, and the hot cell facility where the plutonium separation took place, as well as the waste handling facility at TNRC; and

(c) Failure on many occasions to co-operate to facilitate the implementation of safeguards, through concealment.

49. As corrective actions, Iran has undertaken to submit ICRs relevant to all of these activities, to provide design information with respect to the facilities where those activities took place, to present all nuclear material for Agency verification during its forthcoming inspections and to implement a policy of co-operation and full transparency..

E. Assessment and Next Steps

50. The recent disclosures by Iran about its nuclear programme clearly show that, in the past, Iran had concealed many aspects of its nuclear activities, with resultant breaches of its obligation to comply with the provisions of the Safeguards Agreement. Iran's policy of concealment continued until last month, with co-operation being limited and reactive, and information being slow in coming, changing and contradictory. While most of the breaches identified to date have involved limited quantities of nuclear material, they have dealt with the most sensitive aspects of the nuclear fuel cycle, including enrichment and reprocessing. And although the materials would require further processing before being suitable for weapons purposes, the number of failures by Iran to report in a timely manner the material, facilities and activities in question as it is obliged to do pursuant to its Safeguards Agreement has given rise to serious concerns.

51. Following the Board's adoption of resolution GOV/2003/69, the Government of Iran informed the Director General that it had now adopted a policy of full disclosure and had decided to provide the Agency with a full picture of all of its nuclear activities. Since that time, Iran has shown active co-operation and openness. This is evidenced, in particular, by Iran's granting to the Agency unrestricted access to all locations the Agency requested to visit; by the provision of information and clarifications in relation to the origin of imported equipment and components; and by making individuals available for interviews. This is a welcome development.

52. The Agency will now undertake all the steps necessary to confirm that the information provided by Iran on its past and present nuclear activities is correct and complete. To date, there is no evidence that the previously undeclared nuclear material and activities referred to above were related to a nuclear weapons programme. However, given Iran's past pattern of concealment, it will take some time before the Agency is able to conclude that Iran's nuclear programme is exclusively for peaceful purposes. To that end, the Agency must have a particularly robust verification system in place. An Additional Protocol, coupled with a policy of full transparency and openness on the part of Iran, is indispensable for such a system.

53. In that context, Iran has been requested to continue its policy of active co-operation by answering all of the Agency's questions, and by providing the Agency with access to all locations, information and individuals deemed necessary by the Agency. One issue requiring investigation as a matter of urgency is the source of HEU and LEU contamination. The Agency intends to pursue the matter with a number of countries, whose full co-operation is essential to the resolution of this issue.

54. The recent announcement of Iran's intention to conclude an Additional Protocol, and to act in accordance with the provisions of the Protocol pending its entry into force, is a positive development. The draft Additional Protocol is now being submitted to the Board for its consideration.

55. Iran's decision to suspend its uranium enrichment related and reprocessing activities is also welcome. The Agency intends to verify, in the context of the Safeguards Agreement and the Additional Protocol, the implementation by Iran of this decision.

56. The Director General will inform the Board of additional developments for its further consideration at the March 2004 meeting of the Board, or earlier, as appropriate.

DETAILED TECHNICAL CHRONOLOGY

Uranium Conversion

The Uranium Conversion Facility (UCF)

1. According to Iran, UCF was originally based on a design provided by a foreign supplier in the mid-1990s. The plant was supposed to have been constructed by the supplier under a turnkey contract, but the contract was cancelled in 1997 and, according to Iran, the supplier did not provide any equipment to Iran. The AEOI has acknowledged having received from the supplier the blueprint of the facility, including equipment test reports and some design information on the equipment, but has stated that all the parts and equipment for the plant were manufactured domestically based on detailed designs developed without external assistance. Construction of the plant was begun in 1999.

2. Preliminary design information on UCF was submitted to the Agency on 31 July 2000. The Agency has performed DIV at UCF since then on a regular basis with a view to monitoring progress in construction and equipment installation, and to develop a safeguards approach. The proposed safeguards approach was given to the Iranian authorities in February 2002.

3. The design information provided to the Agency in July 2000 described the purpose of this facility as the conversion of uranium ore concentrate (UOC or U₃O₈) into natural UO₂, UF₆ and uranium metal. The production design capacity was said to be 200 t of UF₆ annually. The facility was described as having the following process lines: conversion of natural UOC into UF₆; conversion of low enriched UF₆ into UO₂ (30 t per year of UO₂ enriched to 5% U-235); conversion of depleted UF₆ to UF₄ (170 t per year of depleted UO₄); conversion of low enriched UF₆ LEU metal (30 kg per year of uranium metal enriched to 19.7% U-235), and the conversion of depleted UF₄ to depleted uranium metal. According to information provided by Iran, commissioning of the first line (for the conversion of U₃O₈ to ammonium uranyl carbonate (AUC)) is expected to begin in November 2003.

4. While conducting a DIV at the facility in 2002, inspectors noticed that the depleted uranium metal line had been changed to a line for natural uranium metal production. The updated design information, which was provided to the Agency on 9 April 2003, now includes an additional line for conversion to natural UO₂ and a line for conversion to natural uranium metal. In a letter dated 19 August 2003, Iran stated that the uranium metal production line could be used to produce shielding material, and that the natural UO₂ line was envisaged to meet the needs of the heavy water reactor programme.

Uranium Conversion Experiments and Testing

5. The explanations by Iran that it had not conducted any tests using nuclear material on certain parts of the conversion process and that those processes had been based on the

supplier's drawings and test reports, raised questions, particularly given that the simpler steps of the conversion process (such as U₃O₈ dissolution and uranium purification using pulse columns) had undergone extensive testing. According to Agency experts, such an approach would be inconsistent with the normal practice of first validating the processes and carrying out pilot scale production before proceeding to the final design and construction of a commercial conversion plant.

6. As indicated in GOV/2003/63, Iran acknowledged in August 2003 that it had carried out some bench scale uranium conversion experiments in the early 1990s, experiments that Iran should have reported in accordance with its obligations under the Safeguards Agreement.

7. On 9 October 2003, the Agency received acknowledgement that, contrary to Iran's previous communications, practically all of the materials important to uranium conversion (AUC, UO₃, UF₄ and UF₆) had been produced in laboratory and bench scale experiments (kilogram quantities) conducted between 1981 and 1993 without having been reported to the Agency. On 1 November 2003, Iran explained that, due to foreign involvement in the design and construction of UCF, it was decided in 1993 to terminate domestic research and development on UF₄ and UF₆. Iran further explained that the facilities related to the UF₄ and UF₆ experiments had been dismantled, and that the equipment had been moved to waste storage at Karaj. This is being evaluated by the Agency.

8. For ease of reference, a summary of major processing experiments by Iran using imported uranium, based on information currently available to the Agency, is provided in Table 1.

Year of Import	Material Type & Quantity	Use by Iran
1977	20 kg U ₃ O ₈ (depleted)	<ul style="list-style-type: none"> Processing activities were carried out between 1981 and 1993 and reported to the Agency in 1998. 5.2 kg U₃O₈ was declared a process loss from the experiments. At Iran's request the U₃O₈ was exempted from safeguards in 1978 (de-exempted in 1998).
	50 kg UO ₂ (depleted)	<ul style="list-style-type: none"> At Iran's request the UO₂ was exempted from safeguards in 1978 (de-exempted in 1998). Fuel fabrication research was carried out between 1985 and 1993 at FFL and reported to the Agency in 1998; 13.1 kg depleted UO₂ was declared as a process loss from these experiments. Lab-scale experiments using UO₂, reported in 1998 as a loss, were used between 1989 and 1993 to produce UF₄ at TNRC. UO₂ targets were produced from 1988 to 1992 at ENTC using about 6.9 kg UO₂, previously declared as a process loss in 1998, subsequently irradiated at TRR; the resulting plutonium separated at TNRC was stored together with the irradiated unprocessed targets at TNRC.

1982	531 t U ₃ O ₈ concentrate (natural)	<ul style="list-style-type: none"> Processing of 85 kg U₃O₈ between 1982 and 1993 was carried out at UCL and reported to the Agency in 1998; 45 kg was declared as a process loss from these experiments.
		<ul style="list-style-type: none"> Between 1982 and 1987 about 12.2 kg UO₂ was produced using U₃O₈ declared in 1998 as a loss. This UO₂, combined with some other materials, was used between 1989 and 1993 to produce about 10 kg UF₄ at TNRC.
1991	1005 kg UF ₆ (natural)	<ul style="list-style-type: none"> 1.9 kg UF₆ was used for testing of centrifuges at Kalaye Electric between 1999 and 2002.
	402 kg UF ₄ (natural)	<ul style="list-style-type: none"> 376.6 kg UF₄ was converted to U metal in 113 experiments at JHL; and about 9.4 kg UF₄, which had been declared earlier in 2003 as a process loss, was used to produce 6.5 kg UF₆ at TNRC between 1991 and 1993.
	401.5 kg UO ₂ (natural)	<ul style="list-style-type: none"> 44 kg UO₂ was used in testing of pulse columns and pellet production at JHL. 1-2 g UO₂ was irradiated in experiments in TRR and processed at JHL. 2.7 kg UO₂ was used to produce UF₄.
1993	50 kg uranium metal	<ul style="list-style-type: none"> 8 kg uranium metal was used for AVLIS experiments from 1999 to 2000 at TNRC.
		<ul style="list-style-type: none"> 22 kg uranium metal was used for AVLIS experiments from October 2002 to February 2003 at Lashkar Ab'ad..

9. In 1977, Iran imported 20 kg of depleted U₃O₈ and 50 kg of depleted UO₂. Upon request by Iran in 1978, these materials were exempted from safeguards. In 1982, Iran imported 531 t of natural U₃O₈ concentrate, which it reported to the Agency in 1990.

10. In 1981 and 1984, respectively, Iran commissioned with a foreign supplier the construction at ENTC of a Uranium Chemistry Laboratory (UCL) and a Fuel Fabrication Laboratory (FFL). The existence of these laboratories was disclosed to the Agency during a visit of the then DDG-SG in 1993, and formally reported to the Agency in 1998. Between 1981 and 1993, Iran carried out at UCL and FFL unreported activities involving the exempted depleted U₃O₈, the exempted depleted UO₂, and the U₃O₈ concentrate (see paras. 11 and 12 below). These activities were only reported to the Agency in 1998 after lengthy discussions between the Agency and Iranian officials. The material was de-exempted in 1998, and what remained of it was stored at ENTC. In 1998, Iran declared that UCL had been closed down since 1987. FFL is still in operation.

11. Between 1981 and 1993, processing activities involving the 20 kg of exempted depleted U₃O₈ and some of the 531 t of natural U₃O₈ concentrate were carried out at UCL. Of the original 20 kg of depleted U₃O₈, 5.2 kg was reported in 1998 as process losses by Iran. Iran also reported in 1998 that it had processed 85 kg of the 531 t of U₃O₈ concentrate, of which 45 kg was declared as process losses.

12. During the period 1985 through 1993, FFL was used for research in fuel fabrication, the main activity having been the manufacture of sintered pellets using the imported 50 kg of exempted depleted UO₂. Iran reported the existence of FFL, and the processing of the nuclear material there, in 1998, at which time it declared that 13.1 kg of the material had been lost during processing.

13. In a letter dated 19 August 2003, Iran acknowledged that it had carried out UO₂ to UF₄ conversion experiments on a laboratory scale during the 1990s at the Radiochemistry Laboratories of the TNRC using some of the imported depleted UO₂ referred to in the previous paragraph. Until August 2003, Iran had claimed that it had carried out no UF₄ production experiments. This activity was acknowledged by Iran only after the July 2003 waste analysis results of samples taken to verify experiments using nuclear material imported in 1991 indicated the presence of depleted UF₄ mixed with natural UF₄. Iran

acknowledged that the UO₂ which had been used had been part of that previously declared by Iran as having been lost during experiments at FFL.

14. On 9 October 2003, Iran provided further details on these UF₄ experiments, stating that, between 1987 and 1993, there had been bench scale production of UF₄ at the Radiochemistry Laboratories. This information was further amplified in Iran's letter dated 21 October 2003 and in a subsequent meeting on 1 November 2003. According to that information, the UF₄ production experiments included testing of wet and dry production methods. Between 1982 and 1987, approximately 12.2 kg of natural UO₂ was produced at UCL using imported U₃O₈ concentrate that had been reported as a process loss in 1998 (see para. 11 above). This material, together with 1 kg of the UO₂ imported in 1991, and 1.23 kg of depleted UO₂ that had been reported in 1998 as a process loss at UCL (see para. 12 above), was used for the production of UF₄ at the Radiochemistry Laboratories through the wet method. In addition, 2.5 kg of UF₄ was produced with the dry method, using UO₂ imported in 1991 as the source material.

15. Between 1991 and 1992, 0.2 kg of UO₃ and 4.45 kg of AUC were produced in the Radiochemistry Laboratories using, as source material, some of the U₃O₈ concentrate imported in 1982.

16. On 1 November 2003, Iran agreed, as a corrective measure, to submit ICRs for UCL, FFL, JHL and the waste storage facility at Karaj, as well as design information for the waste storage facility..

17. Final evaluation of the information provided on these conversion experiments will depend on the results of the destructive and environmental sample analysis and the assessment of the experiment reports provided by Iran.

18. Following the import in 1991 of natural uranium (1005 kg of UF₆, 402 kg of UF₄ and 401.5 kg of UO₂), Iran carried out a number of experiments, on a laboratory scale, at JHL located at TNRC. The import of the nuclear material in question was only acknowledged by Iran in March 2003. The status of the imported material, as currently declared, is as follows:

- Of the 1005 kg of UF₆, 1.9 kg was found to have been missing from two cylinders in which the material is said to have been delivered. This loss was originally attributed by Iran to evaporation of the material due to high temperatures during storage of the material. Iran has now acknowledged that it used that material for testing centrifuges at the Kalaye Electric Company, as described below.
- Of the 402 kg of UF₄, 376.6 kg was converted to uranium metal. The conversion was declared by Iran in March 2003, and in June 2003, it was described as having been achieved through 113 experiments carried out at JHL in the early 1990s. In October 2003, Iran also acknowledged having used 9.43 kg of the UF₄ for conversion to UF₆, as described below.
- Of the 401.5 kg of UO₂, 44 kg was used in testing pulse column process and pellet production experiments at JHL. In addition, between June 1987 and February 1999, small amounts (1 to 2 g) of UO₂ were irradiated in TRR in about 50 experiments and sent to the Molybdenum, Iodine and Xenon Radioisotope Production Facility (MIX Facility) for separation of I-131. In October 2003, Iran acknowledged having used 2.7 kg of the UO₂ in conversion experiments to produce UF₄.

19. Iran has provided ICRs on its import of the material referred to in the preceding paragraph, as well as on its subsequent processing. Iran has also submitted physical inventory listings (PILs) and material balance reports (MBRs) reflecting the current status of nuclear material at JHL, including uranium metal, uranyl nitrate, UO₂ pellets and waste containing uranium.

20. JHL, where many of these experiments are declared to have been carried out, consists of several rooms where conversion activities took place using the nuclear material imported in 1991. The facility was declared to the Agency in March 2003. In May 2003, design information for JHL was received, and verification thereof commenced. Iran has been informed that the design information is not yet complete, and has been requested to provide an update.

Production and use of UF₆

21. Until recently, the Iranian authorities repeatedly asserted that the UF₆ imported in 1991 had not been processed, and specifically that it had not been used in any centrifuge, enrichment or other tests. The State authorities explained that the small amount of UF₆ (1.9 kg) missing from the two smaller cylinders in which the material had been imported might have been due to leaking valves, an explanation challenged by the Agency on the basis of its technical assessment and verification activities. In the information submitted on 23 October 2003, however, Iran acknowledged that it had used 1.9 kg of the imported UF₆ to test centrifuge machines at the Kalaye Electric Company workshop between 1999 and 2002, before the dismantling of the test facility at the end of 2002. This material is currently declared as hold-up in the dismantled equipment currently stored at PFEP.

22. The remaining container of the UF₆ imported in 1991, a large 30 B-type cylinder currently stored at Natanz, was presented to Agency inspectors, and appeared to have been intact. However, destructive analysis sampling of its contents need to be performed. This will be done as soon as the necessary equipment is installed. In the meantime, environmental samples and non-destructive measurements have been taken in order to confirm the presence of natural uranium.

23. In contrast to its earlier declarations that it had not used nuclear material to test the production of UF₆, Iran acknowledged in its letter dated 21 October 2003 that, between 1987 and 1993, it had carried out in the Radiochemical Laboratories at TNRC bench scale preparation of UF₆ using as feed 9.43 kg of the UF₄ which had been imported in 1991. The laboratory equipment has since then been dismantled. On 12 October 2003, the equipment was presented for Agency verification in a container at the Karaj Nuclear Research Centre for Medicine and Agriculture, together with a number of cylinders containing approximately 6.5 kg of UF₆. Final evaluation will depend on the results of environmental sampling and assessment of experiment records provided by Iran.

24. On 1 November 2003, Iran agreed to submit ICRs for JHL, PFEP and the waste storage facility at Karaj and to provide design information for those facilities.

Production of uranium metal

25. In March 2003, Iran informed the Agency that most of the natural UF₄ imported in 1991 had been converted to uranium metal at JHL between 1995 and 2000 in the course of 113 experiments. Neither the experiments nor the facility where these experiments were conducted were declared to the Agency at the time the experiments were conducted. The nuclear material resulting from these experiments was verified by the Agency during its May 2003 inspection, and Iran has submitted the relevant ICRs, PILS and MBRs, as well as updated design information for JHL.

26. In its letter dated 21 October 2003, Iran admitted that the uranium metal production capabilities had also been intended for use in Iran's laser enrichment programme (see discussion below).

Reprocessing Experiments

27. In March 2003, Iran stated that some of the UO₂ imported in 1991 had been used for pellet fabrication experiments. In April 2003, Iran informed the Agency that some of the UO₂ had also been used in isotope production experiments involving irradiation at TRR of the *natural* UO₂ targets and the subsequent separation of molybdenum, xenon and iodine. The liquid uranium-containing waste resulting from these experiments is said by Iran to have been sent to Esfahan.

28. In its letter of 21 October 2003, Iran acknowledged the irradiation of *depleted* UO₂ targets at TRR and subsequent plutonium separation experiments in a hot cell in the Nuclear Safety Building of TNRC between 1988 and 1992. Neither the activities nor the separated plutonium had been reported to the Agency previously.

29. In the meetings held 27 October–1 November 2003, additional information was provided about the experiments

involving the depleted uranium. Iran stated that they had been carried out to learn about the nuclear fuel cycle, and to gain experience in reprocessing chemistry. The experiments took place between 1988 and 1992, and involved 7 kg of pressed or sintered UO₂ pellets prepared at ENTC using depleted uranium that had been exempted, at the request of Iran, in 1978. In 1997, this material was reported as a process loss at FFL. The capsules containing the pellets were irradiated typically for two weeks in TRR in connection with a project to produce fission product isotopes of molybdenum, iodine and xenon. The plutonium separation, based on the Purex process, was carried out on the site of TNRC, on a laboratory scale, in three shielded glove boxes, which, according to Iran, were dismantled in 1992 and later stored in a warehouse at ENTC along with related equipment.

30. The Agency was informed that a total of about 7 kg of UO₂ was used, of which 3 kg had been irradiated and processed to separate plutonium. The remaining 4 kg of irradiated UO₂ targets was placed in containers and stored on the TNRC site; the separated plutonium was stored in a laboratory of JHL following the dismantling of the glove boxes; and the wastes were disposed of at Qom.

31. In August 2003, Agency inspectors visited the waste storage location at Anarak where the waste referred to in paragraph 27 above had been stored. Iran has agreed to transfer that waste to JHL.

32. On 1 November 2003, Iran agreed to submit all nuclear material accountancy reports from 1988 through the present covering the manufacture of the UO₂ targets, their irradiation and subsequent processing and the storage of the remaining nuclear material and wastes. In addition, Iran has agreed to submit design information covering these activities and nuclear material at ENTC and JHL.

33. On 1 November 2003, Iran presented both the separated plutonium and the irradiated unprocessed targets to Agency inspectors at JHL. Verification of that material, as well as possible hold-up in dismantled glove boxes, is foreseen to take place during the forthcoming inspection.

Uranium Enrichment

Gas Centrifuge Enrichment

34. In February 2003, in response to inquiries by the Agency, Iran acknowledged the existence of two centrifuge enrichment plants under construction at Natanz: PFEP and the large commercial scale FEP. In February 2003, Iran also acknowledged that the workshop of the Kalaye Electric Company in Tehran had been used for the production of centrifuge components, but stated that there had been no operations in connection with its centrifuge enrichment development programme involving the use of nuclear material, either at the Kalaye Electric Company or at any other location in Iran. According to Iran, all testing had been carried out either in vacuum or using simulation studies. Iranian officials stated that the enrichment programme had been started in 1997 and that it was indigenous and based on information available from open sources, such as scientific publications and patents.

35. A team of Agency centrifuge technology experts met on 7–11 June 2003 with Iranian officials to seek clarification about Iran's centrifuge enrichment programme, in particular about its statement that the design and development, which was said to have been begun in 1997, had been based on information from open sources and extensive modelling and simulation, and that the tests of centrifuge rotors at the Amir Khabir University and on the premises of the AEOI in Tehran had been conducted without nuclear material. This meeting was followed by a round of technical discussions in Tehran in July 2003, and further meetings of the centrifuge technology experts with Iranian officials in Iran on 9–12 August 2003, 4–9 October 2003 and 27 October–1 November 2003.

36. Following up on recent open source reports of enrichment activities being undertaken at an industrial complex in Kolehdoz in western Tehran, the Agency was permitted on 5 October 2003 to visit three locations which the Agency had identified as corresponding to those mentioned in the reports. Iran stated that there were no nuclear related activities being

carried out at this site. While no work was seen at those locations that could be linked to uranium enrichment, environmental samples were taken..

The Natanz Facilities

37. At the time Iran disclosed the construction of PFEP, in February 2003, over 100 of the approximately 1000 planned centrifuge casings had already been installed. Iran informed the Agency that the remaining centrifuges were scheduled to be installed by the end of 2003. Iran also informed the Agency that the commercial scale FEP, which is planned to contain over 50 000 centrifuges, was scheduled to start accepting centrifuges in early 2005, after the design is confirmed by the tests to be conducted in PFEP, but that FEP was not scheduled to receive nuclear material in the near future.

38. The Agency took baseline environmental samples at PFEP on several occasions between March and May 2003 before nuclear material was introduced in the facility, the results of which revealed particles of HEU indicating the possible presence in Iran of nuclear material that had not been declared to the Agency. In June 2003, the results were provided to Iran for comments. In August 2003, the Iranian authorities attributed the presence of HEU particles to contamination originating from centrifuge components that had been imported by Iran.

39. Subsequent environmental samples revealed the presence in Iran of natural uranium, LEU and at least two other types of HEU particles. It was also noted that there had been differences among the samples taken from the surfaces of the centrifuge casings installed for the single machine tests. The Agency asked the Iranian authorities to investigate whether there were differences in the manufacturing history of those pieces of equipment.

40. In August 2003, the IAEA was allowed to take swipe samples of imported components stored at Natanz, as well as of some of the newly machined components that had been produced in Iran. At the request of the Agency, Iran provided a list of imported and domestically produced centrifuge components and equipment in October 2003.

41. Agency inspectors were told in early October 2003 that all of the centrifuges from the Kalaye Electric Company had been scrapped, and therefore were not available for inspection, whereas it became clear later that the centrifuges had in fact been stored at another location in Tehran and were finally shown to the inspectors at Natanz on 30–31 October 2003, at which time Agency experts examined the centrifuges and associated equipment, and took environmental samples. All major imported and domestically produced components, as well as various pieces of manufacturing equipment have now been sampled. The results of the sample analyses are not expected to be available before December 2003. The nuclear material held in this equipment will be verified during the forthcoming inspections. The Agency has now also obtained information about the source of the components that Iran claims to have been contaminated.

42. On 25 June 2003, Iran introduced UF₆ into the first centrifuge at PFEP for the purpose of single machine testing. On 19 August 2003, Iran began the testing of a small ten-machine cascade at PFEP with UF₆. As of October 2003, some single machine testing using UF₆ had been carried out at PFEP and the installation of a 164-machine cascade was being finalized. Agency inspectors visited PFEP on 31 October 2003, and observed that no UF₆ gas was being fed into the first centrifuges of the 164-centrifuge machine cascade. However, construction and installation work at the site was continuing.

Kalaye Electric Company

43. In March 2003, during an Agency visit to the workshop at the Kalaye Electric Company, the Iranian authorities refused Agency access to one of the workshop buildings, claiming that the building was used for storage and that no keys to the building were available.

44. During their 9–12 August 2003 visit to Iran, Agency inspectors were permitted to take environmental samples at the Kalaye Electric Company workshop, with a view to assessing the role of that company in Iran's enrichment research and development programme. During that visit, the inspectors noted

that there had been considerable modification of the premises since their visits in March and May 2003, which the Iranian authorities attributed to the transformation of the workshop from use as a storage facility to its use as a laboratory for non-destructive analysis. As reflected in the Director General's previous report to the Board, this could impact on the accuracy of the environmental sampling and the Agency's ability to verify Iran's declarations about the types of activities previously carried out there.

45. On 16 September 2003, the Agency informed representatives of Iran of the results of the analysis of the environmental samples taken at the Kalaye Electric Company in August 2003, which had revealed the presence of HEU and LEU particles which were not consistent with the nuclear material in the declared inventory of Iran.

46. In its letter of 21 October 2003, Iran acknowledged that "a limited number of tests, using small amounts of UF₆, [had been] conducted in 1999 and 2002" at the Kalaye Electric Company. The equipment used between 1999 and 2000 at Kalaye Electric Company was suitable for pilot scale uranium isotope separation. As an isotope separation plant is defined in Article 98.i.(a) of the Safeguards Agreement as a facility, the existence of this facility should have been declared to the Agency.

Enrichment research and development activities

47. As indicated in the Director General's previous report, in contrast to the initial information provided about the chronology of the enrichment programme and its indigenous nature, Iran informed the Agency in August 2003 that the decision to launch a centrifuge enrichment programme had actually been taken in 1985, and that Iran had received drawings of the centrifuge through a foreign intermediary around 1987. Iranian officials further described the programme as having consisted of three phases: the first phase, from 1985 until 1997, during which related activities had been located mainly at the AEOI premises in Tehran (with laboratory work at the Plasma Physics Laboratories of TNRC); the second phase, between 1997 and 2002, during which the activities had been relocated and concentrated at the Kalaye Electric Company in Tehran and Iran was able to make all components had some success in mechanically testing centrifuges and decided to construct the enrichment facilities at Natanz; and the third phase, 2002 to the present, when the research and development and assembly activities were moved to Natanz.

48. According to information provided by Iran in August 2003, during the first phase, about 2000 components and some subassemblies had been obtained from abroad through foreign intermediaries or directly by Iranian entities, but no help was received from abroad in the assembly of centrifuges or in training, nor were any completed centrifuges imported. Efforts had been concentrated on achieving an operating centrifuge, but many difficulties were encountered as a result of machine crashes attributed to poor quality components. Iran described the second phase of activities as having involved the assembly and testing of centrifuges, but again without inert (e.g. xenon) or UF₆ gas.

49. In pursuit of its verification of Iran's statement that it had not tested any centrifuges using nuclear material, the Agency's team of centrifuge technology experts inquired of Iran how it had developed the 'enrichment factor' {4} and 'separative output' {5} used in the relevant calculations. The Agency was told that they had been obtained from an original centrifuge 'sketch', supported by theoretical calculations using open literature, and not from experiments.

50. The Agency's centrifuge technology experts remained of the view that, based on all information available to them, Iran's assertion that no UF₆ or any simulation gas had ever been introduced into a centrifuge machine in Iran was inconsistent with other countries' experience, and they still could not conclude that the then current status of the centrifuges installed at Natanz could have been achieved solely on the basis of open source information and computer simulations without additional confirmation through the use of UF₆ in laboratory testing.

51. No new information was provided by Iran with respect to the issue of testing of centrifuges using nuclear material until

October 2003. In its letter of 21 October 2003, Iran acknowledged that, in order to ensure the performance of centrifuge machines, a limited number of tests using small amounts of UF₆ imported in 1991 had been carried out at the Kalaye Electric Company. According to Iran, the first test of the centrifuges was conducted in 1998 using an inert gas (xenon). Series of tests using UF₆ were performed between 1999 and 2002. In the course of the last series of tests, an enrichment level of 1.2% U-235 was achieved.

52. In a meeting with enrichment technology experts held during the 27 October–1 November 2003 visit, Iran provided additional information about its gas centrifuge programme. The authorities explained that the experiments which had been carried out at the Kalaye Electric Company had involved the 1.9 kg of imported UF₆ the absence of which the State authorities had earlier attributed to evaporation due to leaking valves on the cylinders containing the gas. The individual who had been in charge of the actual research and development work during the period 1992–2001 was made available for discussions with the Agency. Although there were no detailed technical or nuclear material accountability reports available, the individual interviewed by the Agency was able to provide, as supporting documentation, his personal notebooks.

53. On 1 November 2003, the Iranian authorities stated that all nuclear material had been declared to the Agency and that Iran had not enriched uranium beyond 1.2% U-235 using centrifuges, and that, therefore, the contamination could not have arisen as a result of indigenous activities. In the course of these investigations and interviews of individuals involved in the nuclear programme, the Agency has obtained information on the origin of the centrifuge components and equipment which Iran claims to be the source of HEU, LEU and other particle contamination at the Kalaye Electric Company and at PFEP. The Agency will continue to investigate this matter.

54. As a corrective measure, Iran has agreed to submit ICRs for JHL and for PFEP, and to provide updated design information for PFEP.

Laser Enrichment

55. During the Agency's 12 August 2003 visit to the laser laboratory located at Lashkar Ab'ad, the Iranian authorities described the laboratory as originally having been devoted to laser fusion research and laser spectroscopy, but stated that its focus had been changed and the equipment unrelated to the site's current projects, including a large vacuum vessel imported by Iran in 2000, had been moved. The Agency requested that Iran confirm that there had not been in the past any activities related to uranium laser enrichment at this location or at any other location in Iran, and requested permission to take environmental samples at the laboratory.

56. In response to that request, in its 19 August 2003 letter to the Agency, Iran stated that, in the past, apart from planned co-operation in laser fusion and laser spectroscopy which never materialized, there had been a research thesis on laser spectroscopy of SF₆ prepared by a university student in co-operation with the laser division of AEOL. As indicated in the Director General's previous report to the Board, Iran stated that it had a substantial research and development programme on lasers, but that it currently had no programme for laser isotope separation.

57. During discussions which took place in Iran from 2 to 3 October 2003, the Iranian authorities informed Agency inspectors that Iran had received from a foreign source, in 1992, a laser spectroscopy laboratory intended for the study of laser induced fusion, optogalvanic phenomena and photoionization spectroscopy, and from another foreign source, in 2000, the large vacuum vessel referred to above, but that the equipment had been only for spectroscopic studies. It was agreed that the Agency would be shown the equipment and permitted to take environmental samples, as had been requested by the Agency on 12 August 2003.

58. On 6 October 2003, Agency inspectors were permitted to take environmental samples at Lashkar Ab'ad. The inspectors also visited a warehouse in the Karaj Agricultural and Medical Centre of the AEOL, where a large imported vacuum vessel (approximately 5m long, 1m in diameter) with associated

hardware were stored. The Iranian authorities stated that it was the equipment which had been imported in 2000, that it had never been used, and that it had now been packed for shipment back to the manufacturer, since the contract related to its supply had been terminated by the foreign partner in 2000. The inspectors were informed that the individuals involved with the projects would be made available for interviews, but that the interviews would take place later in Tehran, where the equipment related to the laboratory imported from another country in 1992 would be made available for examination and environmental sampling. However, these interviews and the presentation of the other equipment were deferred by Iran until the end of October 2003.

59. In its letter dated 21 October 2003, Iran acknowledged that, starting in the 1970s, it had had contracts related to laser enrichment using atomic vapour laser isotope separation (AVLIS) and molecular laser isotope separation (MLIS) techniques with foreign entities from four countries:

(a) 1975 – a contract for the establishment of a laboratory to study the spectroscopic behaviour of uranium metal, which had been abandoned in the 1980s as the laboratory had not functioned properly. The laboratory had also contained two mass spectrometers, purchased from the same source in 1976, which had been used to analyse samples of nuclear material obtained from enrichment experiments at Kalaye Electric Company, TNRC and Lashkar Ab'ad. While the import of the nuclear material used in that project had been reported to the Agency, the laboratory where the laser equipment had been installed (at TNRC) was not. None of these activities involving the nuclear material had been reported to the Agency.

(b) Late 1970s – a contract with a second supplier to study MLIS, under which four 5 m CO lasers and four vacuum chambers were delivered, but which was ultimately terminated due to the political situation prevailing at that time.

(c) 1991 – a contract with a third supplier for the establishment of a laser laboratory, consisting of two parts: the "Laser Spectroscopy Laboratory" (LSL), for the spectroscopic study of uranium metal; and the "Comprehensive Separation Laboratory" (CSL), at which enrichment would be carried out on a milligram scale. The contract also provided for the supply to Iran of 50 kg of natural uranium metal (which was imported in 1993). The equipment was able to enrich uranium up to the contracted level of 3% U-235, and even slightly beyond, in the course of the experiments. It was used until October 2002, when the laboratories, and the nuclear material, were moved from TNRC to Lashkar Ab'ad. None of these activities involving nuclear material were reported to the Agency.

(d) 1998 – a contract with a fourth supplier to obtain information related to laser enrichment, and the supply of relevant equipment. However, due to the inability of the supplier to secure export licences, only some of the equipment was delivered (to Lashkar Ab'ad).

60. The equipment imported in connection with the above mentioned AVLIS and MLIS projects was presented to the Agency inspectors in October 2003, and the inspectors were able to discuss the projects with individuals who had been involved with them and to take environmental samples. Final assessment must await evaluation of the recently available information and the environmental sampling results.

61. In October 2003, Iran provided more information on Lashkar Ab'ad, and acknowledged that it had in fact contained a pilot plant for laser enrichment using AVLIS techniques, which had been established in 2000 pursuant to a project involving the fourth country. As indicated above, this contract was not fully implemented, since export licences were not obtained for all of the equipment. The project had consisted of several contracts covering not only the supply of information, as indicated in Iran's letter of 21 October 2003 to the Agency, but also delivery of more powerful copper vapour lasers (CVLs) up to 150 kW. Since the delivery of the CVLs was blocked due to the lack of export licences, the equipment at LSL and CSL was moved to Lashkar Ab'ad in October 2002, and, taking advantage of the CVL and dye lasers from these laboratories and the large vacuum chamber and associated equipment imported in 2000 and already located there, experiments were conducted from October 2002 through January 2003 using 22 kg of the 50 kg of

imported natural uranium metal. According to Iranian authorities, the uranium metal was located at Lashkar Ab'ad from December 2002 through May 2003. The equipment was dismantled in May 2003 and transferred together with uranium metal to Karaj, where they were presented to Agency inspectors on 28 October 2003. The Agency took environmental samples from the equipment and nuclear material presented to it.

62. In its letter of 21 October 2003, Iran also informed the Agency that it had used for separation experiments at LSL and CSL at TNRC 8 kg of the 50 kg of natural uranium metal imported in 1993.

63. The equipment received in 1992 and 1999 was suitable for pilot plant scale operations of uranium isotope separation using AVLIS. As an isotope separation plant is defined in Article 98.1.(a) of the Safeguards Agreement as a facility, the existence of these facilities should have been declared to the Agency, and information provided on an as-built basis at Lashkar Ab'ad, and its subsequent transfer to Karaj.

64. Iran had failed to report the receipt and use of uranium metal and to provide design information for LSL, CSL and Lashkar Ab'ad. In the meeting of 1 November 2003, Iran agreed, as a corrective measure, to submit the relevant ICRs concerning the use of the uranium metal, which will be presented for Agency verification during the inspection scheduled for 8–15 November 2003. Iran also agreed to submit design information for a new storage facility at Karaj, where the waste from the laser enrichment programme is being stored along with the dismantled equipment, and to amend the design information for JHL to cover the mass spectrometer and laser laboratories as well as some waste tanks containing nuclear material.

65. Final assessment is pending evaluation of the new information, the verification results from the November 2003 inspection and the results of environmental and other sample taking

Heavy Water Reactor Programme

66. In response to Agency enquiries in September 2002, Iran confirmed in February 2003 its construction of a Heavy Water Production Plant at Arak. In explaining the need for such a plant, Iranian officials said that they had not known whether their uranium enrichment programme would succeed, and that, therefore, they had considered in the 1980s the possibility of constructing a natural uranium nuclear power plant using heavy water as the moderator and coolant. They further explained that, now that the enrichment programme had succeeded, there was no need for heavy water production, and they were not sure whether the plant would be completed. On 26 February 2003, the Agency submitted a number of questions to Iran about its heavy water reactor programme, requesting that it provide further information, in particular on any plans Iran had to build heavy water reactors.

Design and Purpose of the IR-40

67. The Agency was first informed of Iran's construction of a heavy water reactor in a letter from Iran dated 5 May 2003. In that letter, Iran stated that it intended to construct a 40 MW(th) heavy water reactor, the Iran Nuclear Research Reactor (IR-40) at Arak. Enclosed with the letter was only preliminary design information on the reactor, in which the reactor power output of 40 MW(th) was confirmed; it did not include information on the fuel or the reactor design. At the same time, Iran provided preliminary information on a facility intended to manufacture fuel for IR-40, namely the Fuel Manufacturing Plant (FMP) to be built on the Esfahan site.

68. During a technical visit to Iran by the Agency on 10–13 July 2003, the Iranian authorities made a presentation on some of the technical features of the IR-40, and informed the Agency that the construction was planned to start in 2004. According to statements made in the course of this presentation, Iran had decided to replace TRR because, after 35 years of operation, it was reaching the safety limits for which it had been designed and because of its location within what had become the suburbs of the city of Tehran. However, as it had tried, unsuccessfully, on several occasions to import a research reactor suitable for medical, industrial isotope production and for research and

development, Iran had decided in the mid-1980s to construct its own reactor. The only alternative was a heavy water reactor which could use UO_2 and zirconium produced in Esfahan. According to the Iranian authorities, to meet its isotope production requirements, such a reactor should have a neutron flux of 10^{13} to 10^{14} n/cm²/s, based on a power of the order of 30-40 MW(th) when using natural UO_2 fuel.

69. During the presentation, the Iranian authorities informed the Agency that the facility was based on indigenous design, and that it was currently in the detailed design phase and would be built in the Khondab area near Arak. The core fuel assemblies would be made from natural UO_2 and supplied by FMP, the feed for which would be supplied by UCF, currently under construction at Esfahan. The Agency was informed that the construction of FMP would begin in 2003 and be completed in 2006, and that operations were planned to start in 2007. Iran provided updated design information on the IR-40 on 26 July 2003, and preliminary design information on FMP in 2003.

70. In a letter to the Agency dated 19 August 2003, the AEOI provided more information on Iran's heavy water reactor programme, stating that a decision to start the research and development had been made in the early 1980s.

71. As indicated above, Iran previously stated that the IR-40 was of indigenous design. According to the information provided by Iran in its letter of 21 October 2003, however, foreign experts had been consulted in the development of some parts of the design of the reactor. When asked, Iranian authorities stated that they had conducted extensive reactor core calculations for the fuel management strategies and to control the excess reactivity(6) of the core. In that letter, Iran stated further that the reactor design had been 90% completed by the end of 2002, and the detailed design was expected to be completed by the end of 2005.

72. On 29 October 2003, Iran informed the Agency that the production of both "short lived" and "long lived" isotopes had been considered for this project, and that the exact amount and type of these isotopes would be decided upon during the detailed design stage of the project.

Hot Cells

73. During its July 2003 visit to Tehran, the Agency was provided with drawings of the reactor. Contrary to what would have been expected given the declared radioisotope production purpose of the facility, the drawings contained no references to hot cells. The Agency raised this issue during that visit, particularly in light of open source reports of recent efforts by Iran to acquire from abroad heavy manipulators and leaded windows designed for hot cell applications. The Agency indicated to the Iranian authorities that, given the specifications of the manipulators and windows which were the subject of those reports, a design for hot cells should exist already and that, therefore, the hot cell, or cells, should already have been declared, at least on a preliminary basis, as part of the facility or as a separate installation. On 4 August 2003, the Agency was provided with updated design information on the IR-40 which did not contain any references to hot cells. Later in August, Iran informed the Agency that, as Iran had not been certain about the success of its procurement efforts, the design of the hot cell(s) had not been included in the preliminary drawings of the IR-40 Research Reactor.

74. In its letter of 21 October 2003, Iran acknowledged that two hot cells had been foreseen for this project. However, according to the information provided in that letter, neither the design nor detailed information about the dimensions or the actual layout of the hot cells were available at the present time, since they did not know the characteristics of the manipulators and shielded windows for the hot cells which they could procure. Iran indicated in that letter that manipulators would be needed for: 4 hot cells for the production of medical radioisotopes, 2 hot cells for the production of Co-60 and Ir-192 sources, 3 hot cells for waste processing, and 10 back-up manipulators. The 21 October 2003 letter included a drawing of a building which Iran said would contain hot cells for the production of isotopes. In the meeting on 1 November 2003, upon further Agency inquiry, Iran confirmed that there were tentative plans to construct at the Arak site an additional building with hot cells for the production

of radioisotopes. Iran stated that that first building was to contain hot cells for the production of "short lived" isotopes, and that it intended to construct the other building to produce "long lived" radioisotopes. Iran agreed to provide preliminary design information for the second building.

75. Agency experts will examine in detail all of the available information with a view to making a technical assessment of the explanations provided by Iran concerning the prospective use of the hot cells at Arak and the associated equipment and manipulators.

Heavy water production capacity and inventory

76. According to Iranian statements, the estimated annual need for heavy water at the IR-40 is less than 1 t. In a 19 August 2003 letter to the Agency, Iran provided additional information on the amount of heavy water initially needed for the reactor (approximately 80–90 t), and on the design capacity of the heavy water production plant under construction at Khondab near Arak (8 t of heavy water per year with expansion capabilities to twice its design capacity). According to the information provided in that letter, Iran plans to start the production of heavy water in 2004. In that letter, Iran stated further that laboratory scale experiments to produce heavy water had been conducted in Esfahan in the 1980s using electrolysis techniques.

77. In a meeting held on 29 October 2003, Iran confirmed that the construction of a second production line, with a production capacity of 8 t, had been started. It was further stated that the Khondab facility was actually a pilot plant, and that no laboratory or other experiments using the Girdler-Sulphide method (to be used at the Arak facility) had been carried out in the past in Iran.

List of Locations Relevant to the Implementation of Agency Safeguards		
Location	As of November 2003	Status
Tehran Nuclear Research Centre	Tehran Research Reactor (TRR)	Operating
	Molybdenum, Iodine and Xenon Radioisotope Production Facility (MIX Facility)	Constructed, but not operating
	Jabr Ibn Hayan Multipurpose Laboratories (JHL)†	Operating
	Waste Handling Facility (WHF)†	Operating
Tehran	Kalaye Electric Company†	Dismantled pilot enrichment facility
Bushehr	Bushehr Nuclear Power Plant (BNPP)	Under construction
Esfahan Nuclear Technology Centre	Miniature Neutron Source Reactor (MNSR)	Operating
	Light Water Sub-Critical Reactor (LWSCR)	Operating
	Heavy Water Zero Power Reactor (HWSR)	Operating
	Fuel Fabrication Laboratory (FLL)	Operating
	Uranium Chemistry Laboratory (UCL)	Closed down
	Uranium Conversion Facility (UCF)	Under construction, first process units being commissioned for operation
	Graphite Sub-Critical Reactor (GSCR)	Decommissioned
	Fuel Manufacturing Plant (FMP)†	In detailed design stage, construction to begin in 2004

Natanz	Pilot Fuel Enrichment Plant (PFEP)†	Operating
	Fuel Enrichment Plant (FEP)†	Under construction
Karaj	Radioactive Waste Storage†	Under construction, but partially operating
Lashkar Ab'ad	Pilot Uranium Laser Enrichment Plant†	Dismantled
Arak	Iran Nuclear Research Reactor (IR-40)†	In detailed design phase
	Hot cell facility for production of radioisotopes†	In preliminary design stage
	Heavy Water Production Plant (HWPP)†	Under construction Not subject to Safeguards Agreement
Anarak	Waste storage site†	Waste to be transferred to JHL

† Locations declared in 2003

MAP OF IRAN.

[not reproduced]

ABBREVIATIONS AND TERMS

AEOI	Atomic Energy Organisation of Iran
AUC	ammonium uranyl carbonate
AVLIS	atomic vapour laser isotope separation
BNPP	Bushehr Nuclear Power Plant, Bushehr
CO	carbon monoxide
CSL	Comprehensive Separation Laboratory, TNRC and Lashkar Ab'ad
CVL	copper vapour laser
DIV	design information verification
ENTC	Esfahan Nuclear Technology Centre
FEP	Fuel Enrichment Plant, Natanz
FLL	Fuel Fabrication Laboratory, ENTC
FMP	Fuel Manufacturing Plant, ENTC
GSCR	Graphite, Sub-Critical Reactor, ENTC
HEU	high enriched uranium
HWPP	Heavy Water Production Plant, Arak
HWSR	Heavy Water Zero Power Reactor, ENTC
ICR	inventory change report
IR-40	Iran Nuclear Research Reactor, Arak
JHL	Jabr Ibn Hayan Multipurpose Laboratories, TNRC
LEU	low enriched uranium
LSL	Laser Separation Laboratory, TNRC and Lashkar Ab'ad
LWSCR	Light Water Sub-Critical Reactor, ENTC
MBR	material balance report
MIX	Molybdenum, Iodine and Xenon Radioisotope Facility, TNRC
MLIS	molecular laser isotope separation
MNSR	Miniature Neutron Source Reactor, ENTC
PFEP	Pilot Fuel Enrichment Plant, Natanz
PIL	physical inventory listing
SF ₆	sulphur hexafluoride
TNRC	Tehran Nuclear Research Centre
TRR	Tehran Research Reactor, Tehran
UCF	Uranium Conversion Facility, ENTC
UCL	Uranium Chemistry Laboratory, ENTC
UF ₄	uranium tetrachloride
UF ₆	uranium hexafluoride
UO ₂	uranium dioxide
UO ₃	uranium trioxide
U ₃ O ₈	urano-uranic oxide
UOC	uranium ore concentrate
WHF	Waste Handling Facility, TNRC
WSF	Waste Storage Facility, Karaj

{1} In his letter, Mr. Aghazadeh also referred to his Government's expectation that the Agency would "take cognizance, in preparing its report, of Iran's concerns and constraints for the full disclosure of detailed information about these activities in the past, notably the concern about expansion of illegal sanctions to prevent Iran from exercising its inalienable right to nuclear technology for

- peaceful purposes stipulated in Article IV of the [Treaty on the Non-Proliferation of Nuclear Weapons].”
- {2} It should be noted also that, on 21 October 2003, the Iranian Government and the Foreign Ministers of France, Germany and the United Kingdom issued in Tehran an agreed statement on Iran's nuclear programme. In that statement, Iran indicated that it had “decided voluntarily to suspend all uranium enrichment and reprocessing activities as defined by the IAEA.”
- {3} It should be noted that Iran introduced UF₆ into the first centrifuge at PFEP on 25 June 2003, and, on 19 August 2003, began testing a small ten-machine cascade. On 31 October 2003, Agency inspectors observed that no UF₆ gas was being fed into the centrifuges, although construction and installation work at the site was continuing..
- {4} The “enrichment factor” of a centrifuge is the ratio of the amount of U-235 in the product to the amount of U-235 in the feed.
- {5} The “separative output” of a centrifuge defines the amount of enrichment achieved by the centrifuge. The “separative output” multiplied by the number of centrifuges in an enrichment plant defines the total output achievable by the plant..
- {6} Excess reactivity is the maximum deviation from criticality attainable at any time by adjustment of the reactor's control rods.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran, Report by the Director General

[GOV/2004/11, 24 February 2004]

1. At its meeting in November 2003, the Board of Governors considered the report submitted by the Director General on the implementation of the Agreement between the Islamic Republic of Iran (hereinafter referred to as Iran) and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement).{1} The report, published in GOV/2003/75 (10 November 2003), provided a summary of the Agency's verification activities, its findings, its current assessment and next steps, and an annex providing a detailed technical chronology of the various processes involved.{2}

2. On 26 November 2003, the Board of Governors adopted resolution GOV/2003/81, in which it:

- Welcomed Iran's offer of active cooperation and openness and its positive response to the demands of the Board in the resolution adopted by the Board on 12 September 2003 (GOV/2003/69), and underlined that, in proceeding, the Board considered it essential that the declarations that had now been made by Iran amounted to the correct, complete and final picture of Iran's past and present nuclear programme, to be verified by the Agency;
- Strongly deplored Iran's past failures and breaches of its obligation to comply with the provisions of the Safeguards Agreement, as reported by the Director General, and urged Iran to adhere strictly to its obligations under its Safeguards Agreement in both letter and spirit;
- Noted the statement by the Director General that Iran had taken the specific actions deemed essential and urgent and requested of it in paragraph 4 of GOV/2003/69;
- Requested the Director General to take all steps necessary to confirm that the information provided by Iran on its past and present nuclear activities was correct and complete, as well as to resolve such issues as remained outstanding;
- Endorsed the view of the Director General that, to achieve this, the Agency must have a particularly robust verification system in place: an Additional Protocol, coupled with a policy of full transparency and openness on the part of Iran, was indispensable;
- Reiterated that the urgent, full and close cooperation with the Agency of all third countries was essential in the clarification

of outstanding questions concerning Iran's nuclear programme;

- Called on Iran to undertake and complete the taking of all necessary corrective measures on an urgent basis, to sustain full cooperation with the Agency in implementing Iran's commitment to full disclosure and unrestricted access, and thus to provide the transparency and openness that are indispensable for the Agency to complete the considerable work necessary to provide and maintain the assurances required by Member States;
- Decided that, should any further serious Iranian failures come to light, the Board would meet immediately to consider, in the light of the circumstances and of advice from the Director General, all options at its disposal, in accordance with the IAEA Statute and Iran's Safeguards Agreement;
- Noted with satisfaction the decision of Iran to conclude an Additional Protocol to its Safeguards Agreement, and re-emphasized the importance of Iran moving swiftly to ratification and also of Iran acting as if the Protocol were in force in the interim, including by making all declarations required within the required timeframe;
- Welcomed Iran's decision voluntarily to suspend all enrichment related and reprocessing activities and requested Iran to adhere to it, in a complete and verifiable manner, and endorsed the Director General's acceptance of Iran's invitation to verify implementation of that decision and report thereon; and
- Decided to remain seized of the matter.

3. In resolution GOV/2003/81, the Board also requested the Director General to submit a comprehensive report on the implementation of the resolution by mid-February 2004 for consideration by the March Board of Governors, or to report earlier if appropriate. This report is being submitted in response to that request.

A. Chronology since November 2003

4. Between 8 and 16 December 2003, the Agency carried out ad hoc inspections at the Tehran Nuclear Research Centre (TNRC) and the Natanz site, design information verification (DIV) at TNRC, Natanz and the Esfahan Nuclear Technology Centre (ENTC), and complementary access at ENTC and Karaj.

5. On 18 December 2003, the Iranian Government signed the Protocol Additional to its Safeguards Agreement.

6. In a Note Verbale dated 29 December 2003, the Iranian Government specified the scope of suspension of its enrichment and reprocessing activities that the Agency was invited to verify. On 24 February 2004, Iran informed the Agency of its decision to expand the scope of its suspension (see Section B.5.1 below).

7. On 6 January 2004, the Director General met in Vienna with H.E. Dr. H. Rohani, Secretary of the Supreme National Security Council of Iran, to discuss matters related to outstanding safeguards issues and Iran's decision to suspend all enrichment and reprocessing activities.

8. Between 10 and 28 January 2004, the Agency carried out safeguards inspections and DIV at Natanz, Karaj, ENTC and TNRC. The Agency also carried out complementary access at the Kalaye Electric Company workshop and at a number of hot cells located in the TNRC Jabr Ibn Hayan Laboratories (JHL). The Agency was also granted access to a number of military sites to take environmental samples at workshops involved in the domestic production of gas centrifuge components.

9. On 3 and 4 February 2004, the Director General met in Vienna with a high level delegation from Iran to discuss further the outstanding safeguards issues and the implementation of Iran's decision to suspend enrichment and reprocessing activities.

10. Between 15 and 19 February 2004, the Agency conducted inspections in Iran involving follow up actions from previous inspections, including the verification of nuclear material declared to the Agency in October 2003 on the basis of provisional data and for which additional characterization by Iran had been requested.

11. On 17 February 2004, a delegation of senior Iranian officials met with the Director General to inform the Agency that

additional information would be provided as a follow up on issues discussed at the earlier meeting in February. This information was conveyed to the Agency in a letter dated 20 February 2004, and is in the process of being assessed.

12. On 21 February 2004, the Director General met in Vienna with Dr. Rohani to review outstanding safeguards issues and the Agency's verification of the suspension of enrichment and reprocessing activities.

B. Verification Activities

B.1. Uranium Conversion

B.1.1. The Uranium Conversion Facility

13. As reflected in the Director General's November 2003 report (para. 22; Annex 1, para. 5), Iran had stated to the Agency that it had designed the Uranium Conversion Facility (UCF), presently under construction at ENTC, without having tested a number of key conversion processes.

14. During the January 2004 visit, Agency conversion experts were provided access to an extensive set of drawings and technical reports related to the UCF project that had been provided by a foreign supplier. On the basis of a preliminary examination of these documents, Iran's declaration that UCF is being built essentially on the basis of these drawings and technical reports, augmented by training provided by the supplier country, appears to be credible. However, further comparison of the documents with the as-built components of UCF is necessary to confirm this preliminary conclusion.

15. As previously reported, the Agency has raised with Iran questions related to the purpose and use of uranium metal to be produced at UCF (GOV/2003/75, para. 25; Annex 1, paras 3-4). In July 2000, Iran provided design information to the Agency that indicated, *inter alia*, a process line for the conversion of low enriched UF₆ to low enriched uranium (LEU) metal (30 kg per year of uranium metal enriched to 19.7% uranium-235 (U-235)) and a process line for the conversion of depleted UF₄ to depleted uranium metal (50 tonnes per year of depleted uranium metal). In the course of conducting a DIV in 2002, the Agency noticed that the depleted uranium metal process line had been changed to a process line for natural uranium metal production. Iran later acknowledged that the uranium metal had been intended not only for producing shielding material, but also for the laser enrichment programme. The Agency is continuing to assess the explanations provided by Iran regarding its intended use of uranium metal.

B.1.2. Experiments and Testing

16. In its letter of 21 October 2003, Iran acknowledged that it had conducted laboratory and bench-scale conversion experiments in the Uranium Conversion Laboratory (UCL) at the ENTC, at the former Radiochemical Laboratories located at TNRC and at JHL, using nuclear material which had been imported in 1977, 1982 and 1991 (see GOV/2003/75, paras 20-24). Iran further stated that it had transferred relevant dismantled equipment used in the bench scale processes at TNRC to the Radioactive Waste Storage Facility (RWSF) at Karaj.

17. As previously agreed by the Iranian authorities, on 20 November 2003, Iran provided design information for the RWSF and revised design information for JHL, and, on 21 November 2003, the inventory change reports (ICRs) relevant to the experiments. Additional technical information has also been provided by Iran with respect to several areas of the experimental conversion work, including the area of uranium metal production.

18. During the Agency's October 2003 inspection at TNRC, Iran presented to the Agency for its verification 17 kg of uranium of different compounds collected from throughout the site, part of which had resulted from the conversion experiments and for which limited information was available. Work is continuing on the characterization of the nuclear material involved in the experiments, including with respect to its origin, use and quantity.

19. On 14 and 15 January 2004, Agency inspectors visited Karaj to monitor the recovery of nuclear material hold-up from the dismantled equipment used in the conversion experiments.

Approximately 1.25 kg of uranium in different forms was recovered during this operation and samples from the uranium compounds were taken for destructive analysis. It was agreed that the equipment could be further dismantled by Iran and discarded after the results of Agency analysis became available and provided that the results are in agreement with Iran's declarations.

20. Analysis of data supplied by the Iranian authorities is continuing, and further analytical measurements are being carried out, with a view to confirming Iran's declaration concerning these activities to ensure the absence of pilot scale conversion. It should be noted that, given the size and capacity of the equipment used, the possibility cannot be excluded that larger quantities of nuclear material could have been involved than those declared by Iran as having been consumed and produced during this testing and experimentation. However, it is very difficult to account precisely for the uranium involved in these processing activities after the passage of many years, especially when some quantities have been declared as having been discarded. The Agency will investigate this further.

B.2. Irradiation and Reprocessing Experiments

21. In the course of 2003, Iran acknowledged its past irradiation in the Tehran Research Reactor (TRR) of depleted UO₂ targets that had been prepared at ENTC, and the subsequent reprocessing of some of the irradiated targets in shielded glove boxes at TNRC (GOV/2003/75, Annex 1, paras 27-33). According to Iran, 7 kg of UO₂ were irradiated, 3 kg of which were subsequently reprocessed for the separation of plutonium, and the remaining 4 kg buried in containers on the site of TNRC.

22. The glove boxes in which the reprocessing is said to have been conducted were dismantled and stored in a warehouse at ENTC, along with related equipment. During the inspections that took place in November and December 2003, the Agency collected environmental samples from the glove boxes and equipment. The results of the sample analysis are not yet available.

23. The solidified wastes from these activities were declared by Iran as having been mixed in concrete and sent to Anarak, and the liquid wastes to Qom, where they were disposed of. As requested by the Agency, Iran transferred the Anarak waste to JHL in January 2004.

24. Iran has now, as a corrective action, also submitted accounting reports covering the movements of the irradiated targets between ENTC, TRR and JHL.

25. On 8 November 2003, the separated plutonium resulting from these experiments was presented for Agency verification in the form of plutonium solution contained in two small bottles. The contents of one of the bottles had completely leaked into its over-pack container, so an exact verification of the original volume of plutonium solution will not be possible. Agency inspectors took samples of the solution for laboratory analysis, the results of which are not yet available.

26. Iran has estimated that the original amount of plutonium in the solution was approximately 200 g. Until sample results are available, the Agency cannot verify the accuracy of that estimate. However, based on Agency calculations, the amount of plutonium produced in 3 kg of depleted uranium targets under the declared irradiation conditions should have been substantially higher. The reason for this apparent discrepancy is not yet clear. The matter remains under discussion with Iran.

27. On 8 November 2003, during an Agency inspection at JHL, inspectors were also shown four heavily shielded containers said by Iran to contain the 4 kg of unprocessed targets. The containers had been buried on the site of TNRC, but were disinterred and presented to the Agency for verification. Using available non-destructive analysis equipment, Agency inspectors were able to confirm that one of the containers (selected at random) contained highly radioactive material characteristic of irradiated targets. All four containers have been placed under Agency seal for future examination.

28. In September 2003, Agency inspectors, aware by then that undeclared uranium irradiation had taken place in the TRR, noticed from available records that bismuth metal samples had

also been irradiated in the same general period (1989–1993). Although bismuth is not nuclear material requiring declaration under the Safeguards Agreement, its irradiation is of interest to the Agency as it produces polonium-210 (Po-210), an intensely radioactive alpha emitting radioisotope {3} that could be used not only for certain civilian applications (such as radioisotope thermoelectric generators (RTGs), in effect, nuclear batteries {4}), but also, in conjunction with beryllium, for military purposes (specifically, as a neutron initiator in some designs of nuclear weapons).

29. In a letter to the Agency dated 13 November 2003, Iran informed the Agency that the bismuth irradiation had been part of a feasibility study for the production and use of Po-210 in RTGs.

30. During its visits to Iran in November and December 2003, the Agency requested further clarification and, in January 2004, was able to interview two Iranian scientists involved in the bismuth irradiation. One of the scientists is currently living outside of Iran and was asked by Iran to return for the interviews. According to the scientists, two bismuth targets had been irradiated, and an attempt had been made, unsuccessfully, to extract polonium from one of them. The other irradiated bismuth target was said to have been discarded. The scientists confirmed that the purpose of the project had been only for research on the chemical separation of polonium and the development of RTGs. During follow-up discussions in Vienna in February 2004, Iranian officials said that the experiments involving Po-210 were also part of a study about neutron sources, noting that commercially available neutron sources, used, for example, for industrial applications, are not obtainable by Iran due to import restrictions. However, Iran has stated that there are few remaining records related to the bismuth irradiation project and, as a result, has not been able to provide evidence to support its claims as to the stated purpose.

31. The Agency will continue to follow up on this matter as appropriate.

B.3. Uranium Enrichment

B.3.1. Gas Centrifuge Enrichment

32. As previously agreed, ICRs for the Pilot Fuel Enrichment Plant (PFEP) covering the nuclear material used for enrichment experiments at the Kalaye Electric Company workshop (and now located at PFEP) have been provided by Iran, and relevant parts of the design information for PFEP have been updated.

33. As reported in the Director General's earlier reports, Iran imported UF₆ in 1991. The material was contained in three cylinders, a large one and two smaller ones. Iran initially attributed the absence of 1.9 kg of the UF₆ from the two small cylinders to leakage during their storage in the TRR building. Environmental samples taken from that storage area, at the request of the Atomic Energy Organization of Iran (AEOI), did in fact reveal particles of UF₆. However, the explanations concerning leakage were not technically credible. As indicated in the Director General's report of November 2003 (para. 32; Annex 1, para. 21), Iran subsequently confirmed that it had in fact used that material in centrifuge tests at the Kalaye Electric Company workshop. Iran has been asked to provide explanations for the UF₆ contamination detected in the TRR building where the two small cylinders were stored, specifically as regards the source of the contaminant material and its current location, as well as the date on which the contamination took place.

34. In its 21 October 2003 declaration, Iran declared the 1.9 kg of UF₆ as hold-up in the dismantled equipment currently stored at PFEP. Verification of the hold-up is planned. Destructive analysis still needs to be undertaken on the contents of the imported UF₆ cylinders, which are currently stored under Agency seal at TNRC.

35. As described in GOV/2003/75 (paras 34 and 35; Annex 1, paras 38–41, 45, 53), environmental samples taken by the Agency at Natanz and at the Kalaye Electric Company workshop have revealed particles of natural uranium, LEU and high enriched uranium (HEU) that called into question the completeness of Iran's declarations about its centrifuge enrichment activities.

36. As part of its efforts to resolve the issue of contamination, the Agency has continued to take environmental samples of the imported and domestically manufactured centrifuge components and equipment located at Natanz. The Agency has also recently requested another State to provide access for environmental sampling at locations from which the imported centrifuges are believed to have originated. Taking environmental samples at such locations is indispensable for the Agency to arrive at conclusions regarding the issue of contamination.

37. In its declaration of 21 October 2003, Iran provided the names of manufacturing workshops involved in the domestic production of centrifuge components. In response to a further request by the Agency, Iran supplied the Agency with the locations of the workshops and information on their functions in connection with Iran's centrifuge enrichment programme. Most of the workshops are owned by military industrial organizations.

38. In January 2004, the Agency was granted managed access to the component manufacturing workshops to take environmental samples with a view to clarifying the reasons for contamination of the domestically produced centrifuge components. While the results from those samples are pending the results from earlier sampling campaigns have become available, and confirm the Agency's earlier findings (GOV/2003/75, paras 34–35; Annex 1, paras 38–40, 53).

39. On the basis of environmental sample analysis thus far, there remain a number of discrepancies and unanswered questions:

- Analysis of samples taken from domestically manufactured centrifuge components show predominantly LEU contamination, while analysis of samples from imported components show both LEU and HEU contamination. It is not clear why the components would have different types of contamination if, as Iran states, the presence of uranium on domestically manufactured components is due solely to contamination originating from imported components.
- The types of uranium contamination found at the Kalaye Electric Company workshop differ from those at Natanz, even though Iran states that the source of contamination in both cases is the imported centrifuge components.
- Environmental samples showing uranium enriched to 36% U-235 have come almost entirely from one room in the Kalaye Electric Company workshop, which seems to be predominantly contaminated with that material. Only negligible traces of 36% enriched uranium have been found on imported centrifuge components. The level of contamination suggests the presence of more than just trace quantities of such material.^{5}

40. Iran has been asked to provide comments on the above issues, particularly in light of its declaration that it has not enriched uranium to more than 1.2% U-235 using centrifuge technology. The Agency continues to work with the country from which the imported components are believed to have originated with a view to resolving the issues associated with the contamination.

41. Agency visits in January 2004 to the component manufacturing workshops revealed the existence of two subsidiary companies of the Kalaye Electric Company^{6}: Farayand Technique located near Esfahan, and Pars Trash in Tehran.

42. Farayand Technique has had a number of different roles in Iran's centrifuge enrichment programme. According to Iran, it had been intended to be the centrifuge assembly site, but the Iranian authorities decided that it was too far away from Natanz. It is currently said to be the Quality Control Centre for all centrifuge components manufactured for the facilities at Natanz, but it also has capabilities suitable for the testing and assembly of centrifuges.

43. As reported earlier, the Agency has continued to investigate the chronology of Iran's gas centrifuge enrichment programme and to assess the declarations concerning that programme made by Iran in its letter of 21 October 2003. The Agency's investigations, which have included discussions with former Iranian officials familiar with the programme, together with Agency verification activities elsewhere, led the Agency to

consider that Iran might have had drawings of a more advanced centrifuge design, a so-called P-2 centrifuge.^{7}

44. In response to the Agency's inquiry in early January 2004 about this possibility, Iran acknowledged on 20 January 2004, during a meeting with the Agency's uranium enrichment experts, that it had received P-2 centrifuge drawings from foreign sources in 1994 and that it had conducted some mechanical tests, without nuclear material, using domestically manufactured rotors. The Iranian authorities showed the Agency a set of P-2 drawings, which they said Iran had acquired from a foreign intermediary. The Agency's centrifuge enrichment experts confirmed that the drawings were similar to a more advanced early European origin centrifuge design using maraging steel rotors with bellows. The Iranian authorities stated, however, that Iran had not obtained any P-2 centrifuges, or components thereof, from abroad, and that what components Iran did have, it had produced domestically.

45. Iran also provided information on the P-2 research and development activities, stating that the AEOL, in 1999 or 2000, concluded a contract with a private company located in Tehran, to develop a P-2 centrifuge. The Agency was able to interview the owner of that company during a meeting on 28 January 2004. The owner explained that, since in his view Iran was not capable of manufacturing appropriate maraging steel cylinders with bellows called for in the P-2 design, it was decided that work should proceed on a shorter, sub-critical carbon composite rotor. As a consequence, according to him, the company had manufactured seven rotors with various dimensions, and had performed some mechanical tests on those rotors without, however, using nuclear material. The owner of the company also stated that the work had been terminated after June 2003 and all of the centrifuge equipment was moved to the Pars Trash Company in Tehran.

46. In response to an Agency question as to why the P-2 design, and related work on it, had not been included in Iran's 21 October 2003 declaration, the Iranian authorities stated that they had, due to time pressure in preparing the declaration on the centrifuge research and development programme, neglected to include it. This explanation is difficult to comprehend since, as stated by Iran, the equipment had been moved only after June 2003 on the instruction of the AEOL to Pars Trash, where, as indicated in the Director General's November 2003 report (Annex 1, para. 41), the P-1 centrifuge equipment from the Kalaye Electric Company workshop had been stored and concealed from the Agency after its dismantlement in the spring of 2003 until October 2003, when it was presented to the Agency at Natanz.

47. In further discussions on this issue in February 2004, the Iranian authorities provided additional explanations for the non-inclusion in the October 2003 declaration of information related to the P-2 design and related work: (a) it had not mentioned specifically the P-1 centrifuges either in that declaration^{8}, (b) the declaration only included information intended to correct the failures of Iran in reporting under its Safeguards Agreement and (c) the information was not required to be reported under its Safeguards Agreement, but only under the Additional Protocol. The question remains, however, as to why, at the time it informed the Agency of the existence of the P-1 centrifuges and associated activities, Iran did not inform the Agency of the existence of the P-2 components, the work thereon under an AEOL contract, and the transfer of all related equipment to Pars Trash after June 2003.

48. The Agency is currently investigating all of the information available to it concerning the P-2 centrifuge issue.

B.3.2. Laser Enrichment

49. In its letter of 21 October 2003, Iran declared that, starting in the 1970s, it had had contracts related to laser enrichment using Atomic Vapour Laser Isotope Separation (AVLIS) and Molecular Laser Isotope Separation (MLIS) techniques, and had imported equipment under those contracts. Iran also informed the Agency that it had imported 50 kg of uranium metal in 1993, some of which was used in experiments involving the imported equipment at TNRC and at Lashkar Ab'ad. Iran informed the Agency that the laser equipment was dismantled in May 2003 and transferred to Karaj, along with the uranium

metal (the latter was subsequently transferred to JHL). The equipment and material were presented to Agency inspectors prior to the issuance of the November report. Environmental samples were collected from the equipment, and the nuclear material was verified by weighing and through destructive analysis.

50. As a corrective action, Iran has submitted all of the ICRs relevant to the use of the uranium metal that was presented for Agency verification in November 2003. Iran has also submitted design information for the RWSF at Karaj and amended design information for JHL to cover the additional laser laboratories as well as waste tanks containing nuclear material.

51. The Agency has continued its examination of nuclear material accountancy records related to the AVLIS programme and has taken additional environmental samples since November 2003 from key equipment and associated laboratories and destructive analysis samples from the waste tanks used in connection with the programme. The results of the sample analyses are still pending.

52. Having received from Iran additional information and amplifications of its 21 October 2003 declaration, the Agency is continuing with its assessment of the chronology of Iran's laser enrichment programme. With the support of relevant Member States, the Agency has attempted to reconcile the deliveries of key equipment with information provided by Iran in connection with its AVLIS and MLIS programmes. While the information related to the MLIS programme in the 1970s appears to be coherent, more information is still expected from Member States with regard to deliveries of equipment related to Iran's AVLIS programme.

53. During the Agency's complementary access to the mass spectrometry laboratories at Karaj in December 2003, the Agency examined two mass spectrometers that had not been included in Iran's declaration of 21 October 2003. Iran acknowledged that the mass spectrometers had been used in the past to provide analytical services (isotope enrichment measurements) to the AVLIS programme. Iran also provided a list of samples that had been analysed. The Agency collected environmental samples from the mass spectrometers, the results of which are still pending.

54. Following the complementary access at Karaj, the Agency requested Iran to clarify the role of the mass spectrometers in relation to Iran's uranium enrichment programme. Iran submitted additional information in that regard to the Agency on 5 January 2004.

55. Further assessment is pending evaluation of the new information and the verification results from recent inspections, including the results of environmental and other sample taking during the December 2003 and January 2004 inspections and the ongoing detailed study of information related to AVLIS equipment design.

B.4. Heavy Water Reactor Programme

56. In 2003, Iran declared to the Agency its construction at Arak of a Heavy Water Production Plant and its planned construction of a heavy water reactor, the Iran Nuclear Research Reactor (IR-40). Iran provided preliminary design information on the reactor, along with preliminary information on a facility intended to manufacture fuel for the IR-40, the Fuel Manufacturing Plant (FMP), to be built on the Esfahan site.

57. In mid-2003, the Agency was provided with drawings of the reactor that contained no references to hot cells. In its declaration of 21 October 2003, Iran stated that two hot cells had been foreseen for the project, but that neither the design nor detailed information about the dimensions or the actual layout of the hot cells was available at present. Iran later stated that it had tentative plans to construct at Arak an additional building with hot cells for the production of radioisotopes to produce "long lived" radioisotopes. Iran has provided some very preliminary design information on the building.

B.5. Suspension of Enrichment Related and Reprocessing Activities

B.5.1. Scope of Suspension

58. As reported by the Director General to the November 2003 meeting of the Board, Iran informed him on 10 November

2003 of its decision to suspend enrichment related and reprocessing activities, and that the suspension would cover all activities at the Natanz enrichment facility, the production of all feed material for enrichment and the importation of any enrichment related items.

59. In its Note Verbale of 29 December 2003, Iran further informed the Agency, that, with immediate effect:

- it would suspend the operation and/or testing of any centrifuges, either with or without nuclear material, at PFEP at Natanz;
- it would suspend further introduction of nuclear material into any centrifuges;
- it would suspend installation of new centrifuges at PFEP and installation of centrifuges at the Fuel Enrichment Plant (FEP) at Natanz; and
- it would withdraw nuclear material from any centrifuge enrichment facility if and to the extent practicable.

60. Iran also stated that: it did not currently have any type of gas centrifuge enrichment facility at any location in Iran other than the facility at Natanz that it was now constructing, nor did it have plans to construct, during the suspension period, new facilities capable of isotopic separation; it had dismantled its laser enrichment projects and removed all related equipment; and it was not constructing nor operating any plutonium separation facility.

61. In addition, Iran stated that: during the period of suspension, Iran did not intend to make new contracts for the manufacture of centrifuge machines and their components; the Agency could fully supervise storage of all centrifuge machines assembled during the suspension period; Iran did not intend to import centrifuge machines or their components, or feed material for enrichment processes, during the suspension period; and there was no production of feed material for enrichment processes in Iran.

62. On 24 February 2004, Iran informed the Agency that instructions will be issued by the first week of March to implement the further decisions voluntarily taken by Iran to: (i) suspend the assembly and testing of centrifuges, and (ii) suspend the domestic manufacture of centrifuge components, including those related to the existing contracts, to the furthest extent possible. Iran also informed the Agency that any components that are manufactured under existing contracts that cannot be suspended will be stored and placed under Agency seal. Iran invited the Agency to verify these measures. Iran also confirmed that the suspension of enrichment activities applied to all facilities in Iran.

B.5.2. Monitoring Activities

63. On 12 November 2003, Iran shut down all centrifuges at the cascade hall of PFEP. The feed cylinder was removed from the autoclave, and Agency inspectors sealed all feed and withdrawal stations and chemical and cold traps. The cascade hall continues to be under Agency surveillance, adjusted to accommodate the need to verify that no enrichment is taking place. During inspections carried out in November and December 2003, the Agency completed the sealing of all declared UF₆ feed material. Since then, all containment and surveillance devices have been checked during monthly inspections, confirming the non-operational status of the facility. Design information verification was also carried out at FEP on 10 December 2003.

64. The dismantled pilot enrichment facility at the Kalaye Electric Company workshop in Tehran has also been monitored, using complementary access under the Additional Protocol.

65. The decommissioned AVLIS pilot plant at Lashkar Ab'ad and the decommissioned AVLIS and MLIS installations at TNRC have been monitored through complementary access. Dismantled AVLIS and MLIS related equipment currently stored at Karaj has been subject to inspection, DIV and complementary access.

66. In addition, all declared uranium metal was sealed on 12 November 2003. The non-production of UF₆ at UCF, and of uranium metal at UCF and TNRC, has been monitored through inspections, DIV and complementary access.

67. As a result of its monitoring activities, the Agency is able to confirm that there has been no operation or testing of any

centrifuges, either with or without nuclear material, at PFEP; that no new centrifuges have been installed at PFEP; that no centrifuges have been installed at FEP; and that no nuclear material has been introduced into any centrifuges which have been declared to the Agency. Although some civil construction activities are still being carried out at Natanz, these activities are not directly related to the operation of the facilities located there.

68. Between November 2003 and mid-January, Iran continued to assemble centrifuges. During that time, Iran assembled some 120 centrifuges (in addition to the 800 centrifuges which had been produced prior to November 2003), which have been counted by the Agency. These, and any centrifuges assembled since mid-January 2004, will now be placed under Agency seal.

69. Iran has continued to manufacture centrifuge components domestically under existing contracts. In response to an Agency request, Iran agreed in its letter dated 20 February 2004 to present to the Agency in Iran the contracts between AEOI and the domestic manufacturers of centrifuge components. The Agency intends to discuss with Iran in the near future the additional activities necessary for verifying the expanded suspension, including the storage and sealing of domestically manufactured centrifuge components.

70. In relation to reprocessing, the Agency has been monitoring the use and construction of declared hot cells, including equipment used earlier for plutonium separation experiments at TNRC, ENTC, Karaj and Arak, through inspections, DIV, complementary access and the use of satellite imagery. The remaining irradiated unprocessed uranium targets were placed under Agency seal on 15 November 2003, and are being verified regularly..

C. Assessment and Next Steps

71. Iran has presented all declared nuclear material to the Agency for its verification. Iran has also provided all of the inventory change reports, material balance reports and physical inventory listings requested by the Agency. While some corrections are required and are still pending, this is partially due to the need to establish the nuclear material hold-up in dismantled equipment and other problems associated with nuclear material accountancy for past activities. In addition, Iran has submitted design information with respect to facilities, as requested by the Agency, although some of the information needs to be revised and/or supplemented, which Iran has agreed to do.

72. Iran has been actively cooperating with the Agency in providing access to locations requested by the Agency. This included access to workshops situated at military sites. This is welcome. Also welcome is the decision by Iran to expand the scope of suspension to cover remaining enrichment activities, which, in the Agency's view, will contribute to confidence building.

73. Although investigations are ongoing, the Agency has made good progress in verifying Iran's statements regarding the UCF project and the associated experiments and testing activities. The Agency has also been verifying the suspension of those enrichment and reprocessing activities specified in Iran's Note Verbale of 29 December 2003.

74. The omission from Iran's letter of 21 October 2003 of any reference to its possession of the P-2 centrifuge design drawings and associated research, manufacturing and mechanical testing activities is a matter of serious concern, particularly in view of the importance and sensitivity of those activities. It runs counter to Iran's declaration, a document characterized by Iran as providing "the full scope of Iranian nuclear activities" and a "complete centrifuge R&D chronology". The Director General has continued to emphasize to Iran the importance of declaring all the details of Iran's nuclear programme.

75. The Agency has still to resolve the major outstanding issue, of the LEU and HEU contamination found at the Kalaye Electric Company workshop and Natanz, and associated concerns. Until this matter is satisfactorily resolved, it will be very difficult for the Agency to confirm that there has not been any undeclared nuclear material or activities. The Agency is still waiting for Iran to provide requested information detailing the

origin of the centrifuge equipment and components, the locations in Iran to which such equipment and components were moved and the associated details of timescales, and the names of individuals involved. The resolution of this issue will depend to a great extent on the cooperation of the country from which the imported items are believed to have originated.

76. Other issues requiring clarification include the nature and scope of Iran's activities in relation to P-2 centrifuges, and the nature and scope of Iran's laser isotope enrichment research and details of the associated equipment. The issue of the purpose of Iran's activities related to the production and intended use of Po-210 remains a concern, in the absence of information to support Iran's statements in this regard.

77. Although the timelines of the conversion and centrifuge programmes of Iran and the Socialist People's Libyan Arab Jamahiriya (Libya) are different, they share several common elements. The basic technology is very similar and was largely obtained from the same foreign sources. As part of verifying the correctness and completeness of the declarations of Iran and Libya {9}, the Agency is investigating, with the support of Member States, whose full cooperation is essential, the supply routes and sources of such technology and related equipment and nuclear and non-nuclear materials.

78. The Agency will continue its efforts to resolve and clarify the outstanding issues. In this context the Director General has requested Iran to continue and intensify its cooperation with the Agency, in particular through the prompt provision of detailed information. The Director General will report to the June 2004 meeting of the Board, or earlier, as appropriate.

- {1} INFCIRC/214.
- {2} The initial report to the Board of Governors on this specific matter was provided by the Director General orally at the Board's meeting on 17 March 2003. The Director General subsequently submitted three written reports to the Board: GOV/2003/40, dated 6 June 2003; GOV/2003/63, dated 26 August 2003; and GOV/2003/75, dated 10 November 2003.
- {3} Po-210 has a half-life of 138 days.
- {4} The reported applications of Po-210 based RTGs are limited in number.
- {5} 36% enriched uranium is characteristic of nuclear material used in certain research reactors outside of Iran.
- {6} Kalaye Electric Company is a subsidiary of the AEOI
- {7} Heretofore, all information provided by Iran concerning its centrifuge enrichment programme (including the centrifuge design and information on research and development, production and processing, and the locations where such activities were carried out) involved an earlier, less-advanced centrifuge design (P-1) of European origin.
- {8} It should be noted, however, that the 21 October 2003 declaration contained details about the P-1 centrifuges and Iran's work associated with such centrifuges.
- {9} See the Director General's report on the implementation of Libya's NPT Safeguards Agreement (GOV/2004/12, para. 38).

**Communication of 5 March 2004 from the
Permanent Mission of the Islamic Republic of
Iran concerning the Report of the Director
General contained in GOV/2004/11**

[INFCIRC/628, 5 March 2004]

1. The Secretariat has received a Note Verbale dated 5 March 2004 from the Permanent Mission of the Islamic Republic of Iran attaching "Comments and Explanatory Notes by the Islamic Republic of Iran on the Report of the IAEA Director General (GOV/2004/11)."

2. As requested in the Note Verbale, the attachment is reproduced herein for the information of Member States.

Annex:

The Islamic Republic of Iran is pleased that the report has confirmed Iran's full and active cooperation with the Agency with a view to conclusively resolve all outstanding issues. While Iran recognizes the professionalism and hard work of the Secretariat, it is necessary to clarify a number of inadvertent omissions in the report and augment the information in other parts:

1. Iran's implementation of the Additional Protocol prior to its ratification by the Parliament, which is a clear indication of a voluntary political undertaking for utmost cooperation and transparency, has been omitted from paragraph 5 of the report.

a. As of the date of DG's report, six complementary accesses with two hours notice have been granted.

b. The complementary accesses to the ENTC & Karaj referred to in paragraph 4 were granted prior to Iran's signature of the Additional Protocol (18 December 2003).

c. According to Article 4 of the Additional Protocol, complementary access could be performed after declarations are submitted by the Member States, for the purpose of verification of the declared activities and absence of undeclared activities. The purpose may have been to avoid misunderstandings arising from possible discrepancies with the final full picture that should be reported in accordance with the Protocol. Although the requests by the Agency for complementary access prior to the submission of declarations were not legally justified, complementary accesses were granted by Iran in the spirit of cooperation and confidence (referred to in the report).

2. Destruction of dismantled equipment and components of the R&D of uranium conversion projects by Iran under the supervision of the Agency inspectors, on 14 January 2004, is not duly reflected in paragraph 19 of the report.

3. The total amount of plutonium produced is estimated by the Agency to be 2mg maximum (as declared by the DDG for safeguards during the briefing for members of the Board of Governors on 27 February 2004). Therefore, the phrase 'substantially higher' in paragraph 26 may be misleading. The project manager explained during the inspection that due to lack of experience in solvent extraction and safety concerns and radiation hazards by using existing glove box instead of well equipped Hot-Cells, it had not been possible to extract more plutonium than reported and presented for verification by the Agency.

4. In paragraph 37, the phrase 'most of the workshops are owned by military industrial organizations' is not correct. As detailed in the documents submitted on 21 October 2003, three out of ten workshops which have been involved in manufacturing centrifuge components belong to the Defense Industry, and they have already been inspected by the Agency. The agency is aware that high precision machines are primarily owned by the Defense Industry Organization which produces parts and components under contract for various private and government owned companies.

5. In paragraph 38, the phrase 'managed access' is incorrect, since during the inspections, the Agency inspectors were granted full and unrestricted access.

6. Detailed explanation by Atomic Energy Organization of Iran on the results of the environmental sample analysis referred to in paragraphs 39 and 40 have been submitted to the Agency on 16 February 2004, the assessment of which does not seem to be finalized yet.

7. Information on two workshops called Farayand Technique in Esfahan and Pars Tarash in Tehran which has been involved in manufacturing centrifuge components had already been submitted to the Agency in the declaration of 21 October 2003. Thus, the phrase 'revealed the existence' in paragraph 41 is incorrect.

8. In reference to paragraph 57, the Agency inspectors have been informed about the reason for lack of detailed final information on dimension and actual layout of the hot cells adjacent to the heavy water reactor. One of the main reasons is unavailability of manipulators for hot cells, on the basis of which the exact dimension of hot cells could be decided. In this respect the inspectors were also informed that attempts to purchase manipulators from abroad have not been successful.

9. In Reference to paragraph 75, it is important to note that as recently confirmed by public accounts of a third country investigations, the components that were sold to Iran had been previously used. Thus, shedding light on the source of contamination for which Iran cannot provide a conclusive account.

10. The issue of irradiation of bismuth metal samples to produce polonium-210 has been thoroughly discussed with inspectors in Iran and a 41-page document presented to the IAEA. The issue was also explained during the briefing on 27 February 2004. In this regard, it is important to note that:

a. As it has been reflected in paragraph 28, declaration of bismuth irradiation is not required under the Safeguards Agreement.

b. The project was aborted more than 13 years ago.

c. Complete information about irradiation of two bismuth samples in TRR were recorded in the logbook of the reactor which has been under Agency safeguards for almost thirty years. The issue of bismuth irradiation was never raised before.

d. In this research project, only two Bismuth samples (0.5 and 1.5 gram) had been irradiated, and an attempt had been unsuccessfully made to extract polonium from the first sample. The research project was terminated 13 years ago, since the chemist in charge of the project left the country permanently. The second sample was not processed and was later discarded as waste due to its short half life.

e. The intention was not to make neutron source. Therefore, Beryllium, which is essential for neutron source with po-210, was not ordered when the required items were procured from abroad. The supporting procurement documents have been submitted to the Agency.

f. According to scientific and technical literature submitted to the Agency, Po-210 has various applications for peaceful purposes including RTGs. Even in a purely hypothetical scenario of the intention to use Po-210 for production of neutron source, the neutron source had several theoretically sound peaceful applications, including reactors, neutron logging in oil and gas explorations and other neutron activation analyses.

g. Iran invited the chemist in charge of the project who had left Iran to travel to Iran in order to be interviewed by the inspectors and clarify the nature, scope and intent of his research and the reasons for its termination.

11. As far as the P_{II} design of centrifuge is concerned, the following points have to be taken into consideration:

a. The national project on centrifuge enrichment has been based on P_I design. The Natanz pilot plant has been constructed on that basis.

b. During discussions of the IAEA experts with Iranian centrifuge experts as early as summer of 2003, the issue of research on different models and dimensions of centrifuge components particularly rotors (different from P_I design) had been raised by Iranian experts. Therefore the Agency was informed of the R&D project well in advance. The display of a small rotor, which is not of P_I design, in the exhibition hall in Natanz during the visit of the Director-General and his delegation in February 2003 proves the absence of any intention for concealment.

c. Attention should be drawn to the fact that only general engineering design of P_{II} was received and no detail or manufacturing design. No component of P_{II} has been obtained from the intermediary. Only a handful of components, rotor tubes with different dimensions, have been locally manufactured by a private company. The components have been voluntarily presented to the Agency inspectors in January 2004. This research project has been terminated due to contractual problems.

d. According to comprehensive Safeguards Agreement (INFCIRC/153), the Islamic Republic of Iran was not required to report to the Agency information on P_{II} drawings and the handful of rotor tubes (domestically made), since neither construction of a nuclear facility nor nuclear material was involved.

e. The declaration of 21 October 2003 was clearly meant to complete the picture with regard to issues required under Iran's safeguards agreement. Therefore, the conclusion that omission of reference to P_{II} R&D questions the completeness of the full

disclosure is not justified. Iran intended to submit information on R&D of P_{II} along with further declarations it is required to provide in accordance with its obligations under the Additional Protocol within the timetable established by the IAEA.

12. As far as the R&D on uranium conversion (Section B of the report) is concerned, it is recalled that during the past 25 years, a total amount of about 50 Kg of natural uranium in the form of yellow cake (U₃O₈) has been used in various research projects in ENTEC and TNRC, while more than 530 tons of yellow cake has remained unused and under the Agency's Safeguards for several years. In spite of the misleading impression that the previous reports may have produced, the said research projects have not been confidential. The presented papers on uranium conversion in the International Conference on Nuclear Science and Technology held in Bushehr in 1985, as well as the detailed information on Iranian activities on uranium conversion reflected in the IAEA fellowship application forms by AEOI experts, proves this assertion. Relevant documents have already been submitted to the inspectors.

**Statement on the Implementation of the NPT
Safeguards Agreement in the Islamic Republic
of Iran by Director-General for International
Political Affairs, Foreign Ministry of the Islamic
Republic of Iran Mr. Amir H. Zamaninia**

[Vienna, 13 March 2004]

Mr. Chairman, Distinguished Director-General, Distinguished Governors,

I wish to express the appreciation of my delegation to Director-General, Dr. ElBaradei for his leadership and acknowledge the hard work that his staff and inspectors should carry out under strenuous circumstances.

The report of the Director General illustrates the positive trend of active cooperation by Iran and also of a process of resolving issues that is gaining pace exponentially. In more than eleven different paragraphs, the Agency underlines that it is either analyzing information provided by Iran or is waiting for the results of swipe sampling. Issues are either resolved or are at the verge of being resolved.

In our view, the Director-General's report, particularly the section on assessment and next steps, narrowed down to issues of importance in his introductory statement of 8 March 2004, reflects in clear terms the approach and the elements which should have served to produce the resolution to be adopted in the Board. That is if indeed a resolution was necessary. I am sure the Board is aware that a large number of countries did not consider this session — with a transitional report by the DG- to be an appropriate occasion for a substantive text to be adopted. A resolution is being imposed -and I think I am using the expression with true definition of the word- on the Board by a single country through few associates nonetheless.

The author of this resolution would no doubt try to argue that the draft coincides with the Director General's report and reflects the same points and issues addressed by him. But even an elementary review reveals immediately that it is nothing but a tool to serve a narrow minded, increasingly isolated conviction, by no means shared by the report.

The Director General has repeatedly stressed here:

- that this is a work in progress;
- that there is extensive cooperation;
- that there have been no impediments to access;
- that the Protocol has been signed and being applied voluntarily;
- that our rightful enrichment activities have been voluntarily suspended to build confidence;
- that all essential and urgent requirements have been implemented;
- that corrective measures have been taken or are being taken; and

- that outstanding issues are being resolved one after the other.

True that he has referred to a few shortcomings. But I do not think any observer with a minimum level of fair-mindedness could judge this as implying a reversal or even a detour in the process or a menace to it. The draft resolution on the other hand intends clearly to portray a rather benign progressive situation as a condition of high alert. Despite its limited modifications, owing to the principled position of many countries here, it is still a set back, a serious set back.

I shall not fail to express gratitude to the members of the Non-Aligned Movement, its Chairman and the troika of the Movement for their extensive effort and good faith negotiations to reach a draft resolution that commands general agreement. We took note of the understanding of the NAM of this resolution and of Paragraph 9, which as it stands, does not meet with its approval.

Since repeated delays and postponements have already exhausted the patience of the members, here I will refrain from presenting, in detail, the progress achieved on various issues and the pitfalls that we still need to tackle. But a brief summary to help establish where things stand today, and what may lie ahead, we hope would be useful.

Additional Protocol

For much of last year, signing the Additional Protocol, provisionally applying it prior to its ratification and its ratification were among the most important issues that Iran was called upon to do in order to dispel doubts and promote transparency and confidence in its peaceful nuclear program. Now, this is fully in place.

Suspension of Enrichment Related and Reprocessing Activities

The same is true for suspension of enrichment related and reprocessing activities, which was to put all concerns about Iran's nuclear programme to rest, particularly when combined with the provisional application of the Protocol. Iran's voluntary decision for suspension was not easy decision to make in view of the rights of NPT signatories to peaceful uses of nuclear technology. But, in order to secure international confidence and promote transparency about its peaceful nuclear programme, Iran mustered the political will to take that voluntary decision. The Director-General welcomed Iran's decision and wrote in his report, in Paragraph 72 that it will contribute to confidence building. However, the author of this draft resolution apparently knows better and in order to avoid acknowledging this positive trend resorted to distortion of English language in Operative Paragraph 3 and vehemently resisted NAM's amendment to bring it somewhat closer to a decent language and the Director-General's report.

Conversion Program (UCF) at Isfahan

Only three months ago we were being told by the Agency that Iran has had a quantum leap in construction of the facility for the UCF project at Isfahan. This was deemed as a significant and major issue not expected to be resolved with ease. The Agency is now concluding that Iran's declaration on UCF "appears to be credible." When the inspectors come to Isfahan next time, they only need to compare some documents to confirm that this outstanding issue is resolved.

Laser Enrichment Program

Our laser enrichment programme has been considered as a second major outstanding issue. The Report indicates that our programme has had two parts; MLIS programme, and AVLIS programme. Our information on MLIS programme, as the Report says, "appears to be coherent". On the AVLIS programme, there is nothing else that Iran is expected to do. As far as we are concerned this issue is also resolved. However, the Agency needs to receive confirmation from third states with regard to deliveries of equipment related to our AVLIS programme.

Plutonium

The question of Plutonium was also highlighted during November debate as a significant issue of concern and contention. Now, it has been reduced only to the degree of accuracy of calculation by the Iranian scientist of the weight of Plutonium produced. This is among the eleven subjects that the Agency is awaiting the result of sampling. We believe this issue will also be resolved next time the inspectors attend to it. The issue is now whether the calculation by the Iranian scientist which estimated that 200 Microgram of Plutonium was produced is accurate or the calculation by the Agency which estimates that approximately 200 Milligram could have been produced, or somewhere in between, taking into account the quality of equipment used and expertise applied.

Polonium-210

On the question raised about Polonium-210, I would refer the Board of Governors to the explanation and information provided in our INFCIRC/628. Furthermore, we have provided the Agency 41 pages of information about this pure research, which await analysis by the Agency. We are confident that our explanations will be confirmed following their analysis by the Agency. Suffice it to say that Beryllium is an indispensable item in a research geared into a military program. And Beryllium was never part of Iran's buying list. Additionally, if Iran had a military application in mind for the research on P-210, about thirteen years ago, what factor prevented Iran from repeating the research over and over again during the past thirteen years? Why was the project abandoned rather than budgeted and pursued?

The research on Polonium, in any case, is not required under the safeguards and the Additional Protocol to be reported. Even as a neutron source, it has widespread civilian applications including, in particular, for oil and gas logging.

Contamination

The only outstanding issue which may prove somewhat difficult and time consuming to resolve is the question of contamination beyond 1.2 per cent enrichment. And that is due to the independent factor of the foreign source. However, with the recent revelations from third countries even the question of contamination may get resolved sooner rather than later. We are determined to reconstruct the import and movements of imported components in Iran to isolate contamination to the extent possible so as to enable the Agency to resolve the issue with a greater number of swipe samplings. In our view, as the results of new samplings become available more pieces of this puzzle fall into place.

P-2 centrifuge design

The question of P-2 design, on the other hand, is overblown disproportionately for the reasons listed in our INFCIRC 628 and for the following reasons.

It was Friday the 13, in February when the whole world came lose. It was the day when newspapers in Europe and the United States wrote that the IAEA officials made the discovery and proved that Iran was developing nuclear weapons. The times of London, Washington Post, LA times and the Financial Times were the most creative and all attributed their stories to officials of the IAEA.

In an Article entitled "blueprints prove Iran is pursuing nuclear weapons", and after elaborating IAEA officials' discovery of blueprints of G-2 centrifuge, the Times of London went on to say: "Several IAEA officials said they believed Iran had bought the same nuclear warhead designs that Libya handed over to the IAEA."

Referring to the same discovery, Washington Post wrote: "Before yesterday's disclosure, Bush administration had begun to signal a tougher line against Iran, hinting of new intelligence findings that strongly suggested that Iran was harboring nuclear secrets. Some of these things the IAEA does not yet know, said one administration official, who spoke on condition of anonymity."

Apart from problems associated with the breach of confidentiality envisaged in the Statute of the IAEA and the Additional Protocol, I would like to suggest to the distinguished Governors that the issue of P-2 has been unduly exaggerated by the media and the Agency. The Agency's uranium enrichment expert who inspected our P-2 drawings and associated experiments and testing activities, and interviewed the thirty some year old contractor, better than anyone else, can now confirm or reject that the sensations created around the P-2 is justified or is exaggerated.

For your information, I have with me copies of five pictures signed by the Agency's uranium enrichment expert. These five pictures tell the whole story about all the research and manufacturing of the P-2 centrifuge in Iran. All the research and manufacturing are done by a small private work shop and are limited to making components for only one set of centrifuge with several rotors. And these few components are now in a storage visited by the inspectors. These pictures are here for anyone interested to see them. Having said this about the scope and nature of Iran's activities in relation to P-2 centrifuges, I turn to the question of omission from our letter of 21 October 2003 of any reference to Iran's possession of the P-2 centrifuge drawings.

Our arguments on this issue have been listed in INFCIRC 628, and most of them are summarized in Paragraph 47 of the report. I wish to state for the record that Paragraph 46 represents a problem with communication between us and the Agency, in as much as we have never meant to say that we neglected to include the P-2 in our letter of 21 October due to time pressure in preparing the letter.

The crux of the matter seems to be a difference of view between us and the Agency on this issue as far as the timing of reporting it is concerned. Our technical people who provided the material for what became our 21 October 2003 letter thought they are expected to provide a full picture of their nuclear activities as well as complete centrifuge R & D involving nuclear material that represented a failure of our obligations under our Safeguards Agreement. The P-2, in our view was to be reported under the Additional protocol declarations. We could not have perceived to stand to gain by reporting the P-2 under the Additional Protocol and not as part of our letter of 21 October 2003. It was a matter of judgment in good faith.

What should be important to the Agency and the Board is the fact that we have provided the information on the nature and scope of our activities related to P-2 centrifuge, and will provide any clarification which the Agency may require to enable it to confirm that our gas centrifuge program has been entirely based on P-1 centrifuge, which has been suspended.

Mr. Chairman,

Iran's agreement with the three European countries constituted the foundation of a new chapter in the cooperation between Iran and the IAEA. It opened the way for further Iranian commitment to the cause. Iran has been faithful to this commitment and has spared no effort to ensure that this process moves forward efficiently, expeditiously and exhaustively in order that a definitive conclusion of the matters at hand would come to light. A fair and balanced review of the substantive progress that has been made on resolution of major issues within the short period of time since October testifies clearly to this fact.

The questions related to conversion, plutonium, and laser enrichment, deemed by some of the skeptics during the November meeting as significant sources of uncertainty about peaceful nature of Iran's nuclear program, have now been either resolved or are on the verge of final resolution.

If the current process would be allowed to proceed within its positive context of mutual confidence and cooperation, we have no doubt that these and other questions referred to in the Director General's report will be settled by the next Board meeting. With the additional information recently requested by the secretariat, our share of what we can provide to the best of our ability to help clarify the complex issue of contamination would also be completed by the same Board meeting. Our obligations and commitments will thus be thoroughly fulfilled and remedies and corrective measures completed.

The succinct summary assessment presented by the DG at the opening of this board meeting, save for his interpretation of the P2 question as a setback, which will prove to be benign, concurs with this assertion. We believe that his statement was plainly clear in identifying the single issue of contamination as the one requiring further work and continued cooperation from Iran and other Parties. It was in this context that he expressed his hope that, in the absence of new revelations, these and other remaining questions will be resolved and confidence restored.

The fundamental conclusion which constitutes the essence of the whole safeguards system pertaining to non diversion of nuclear material and activities to military purposes is, in the meantime, sustained. Since November when the Director General reported no evidence of diversion, a robust system of verification has been effectively and extensively in place. The conclusion remains the same. There is no evidence of diversion today; there will not be such evidence tomorrow, nor there will ever be such evidence or indication of diversion in the future.

It is of course not easy for some to accept the fact that our nuclear program is exclusively peaceful. Those who have for long set their policy and approach on the false perception that Iran seeks weapons of mass destruction cannot change course with ease. Their negation is naturally a first psychological reaction before accepting the truth. Yet the truth remains the same. Iran's nuclear program is exclusively peaceful. The Agency's inspections will progressively confirm this assertion.

Against this background, the attempt to unravel this otherwise healthy process, which is now a matter of public information, is clearly out of order. There is a fervent unjustified desire to maintain undue pressure on Iran through misrepresentation of facts, over-exaggeration of minor misgivings, and excessive prejudgments.

The move to pass a tough resolution here runs primarily on prejudiced ideological emotions. If this prevails, which apparently will through the logic of force and exercise of systematic intransigence, extremists –mutually reinforcing- will gain momentary comfort.

The well wishers here tell us that there is a lot of hot air in certain ideological circles. They say it is best to let the steam blow away. To be frank we are not sure whether this serves any purpose or gives a chance for things to improve.

What we see however is that the damage has already been done. The process is geared to suffer. Recovery will require enormous efforts. Those who have worked relentlessly to put this venture in place have tedious work ahead of them. They may not be so outspoken, as sensationalism betrays sensible work. But they are –as we still view them- dedicated to see this process through and make sure it succeeds.

With change of obstinate minds and cold hearts, June may prove to embody a different spirit. Looking in hindsight, this March Meeting may then be remembered only as a piece of bad memory.

Thank you.

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

[Resolution GOV/2004/21 adopted by the Board on 13 March 2004]

The Board of Governors,

(a) Recalling the resolutions adopted by the Board on 26 November 2003 (GOV/2003/81), and on 12 September 2003 (GOV/2003/69) and the statement by the Board of 19 June 2003 (GOV/OR.1072),

(b) Noting with appreciation the Director General's report of 24 February 2004 (GOV/2004/11), on the implementation of safeguards in Iran,

(c) Commending the Director General and the Secretariat for their continuing efforts to implement the Safeguards Agreement with Iran and to resolve all outstanding issues in Iran,

(d) Noting with satisfaction that Iran signed the Additional Protocol on 18 December 2003 and that, in its communication to the Director General of 10 November 2003, Iran committed

itself to acting in accordance with the provisions of the Protocol with effect from that date; but also noting that the Protocol has not yet been ratified as called for in the Board's resolutions of 26 November 2003 (GOV/2003/81) and 12 September 2003 (GOV/2003/69),

(e) Noting the decision by Iran of 24 February 2004 to extend the scope of its suspension of enrichment-related and reprocessing activities, and its confirmation that the suspension applied to all facilities in Iran,

(f) Noting with serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution, in that the Agency has since uncovered a number of omissions — e.g., a more advanced centrifuge design than previously declared, including associated research, manufacturing and testing activities; two mass spectrometers used in the laser enrichment programme; and designs for the construction of hot cells at the Arak heavy water research reactor — which require further investigation, not least as they may point to nuclear activities not so far acknowledged by Iran,

(g) Noting with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent, and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments, and

(h) Noting with concern, also in light of the Director General's report of 20 February 2004 (GOV/2004/12), that, although the timelines are different, Iran's and Libya's conversion and centrifuge programmes share several common elements, including technology largely obtained from the same foreign sources,

1. Recognizes that the Director General reports Iran to have been actively cooperating with the Agency in providing access to locations requested by the Agency, but, as Iran's cooperation so far has fallen short of what is required, calls on Iran to continue and intensify its cooperation, in particular through the prompt and proactive provision of detailed and accurate information on every aspect of Iran's past and present nuclear activities;

2. Welcomes Iran's signature of the Additional Protocol; urges its prompt ratification; underlines the Board's understanding that, in its communication to the Director General of 10 November 2003, Iran voluntarily committed itself to acting in accordance with the provisions of the Protocol with effect from

that date; and stresses the importance of Iran complying with the deadline for declarations envisaged in Article 3 of the Protocol;

3. Recalls that in its resolutions of 26 November 2003 and 12 September 2003 the Board called on Iran to suspend all enrichment-related and reprocessing activities, notes that Iran's voluntary decisions of 29 December 2003 and 24 February 2004 constitute useful steps in this respect, calls on Iran to extend the application of this commitment to all such activities throughout Iran, and requests the Director General to verify the full implementation of these steps;

4. Deplores that Iran, as detailed in the report by the Director General, omitted any reference, in its letter of 21 October 2003 which was to have provided the 'full scope of Iranian nuclear activities' and a 'complete centrifuge R&D chronology', to its possession of P-2 centrifuge design drawings and to associated research, manufacturing, and mechanical testing activities — which the Director General describes as 'a matter of serious concern, particularly in view of the importance and sensitivity of those activities';

5. Echoes the concern expressed by the Director General over the issue of the purpose of Iran's activities related to experiments on the production and intended use of polonium-210, in the absence of information to support Iran's statements in this regard;

6. Calls on Iran to be pro-active in taking all necessary steps on an urgent basis to resolve all outstanding issues, including the issue of LEU and HEU contamination at the Kalaye Electric Company workshop and Natanz; the issue of the nature and scope of Iran's laser isotope enrichment research; and the issue of the experiments on the production of polonium-210;

7. Notes with appreciation that the Agency is investigating the supply routes and sources of technology and related equipment, and nuclear and non-nuclear materials, found in Iran, and reiterates that the urgent, full and close cooperation with the Agency of all third countries is essential in the clarification of outstanding questions concerning Iran's nuclear programme, including the acquisition of nuclear technology from foreign sources; and also appreciates any cooperation in this regard as may already have been extended to the Agency;

8. Requests the Director General to report on these issues before the end of May, as well as on the implementation of this and prior resolutions on Iran, for consideration by the June Board of Governors — or to report earlier if appropriate;

9. Decides to defer until its June meeting, and after receipt of the report of the Director General referred to above, consideration of progress in verifying Iran's declarations, and of how to respond to the above-mentioned omissions; and

10. Decides to remain seized of the matter.

O-Iran

P — Documents relating to Iraq

United Nations Security Council Resolution 687 (1991)

[Adopted by the Security Council on 3 April 1991]

The Security Council

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

Welcoming the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter sent by the Minister for Foreign Affairs of Iraq on 27 February 1991 and those sent pursuant to resolution 686 (1991),

Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 'Agreed Minutes Between the States of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters', thereby recognizing formally the boundary between Iraq and Kuwait and the allocation of islands, which were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of its prior use of chemical weapons and affirming that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

Recalling also that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972,

Noting the importance of Iraq ratifying this Convention,

Noting moreover the importance of all States adhering to this Convention and encouraging its forthcoming Review Conference to reinforce the authority, efficiency and universal scope of the Convention,

Stressing the importance of an early conclusion by the Conference on Disarmament of its work on a Convention on the Universal Prohibition of Chemical Weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968.

Recalling the objectives of the establishment of a nuclear-weapons-free zone in the region of the Middle East,

Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwait and third country nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979, which categorizes all acts of taking hostages as manifestations of international terrorism,

Deploing threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of the reports of the Secretary-General of 20 March 1991 and 28 March 1991, and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

Bearing in mind its objectives of restoring international peace and security in the area as set out in recent resolutions of the Security Council,

Conscious of the need to take the following measures acting under Chapter VII of the Charter,

1. *Affirms* all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution, including a formal cease-fire;

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2. *Demands* that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the 'Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters', signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the

P-Iraq

United Nations in document 7063, United Nations, *Treaty Series*, 1964;

3. *Calls* upon the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412 and to report back to the Security Council within one month;

4. *Decides* to guarantee the inviolability of the above-mentioned international boundary and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations;

B

5. *Requests* the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarized zone, which is hereby established, extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the 'Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters' of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Security Council on the operations of the unit, and immediately if there are serious violations of the zone or potential threats to peace;

6. *Notes* that as soon as the Secretary-General notifies the Security Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. *Invites* Iraq to reaffirm unconditionally its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to ratify the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;

(b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

9. *Decides*, for the implementation of paragraph 8 above, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director General of the World Health Organization, within forty-five days of the passage of the present resolution, shall develop, and submit to the Council for approval, a plan calling for the completion of the following acts within forty-five days of such approval:

(i) The forming of a Special Commission, which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself;

(ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless,

taking into account the requirements of public safety, of all items specified under paragraph 8(a) above, including items at the additional locations designated by the Special Commission under paragraph 9(b)(i) above and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8(b) above;

(iii) The provision by the Special Commission of the assistance and cooperation to the Director-General of the International Atomic Energy Agency required in paragraphs 12 and 13 below;

10. *Decides* that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of this resolution;

11. *Invites* Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

12. *Decides* that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director-General of the International Atomic Energy Agency within fifteen days of the adoption of the present resolution a declaration of the locations, amounts, and types of all items specified above; to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the International Atomic Energy Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9(b) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 below for the future ongoing monitoring and verification of its compliance with these undertakings;

13. *Requests* the Director-General of the International Atomic Energy Agency, through the Secretary-General, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9(b) above, to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designations of any additional locations by the Special Commission; to develop a plan for submission to the Security Council within forty-five days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within forty-five days following approval by the Security Council; and to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 13 above, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections of the International Atomic Energy Agency to confirm that the Agency's safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of the present resolution;

14. *Takes note* that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of the present resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

D

15. *Requests* the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact;

E

16. *Reaffirms* that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. *Decides* that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. *Decides also* to create a fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the fund;

19. *Directs* the Secretary-General to develop and present to the Security Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the payment of claims established in accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16, 17 and 18 above, including: administration of the fund; mechanisms for determining the appropriate level of Iraq's contribution to the fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above;

F

20. *Decides*, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated 'no-objection' procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991, and in any further findings of humanitarian need by the Committee;

21. *Decides* that the Security Council shall review the provisions of paragraph 20 above every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. *Decides* that upon the approval by the Security Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. *Decides* that, pending action by the Security Council under paragraph 22 above, the Security Council Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. *Decides* that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Security Council, all States shall continue to

prevent the sale or supply, or the promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

(a) Arms and related *matériel* of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;

(b) Items specified and defined in paragraphs 8 and 12 above not otherwise covered above;

(c) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in subparagraphs (a) and (b) above;

(d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;

25. *Calls upon* all States and international organizations to act strictly in accordance with paragraph 24 above, notwithstanding the existence of any contracts, agreements, licences or any other arrangements;

26. *Requests* the Secretary-General, in consultation with appropriate Governments, to develop within sixty days, for the approval of the Security Council, guidelines to facilitate full international implementation of paragraphs 24 and 26 above and paragraph 27 below, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. *Calls upon* all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance;

28. *Agrees* to review its decisions in paragraphs 22, 23, 24 and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case one hundred and twenty days following passage of the present resolution, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region;

29. *Decides* that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 661 (1990) and related resolutions;

G

30. *Decides* that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

31. *Invites* the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

H

32. *Requires* Iraq to inform the Security Council that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

33. *Declares* that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. *Decides* to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.

United Nations Security Council Resolution 707 (1991)

[Adopted by the Security Council on 15 August 1991]

The Security Council

Recalling its resolution 687 (1991), and its other resolutions on this matter,

Recalling the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations (S/22485) noting that on the basis of Iraq's written agreement (S/22456) to implement fully resolution 687 (1991) the preconditions established in paragraph 33 of that resolution for a cease-fire had been met,

Noting with grave concern the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General, conveying information obtained from the Executive Chairman at the Special Commission and the Director-General of the IAEA which establishes Iraq's failure to comply with its obligations under resolution 687 (1991).

Recalling further the statement issued by the President of the Security Council on 28 June 1991 (S/22746) requesting that a high-level mission consisting of the Chairman of the Special Commission, the Director-General of the IAEA and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately co-operate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations.

Dismayed by the report of the high-level mission to the Secretary-General (S/22761) on the results of its meetings with the highest levels of the Iraqi Government,

Gravely concerned by the information provided to the Council by the Special Commission and the IAEA on 15 July 1991 (S/227688) and 25 July 1991 (S/22837) regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

Noting also from the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the IAEA inspection teams mandated under resolution 687 (1991).

Affirming that in order for the Special Commission to carry out its mandate under paragraph 9(b)(i), (ii), and (iii) of resolution 687 (1991) to inspect Iraq's chemical and biological weapons and ballistic missile capabilities and to take possession of them for destruction, removal or rendering harmless, full disclosure on the part of Iraq as required in paragraph 9 (a) of resolution 687 (1991) is essential.

Affirming that in order for the IAEA, with the assistance and cooperation of the Special Commission, to determine what nuclear weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities relating to them need, in accordance with paragraph 13 of resolution 687 (1991), to be destroyed, removed or rendered harmless, Iraq is required to make a declaration of all its nuclear programmes including any which it claims are for purposes not related to nuclear-weapons-usable material,

Affirming that the aforementioned failures of Iraq to act in strict conformity with its obligations under resolution 687 (1991)

constitutes a material breach of its acceptance of the relevant provisions of resolution 687 (1991) which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region,

Affirming further that Iraq's failure to comply with its safeguards agreement with the International Atomic Energy Agency, concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, as established by the resolution of the Board of Governors of the IAEA of 18 July 1991 (GOV/2532), constitutes a breach of its international obligations,

Determined to ensure full compliance with resolution 687 (1991) and in particular its section C,

Acting under Chapter VII of the Charter,

1. Condemns Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region;

2. Further condemns non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the resolution of 18 July, which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

3. Demands that Iraq

i) provide full, final and complete disclosure as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150km, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material, without further delay;

ii) allow the Special Commission, the IAEA and their Inspection Teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

iii) cease immediately any attempt to conceal, or any movement or destruction of any material or equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities without notification to and prior consent of the Special Commission;

iv) make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;

v) allow the Special Commission, the IAEA and their Inspection Teams to conduct both fixed wing and helicopter flights throughout Iraq for all relevant purposes including inspection, surveillance, aerial surveys, transportation and logistics without interference of any kind and upon such terms and conditions as may be determined by the Special Commission and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

vi) halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991) and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;

vii) ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;

viii) immediately provide or facilitate the provision of any transportation, medical or logistical support requested from the Special Commission, the IAEA and their Inspection Teams;

4. Determine that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. *Requires* that the Government of Iraq forthwith comply fully and without delay with all of its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on Non-Proliferation of Nuclear Weapons of 1 July 1968 and its safeguards agreement with the IAEA;

6. Decides to remain seized of this matter.

United Nations Security Council Resolution 715 (1991)

[Adopted by the Security Council on 11 October 1991]

The Security Council

Recalling its resolutions 687 (1991) of 3 April 1991 and 707 (1991) of 15 August 1991 and its other resolutions on this matter,

Recalling in particular that under resolution 687 (1991) the Secretary-General and the Director General of the International Atomic Energy Agency were requested to develop plans for future ongoing monitoring and verification, and to submit them to the Security Council for approval,

Taking note of the report and note of the Secretary-General, transmitting the plans submitted by the Secretary-General and the Director General of the International Atomic Energy Agency.

Acting under Chapter VII of the Charter of the United Nations,

1. Approves, in accordance with the provisions of resolutions 687 (1991), 707 (1991) and the present resolution, the plans submitted by the Secretary-General and the Director General of the International Atomic Energy Agency;

2. Decides that the Special Commission shall carry out the plan submitted by the Secretary-General, as well as continuing to discharge its other responsibilities under resolution 687 (1991), and 707 (1991) and performing such other functions as are conferred upon it under the present resolution;

3. Requests the Director General of the International Atomic Energy Agency to carry out, with the assistance and cooperation of the Special Commission, the plan submitted by him and to continue to discharge his other responsibilities under resolutions 687 (1991), 699 (1991) and 707 (1991);

4. Decides that the Special Commission, in the exercise of its responsibilities as a subsidiary organ of the Security Council, shall:

a) Continue to have the responsibility for designating additional locations for inspection and overflights;

b) Continue to render assistance and cooperation to the Director General of the International Atomic Energy Agency, by providing him by mutual agreement with the necessary special expertise and logistical, informational and other operational support for the carrying out of the plan submitted by him;

c) Perform such other functions, in cooperation in the nuclear field with the Director General of the International Atomic Energy Agency, as may be necessary to coordinate activities under the plans approved by the present resolution, including making use of commonly available services and information to the fullest extent possible, in order to achieve maximum efficiency and optimum use of resources;

5. Demands that Iraq meet unconditionally all its obligations under the plans approved by the present resolution and cooperate fully with the Special Commission and the Director General of the International Atomic Energy Agency in carrying out the plans;

6. Decides to encourage the maximum assistance, in cash and in kind, from all Member States to support the Special Commission and the Director General of the International Atomic Energy Agency in carrying out their activities under the plans approved by the present resolution, without prejudice to Iraq's liability for the full costs of such activities;

7. Requests the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other

relevant resolutions, including the present resolution and the plans approved hereunder;

8. Decides to remain seized of the matter.

Security Council resolution 1284 (1999) on the situation between Iraq and Kuwait [extract]

[Adopted by the Security Council at its 4084th meeting, on 17 December 1999]

The Security Council,

Recalling its previous relevant resolutions, [...],

Recalling the approval by the Council in its resolution 715 (1991) of the plans for future ongoing monitoring and verification submitted by the Secretary-General and the Director General of the International Atomic Energy Agency (IAEA) in pursuance of paragraphs 10 and 13 of resolution 687 (1991),

Welcoming the reports of the three panels on Iraq (S/1999/356), and *having held* a comprehensive consideration of them and the recommendations contained in them,

Stressing the importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions regarding Iraq and the need for Iraqi compliance with these resolutions,

Recalling the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons as referred to in paragraph 14 of resolution 687 (1991),

Concerned at the humanitarian situation in Iraq, and *determined* to improve that situation, [...]

[...]

Acknowledging the progress made by Iraq towards compliance with the provisions of resolution 687 (1991), but *noting* that, as a result of its failure to implement the relevant Council resolutions fully, the conditions do not exist which would enable the Council to take a decision pursuant to resolution 687 (1991) to lift the prohibitions referred to in that resolution, [...]

[...]

A.

1. *Decides* to establish, as a subsidiary body of the Council, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) which replaces the Special Commission established pursuant to paragraph 9 (b) of resolution 687 (1991);

2. *Decides also* that UNMOVIC will undertake the responsibilities mandated to the Special Commission by the Council with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions, that UNMOVIC will establish and operate, as was recommended by the panel on disarmament and current and future ongoing monitoring and verification issues, a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues, and that UNMOVIC will identify, as necessary in accordance with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification;

3. *Reaffirms* the provisions of the relevant resolutions with regard to the role of the IAEA in addressing compliance by Iraq with paragraphs 12 and 13 of resolution 687 (1991) and other related resolutions, and *requests* the Director General of the IAEA to maintain this role with the assistance and cooperation of UNMOVIC;

4. *Reaffirms* its resolutions [...] and statements of its President, which establish the criteria for Iraqi compliance, *affirms* that the obligations of Iraq referred to in those resolutions and statements with regard to cooperation with the Special Commission, unrestricted access and provision of information will apply in respect of UNMOVIC, and *decides* in particular that Iraq shall allow UNMOVIC teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in

accordance with the mandate of UNMOVIC, as well as to all officials and other persons under the authority of the Iraqi Government whom UNMOVIC wishes to interview so that UNMOVIC may fully discharge its mandate;

5. *Requests* the Secretary-General, within 30 days of the adoption of this resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Chairman of UNMOVIC who will take up his mandated tasks as soon as possible, and, in consultation with the Executive Chairman and the Council members, to appoint suitably qualified experts as a College of Commissioners for UNMOVIC which will meet regularly to review the implementation of this and other relevant resolutions and provide professional advice and guidance to the Executive Chairman, including on significant policy decisions and on written reports to be submitted to the Council through the Secretary-General;

6. *Requests* the Executive Chairman of UNMOVIC, within 45 days of his appointment, to submit to the Council, in consultation with and through the Secretary-General, for its approval an organizational plan for UNMOVIC, including its structure, staffing requirements, management guidelines, recruitment and training procedures, incorporating as appropriate the recommendations of the panel on disarmament and current and future ongoing monitoring and verification issues, and recognizing in particular the need for an effective, cooperative management structure for the new organization, for staffing with suitably qualified and experienced personnel, who would be regarded as international civil servants subject to Article 100 of the Charter of the United Nations, drawn from the broadest possible geographical base, including as he deems necessary from international arms control organizations, and for the provision of high quality technical and cultural training;

7. *Decides* that UNMOVIC and the IAEA, not later than 60 days after they have both started work in Iraq, will each draw up, for approval by the Council, a work programme for the discharge of their mandates, which will include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations to comply with the disarmament requirements of resolution 687 (1991) and other related resolutions, which constitute the governing standard of Iraqi compliance, and *further decides* that what is required of Iraq for the implementation of each task shall be clearly defined and precise;

8. *Requests* the Executive Chairman of UNMOVIC and the Director General of the IAEA, drawing on the expertise of other international organizations as appropriate, to establish a unit which will have the responsibilities of the joint unit constituted by the Special Commission and the Director General of the IAEA under paragraph 16 of the export/import mechanism approved by resolution 1051 (1996), and *also requests* the Executive Chairman of UNMOVIC, in consultation with the Director General of the IAEA, to resume the revision and updating of the lists of items and technology to which the mechanism applies;

9. *Decides* that the Government of Iraq shall be liable for the full costs of UNMOVIC and the IAEA in relation to their work under this and other related resolutions on Iraq;

10. *Requests* Member States to give full cooperation to UNMOVIC and the IAEA in the discharge of their mandates;

11. *Decides* that UNMOVIC shall take over all assets, liabilities and archives of the Special Commission, and that it shall assume the Special Commission's part in agreements existing between the Special Commission and Iraq and between the United Nations and Iraq, and *affirms* that the Executive Chairman, the Commissioners and the personnel serving with UNMOVIC shall have the rights, privileges, facilities and immunities of the Special Commission;

12. *Requests* the Executive Chairman of UNMOVIC to report, through the Secretary-General, to the Council, following consultation with the Commissioners, every three months on the work of UNMOVIC, pending submission of the first reports referred to in paragraph 33 below, and to report immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq;

B.

[...]

15. *Authorizes* States, ... to permit the import of any volume of petroleum and petroleum products originating in Iraq ...

[...]

26. *Decides* that Hajj pilgrimage flights which do not transport cargo into or out of Iraq are exempt from the provisions of paragraph 3 of resolution 661 (1990) and resolution 670 (1990), provided timely notification of each flight is made to the Committee established by resolution 661 (1990), and *requests* the Secretary-General to make the necessary arrangements, for approval by the Security Council, to provide for reasonable expenses related to the Hajj pilgrimage to be met by funds in the escrow account established by resolution 986 (1995);

27. *Calls upon* the Government of Iraq:

(i) to take all steps to ensure the timely and equitable distribution of all humanitarian goods, in particular medical supplies, and to remove and avoid delays at its warehouses;

(ii) to address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill among others, and to allow freer access, without any discrimination, including on the basis of religion or nationality, by United Nations agencies and humanitarian organizations to all areas and sections of the population for evaluation of their nutritional and humanitarian condition;

(iii) to prioritize applications for humanitarian goods under the arrangements set out in resolution 986 (1995) and related resolutions;

(iv) to ensure that those involuntarily displaced receive humanitarian assistance without the need to demonstrate that they have resided for six months in their places of temporary residence;

(v) to extend full cooperation to the United Nations Office for Project Services mine-clearance programme in the three northern Governorates of Iraq and to consider the initiation of the demining efforts in other Governorates;

[...]

30. *Requests* the Secretary-General to establish a group of experts, including oil industry experts, to report within 100 days of the date of adoption of this resolution on Iraq's existing petroleum production and export capacity and to make recommendations, to be updated as necessary, on alternatives for increasing Iraq's petroleum production [...]

[...]

D.

33. *Expresses its intention*, upon receipt of reports from the Executive Chairman of UNMOVIC and from the Director General of the IAEA that Iraq has cooperated in all respects with UNMOVIC and the IAEA in particular in fulfilling the work programmes in all the aspects referred to in paragraph 7 above, for a period of 120 days after the date on which the Council is in receipt of reports from both UNMOVIC and the IAEA that the reinforced system of ongoing monitoring and verification is fully operational, to suspend with the fundamental objective of improving the humanitarian situation in Iraq and securing the implementation of the Council's resolutions, for a period of 120 days renewable by the Council, and subject to the elaboration of effective financial and other operational measures to ensure that Iraq does not acquire prohibited items, prohibitions against the import of commodities and products originating in Iraq, and prohibitions against the sale, supply and delivery to Iraq of civilian commodities and products other than those referred to in paragraph 24 of resolution 687 (1991) or those to which the mechanism established by resolution 1051 (1996) applies;

34. *Decides* that in reporting to the Council for the purposes of paragraph 33 above, the Executive Chairman of UNMOVIC will include as a basis for his assessment the progress made in completing the tasks referred to in paragraph 7 above;

35. *Decides* that if at any time the Executive Chairman of UNMOVIC or the Director General of the IAEA reports that Iraq is not cooperating in all respects with UNMOVIC or the IAEA or if Iraq is in the process of acquiring any prohibited items, the suspension of the prohibitions referred to in paragraph 33 above

shall terminate on the fifth working day following the report, unless the Council decides to the contrary;

36. *Expresses its intention* to approve arrangements for effective financial and other operational measures, including on the delivery of and payment for authorized civilian commodities and products to be sold or supplied to Iraq, in order to ensure that Iraq does not acquire prohibited items in the event of suspension of the prohibitions referred to in paragraph 33 above, to begin the elaboration of such measures not later than the date of the receipt of the initial reports referred to in paragraph 33 above, and to approve such arrangements before the Council decision in accordance with that paragraph;

37. *Further expresses its intention* to take steps, [...] to enable Iraq to increase its petroleum production and export capacity, upon receipt of the reports relating to the cooperation in all respects with UNMOVIC and the IAEA referred to in paragraph 33 above;

39. *Decides* to remain actively seized of the matter and *expresses its intention* to consider action in accordance with paragraph 33 above no later than 12 months from the date of the adoption of this resolution provided the conditions set out in paragraph 33 above have been satisfied by Iraq.

United Nations Security Council Resolution 1441 (2002)

[Adopted by the Security Council at its 4644th meeting,
on 8 November 2002]

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

Recognizing the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security,

Recalling that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area,

Further recalling that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area,

Deploring the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

Deploring further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998,

Deploring the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the Council's repeated demands that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring,

Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

Deploring also that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

Recalling that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein,

Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance,

Recalling that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

Noting that the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General is a necessary first step toward rectifying Iraq's continued failure to comply with relevant Council resolutions,

Noting further the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States,

Commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);

2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council;

3. *Decides* that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research,

P-Iraq

development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material;

4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;

5. *Decides* that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council 60 days thereafter;

6. *Endorses* the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq;

7. *Decides* further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;
- All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA;
- UNMOVIC and the IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential Sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998) of 2 March 1998;
- UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities;
- Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;
- UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;
- UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;
- UNMOVIC and the IAEA shall have the right at their sole discretion verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound

or close any facilities or equipment for the production thereof; and

- UNMOVIC and the IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of UNMOVIC or IAEA personnel or official or personal baggage;

8. *Decides* further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;

9. *Requests* the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

10. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;

11. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;

12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

14. *Decides* to remain seized of the matter.

Annex — Text of Blix/El-Baradei letter

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA. As you recall, at the end of our meeting in Vienna we agreed on a statement which listed some of the principal results achieved, particularly Iraq's acceptance of all the rights of inspection provided for in all of the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached.

During our 3 October 2002 briefing to the Security Council, members of the Council suggested that we prepare a written document on all of the conclusions we reached in Vienna. This letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Security Council.

In the statement at the end of the meeting, it was clarified that UNMOVIC and the IAEA will be granted immediate, unconditional and unrestricted access to sites, including what was termed "sensitive sites" in the past.

As we noted, however, eight presidential sites have been the subject of special procedures under a Memorandum of Understanding of 1998. Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, UNMOVIC and the IAEA would conduct inspections there with the same professionalism.

We confirm our understanding that UNMOVIC and the IAEA have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either UNSCOM or the IAEA, through

a Notification of Inspection (NIS) provided upon arrival of the inspectors at such sites.

Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of UNMOVIC and/or IAEA inspectors, as appropriate, and at their request.

UNMOVIC and the IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for UNMOVIC and the IAEA to choose the mode and location for interviews.

The National Monitoring Directorate (NMD) will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring and Verification Centre (BOMVIC) will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The NMD will make available services as before, cost free, for the refurbishment of the premises.

The NMD will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for BOMVIC which will be staffed by an English speaking person on a 24 hour a day/seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at inspectors' request (construction, excavation equipment, etc.). NMD will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays.

Regional UNMOVIC/IAEA offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation, and appropriate escort personnel.

UNMOVIC and the IAEA may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. UNMOVIC and the IAEA may also install equipment in the field with the capability for transmission of data directly to the BOMVIC, New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with UNMOVIC or IAEA communications.

Iraq will provide, without cost, physical protection of all surveillance equipment, and construct antennae for remote transmission of data, at the request of UNMOVIC and the IAEA. Upon request by UNMOVIC through the NMD, Iraq will allocate frequencies for communications equipment.

Iraq will provide security for all UNMOVIC and IAEA personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, UNMOVIC and the IAEA will require that their staff not stay at any accommodation other than those identified in consultation with Iraq.

On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by UNMOVIC and IAEA staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by UNMOVIC. The

Rasheed airbase will continue to be used for UNMOVIC and IAEA helicopter operations. UNMOVIC and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge.

On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations.

Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation.

On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights.

The relevant practical arrangements would be similar to those implemented in the past. As before, visas for all arriving staff will be issued at the point of entry on the basis of the UN Laissez-Passer or UN Certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of UNMOVIC or IAEA personnel or of official or personal baggage. UNMOVIC and the IAEA will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. UNMOVIC and the IAEA may bring into, and remove from, Iraq all of the items and materials they require, including satellite phones and other equipment. With respect to samples, UNMOVIC and IAEA will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna.

Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, Iraq's co-operation in all respect.

Yours sincerely,

(Signed)

Hans Blix
Executive Chairman
United Nations Monitoring,
Verification and Inspection
Commission

(Signed)

Mohamed ElBaradei
Director General
International Atomic
Energy Agency

H.E. General Amir H. Al-Saadi
Advisor
Presidential Office
Baghdad
Iraq

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Q — Documents relating to Libya

Statement by Libya on Weapons of Mass Destruction

[Tripoli, 19 December 2003 (unofficial translation)]

In view of the international environment that prevailed during the Cold War and the tension in the Middle East, the Great Socialist People's Libyan Arab Jamahiriya (GSPLAJ) has urged the countries in the region to make the Middle East and Africa a region free of the weapons of mass destruction.

As its calls have received no serious response, the GSPLAJ had sought to develop its defence capabilities. Libyan experts have conducted talks with experts from the US and the UK on GSPLAJ activities in this field.

The Libyan experts showed their [US and UK] counterparts the substances, equipment and programmes that could lead to production of internationally banned weapons.

These are centrifuging machine and equipment to carry chemical substances.

According to the talks held between the GSPLAJ, the USA and the UK, which are two permanent members of the Security Council that is responsible for the preservation of international peace and security, Libya has decided, with its own free will, to get rid of these substances, equipment and programmes and to be free from all internationally banned weapons.

Libya has also decided to restrict itself to missiles with a range that comply with the standards of the MTCR surveillance system.

It will take all these measures in a transparent way that could be proved, including accepting immediate international inspection.

In addition to that, we confirm that [Libya] will abide by the Non-Proliferation Treaty, the IAEA Safeguards Agreement and the Biological Weapons Convention as well as accepting the Additional Protocol of the IAEA Safeguards Agreement and the Biological and Chemical Weapons Treaty.

GSPLAJ believes that the arms race will neither serve its security nor the region's security and contradicts its [Libya's] great concern for a world that enjoys peace and security.

By taking this initiative, it wants all countries to follow its steps, starting with the Middle East, without any exception or double standards.

Remarks by President Bush on the Libyan Announcement

[The White House, 19 December 2003]

Good evening. I have called you here today to announce a development of great importance in our continuing effort to prevent the spread of weapons of mass destruction.

Today in Tripoli, the leader of Libya, Colonel Moammar al-Ghadafi, publicly confirmed his commitment to disclose and dismantle all weapons of mass destruction programs in his country. He has agreed immediately and unconditionally to allow inspectors from international organizations to enter Libya. These inspectors will render an accounting of all nuclear, chemical and biological weapons programs and will help oversee their elimination. Colonel Ghadafi's commitment, once it is fulfilled, will make our country more safe and the world more peaceful.

Talks leading to this announcement began about nine months ago when Prime Minister Tony Blair and I were contacted through personal envoys by Colonel Ghadafi. He communicated to us his willingness to make a decisive change in the policy of his government. At the direction of Colonel Ghadafi, himself, Libyan officials have provided American and British officers with documentation on that country's chemical, biological, nuclear and ballistic missile programs and activities. Our experts in these fields have met directly with Libyan officials to learn additional details.

Opposing proliferation is one of the highest priorities of the war against terror. The attacks of September the 11th, 2001 brought tragedy to the United States and revealed a future threat of even greater magnitude.

Terrorists who killed thousands of innocent people would, if they ever gained weapons of mass destruction, kill hundreds of thousands -- without hesitation and without mercy. And this danger is dramatically increased when regimes build or acquire weapons of mass destruction and maintain ties to terrorist groups.

The United States and our allies are applying a broad and active strategy to address the challenges of proliferation, through diplomacy and through the decisive actions that are sometimes needed. We've enhance our intelligence capabilities in order to trace dangerous weapons activities. We've organized a proliferation security initiative to interdict dangerous materials and technologies in transit. We've insisted on multilateral approaches like that in North Korea to confront threats. We are supporting the work of the International Atomic Energy Agency to hold the Iranian regime to its treaty obligations.

We obtained an additional United Nations Security Council Resolution requiring Saddam Hussein to prove that he had disarmed, and when that resolution was defied, we led a coalition to enforce it. All of these actions by the United States and our allies have sent an unmistakable message to regimes that seek or possess weapons of mass destruction. Those weapons do not bring influence or prestige. They bring isolation and otherwise unwelcome consequences.

And another message should be equally clear: leaders who abandon the pursuit of chemical, biological and nuclear weapons, and the means to deliver them, will find an open path to better relations with the United States and other free nations. With today's announcement by its leader, Libya has begun the process of rejoining the community of nations. And Colonel Ghadafi knows the way forward. Libya should carry out the commitments announced today. Libya should also fully engage in the war against terror. Its government, in response to the United Nations Security Council Lockerbie demands, has already renounced all acts of terrorism and pledged cooperation in the international fight against terrorism. We expect Libya to meet these commitments, as well.

As the Libyan government takes these essential steps and demonstrates its seriousness, its good faith will be returned. Libya can regain a secure and respected place among the nations, and over time, achieve far better relations with the United States. The Libyan people are heirs to an ancient and respected culture, and their country lies at the center of a vital region. As Libya becomes a more peaceful nation, it can be a source of stability in Africa and the Middle East.

Should Libya pursue internal reform, America will be ready to help its people to build a more free and prosperous country. Great Britain shares this commitment, and Prime Minister Blair and I welcome today's declaration by Colonel Ghadafi. Because

Libya has a troubled history with America and Britain, we will be vigilant in ensuring its government lives up to all its responsibilities. Yet, as we have found with other nations, old hostilities do not need to go on forever. And I hope that other leaders will find an example in Libya's announcement today.

Our understanding with Libya came about through quiet diplomacy. It is a result, however, of policies and principles declared to all. Over the last two years, a great coalition of nations has come together to oppose terror and to oppose the spread of weapons of mass destruction. We've been clear in our purposes. We have shown resolve. In word and in action, we have clarified the choices left to potential adversaries. And when leaders make the wise and responsible choice, when they renounce terror and weapons of mass destruction, as Colonel Ghaddafi has now done, they serve the interest of their own people and they add to the security of all nations.

Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya, Report by the Director General

[GOV/2004/12, 20 February 2004]

1. As foreseen in para. 5 of GOV/2003/82 of 22 December 2003, this report provides further information on recent developments regarding the implementation of the Agreement between the Socialist People's Libyan Arab Jamahiriya (hereinafter referred to as "Libya") and the Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Safeguards Agreement").

A. Background

2. Libya became a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on 26 May 1975, and its Safeguards Agreement pursuant to the NPT entered into force on 8 July 1980 (INFCIRC/282).

3. Prior to 20 December 2003, Libya's declared nuclear programme^{1} consisted of a 10 MW(th) IRT research reactor in operation since 1980, and a Critical Assembly (100 W), both of which are located at the Tajura Nuclear Research Centre (TNRC). The IRT is a pool-type research reactor using 80% enriched uranium. Prior to December 2003, the total quantity of declared nuclear material under safeguards in Libya amounted to 20 kg of uranium-235 in high enriched uranium fuel and 1000 tonnes of uranium ore concentrate (UOC).

B. Chronology since December 2003

4. On 19 December 2003, Libya announced its decision *inter alia* "to eliminate...materials, equipments and programmes which lead to the production of internationally proscribed weapons." On the same day, Libya transmitted the text of the Libyan Statement regarding its decision to the Director General.

5. Libya also sent a letter to the President of the United Nations Security Council in which, *inter alia*, Libya reiterated the content of the above mentioned Statement, reaffirmed that Libya considered itself bound by the NPT and stated that "it accept[ed] any other commitments including the Additional Protocol to the IAEA Safeguards Agreement." The letter added that Libya was "ready to receive the visits of inspection teams to verify its compliance with those commitments." On 23 December 2003, the President of the Security Council issued a Press Statement, in which the Security Council members, *inter alia*, welcomed and encouraged Libya's cooperation with others, including the United Nations and other relevant international bodies, to ensure the verified elimination of all of Libya's weapons of mass destruction programmes, and "looked forward to the early implementation of all the commitments made in the [Libyan] announcement including the subjection to urgent international verification."^{2}

6. On 20 December 2003, the Director General met in Vienna with a Libyan delegation headed by Mr. Matoug M. Matoug, Secretary of the General People's Committee and Secretary of the National Board of Scientific Research (NBSR). As reported in GOV/2003/82, during the meeting, the Libyan delegation

informed the Director General that Libya had been engaged for more than a decade in the development of a uranium enrichment capability. This included importing natural uranium and centrifuge and conversion equipment, and the construction of a now dismantled pilot scale centrifuge facility. Some of these activities should have been, but had not been, reported to the Agency under the Safeguards Agreement. The Director General was informed, however, that Libya's enrichment programme was at an early stage of development and that no industrial scale facility had been built, nor any enriched uranium produced. The Libyan delegation also informed the Director General that Libya had obtained nuclear weapon design and fabrication documents. The delegation expressed Libya's commitment to ensuring, through Agency verification, that all of its nuclear activities would henceforth be under safeguards and exclusively for peaceful purposes.

7. From 27 to 29 December 2003, the Director General visited Libya and met senior Libyan officials, including H.E. Colonel Muammar Al-Gaddafi, Leader of the Libyan Revolution; Mr. Shukri Mohammad Ghanem, the General Secretary of the People's Committee (Prime Minister); and Mr. Abdulrahman Mohamed Shalgam, Secretary of the General People's Committee for Foreign Affairs and International Co-operation. The Director General was accompanied by a senior Agency team of technical and legal experts, which visited nine locations related to undeclared nuclear activities and initiated a process of verifying the previously undeclared nuclear materials, equipment, facilities and activities. The Libyan authorities confirmed to the Director General Libya's decision to conclude a Protocol Additional to its Safeguards Agreement and, pending its entry into force, to act as if the Additional Protocol were in force as of 29 December 2003.

8. From 20 through 29 January 2004, another team of Agency inspectors, including nuclear weapon and centrifuge technology experts, visited Libya to continue the verification process. Libyan officials informed the Agency that, pursuant to mutual understandings with the United Kingdom (UK) and the United States of America (USA), Libya had agreed to transfer to the USA sensitive design information, nuclear weapon related documents, and most of the previously undeclared enrichment equipment, subject to Agency verification requirements and procedures. The Agency made it clear that these items constituted a part of the Agency's evidence and were to remain under Agency seal and legal custody until the Agency has been able to verify the correctness and completeness of Libya's declarations. An Agency inspection team conducted follow-up verification activities in Libya, from 16 through 19 February 2004.

9. On 18 February 2004, the Agency received written confirmation from Libya regarding its decision to conclude an Additional Protocol. In the letter, Libya also confirmed that Libya will act, as of 29 December 2003, as if the Additional Protocol had entered into force.

C. Verification Activities

10. During the Director General's initial visit to Libya, the Agency was informed by Libya that twelve different sites had been involved in its undeclared nuclear programme since the beginning of the 1980s. Annex I contains a list of these 12 sites. The programme was described as including nuclear material and facilities, and uranium conversion and enrichment activities, which it had failed to report to the Agency. Libya also provided information on nuclear cooperation with other countries as well as information on some of the sources of sensitive nuclear technology.

C.1. Imports of Nuclear Material

11. Libya has declared that it had imported a total of 2263 tonnes of UOC between 1978 and 1981. One thousand tonnes of the UOC had been imported in 1981 and reported to the Agency in accordance with Libya's Safeguards Agreement. The remainder has now been declared as having been imported before Libya's Safeguards Agreement came into force in 1980.

12. On 25 January 2004, Agency inspectors visited the UOC storage location at Sabha (Site F). Due to the lack of documentation and of organized storage conditions, it was not

possible to complete all the planned verification activities. Inspectors weighed, and took samples of UOC from, a number of accessible drums. The Agency has requested that Libya organize the drums to permit a proper verification of its UOC stocks later this year.

13. In December 2003, Libya provided information about the export in 1985 of some of the UOC for processing into a variety of uranium compounds. Libya did not report the export in 1985 and the current Libyan declaration to the Agency is not clear about the exact amount exported{3}. This subject will be investigated further. According to the Libyan authorities, the recipient State transferred natural UF₆ (39 kg), UF₄ (5 kg), UO₂ (6 kg) and U₃O₈ (6 kg) back to Libya in 1985. Those imports were subject to reporting under Libya's Safeguards Agreement, but Libya failed to report them to the Agency at that time. The UF₆ and other uranium compounds received in 1985 were verified by the Agency inspectors during their visit in January 2004. The UF₆ was placed under Agency seal and transferred out of Libya. Libya has undertaken to submit the necessary nuclear material accounting reports with respect to these imports.

14. Libya also stated that it had imported two small cylinders containing UF₆ in September 2000, and one large cylinder containing UF₆ in February 2001, which it had failed to report to the Agency. Libya has not yet confirmed the origin of these UF₆ imports. Using non-destructive assay methods, the Agency has determined that the largest cylinder contains about 1.7 tonnes of low enriched uranium (approximately 1% uranium-235), and that the two other smaller cylinders contain natural and depleted uranium. The contents of all three UF₆ cylinders were verified by Agency inspectors, placed under Agency seal and transferred out of Libya. Libya has undertaken to submit the relevant nuclear material accounting reports with respect to the import of this material.

15. Libya indicated that, in 2002, it had imported some additional uranium compounds from another country, mostly in solution form, for use as standards in chemical laboratories, but had failed to report them to the Agency. Libya has undertaken to submit the relevant nuclear material accounting reports.

C.2. Uranium Conversion Activities

16. The Libyan authorities stated that, during the 1980s, Libya had conducted undeclared laboratory-scale and bench-scale uranium conversion experiments at the TNRC using imported UOC and possibly other imported uranium compounds. Libya failed to report these activities to the Agency as required by the Safeguards Agreement, and failed to provide design information for the facilities where these experiments took place. Approximately 22 kg of natural uranium used in the conversion experiments were verified by the Agency and it will verify the newly declared uranium holdings at Tajura. The Agency will further investigate the details of the conversion experiments. Libya has undertaken to submit design information for the facilities at Tajura where the experiments took place, and to provide records pertaining to the experiments and all relevant nuclear material accounting reports.

17. According to the Libyan authorities, in 1984, Libya ordered from abroad a pilot scale uranium conversion facility, fabricated in portable modules in accordance with specifications provided by Libya. These modules were received in 1986 and stored until 1998 in various locations around Tripoli. In 1998, the modules were moved and partially assembled at Sawani (Site G) and subsequently moved to Al Khalla (Site C), into what would be called the Uranium Conversion Facility (UCF).

18. The first cold testing of the UCF was not conducted until February 2002. For security reasons, Libya decided in April 2002 to move the UCF again. Between March and October 2003, Libya carried out the dismantling, packing and moving of the UCF to Salah Eddin (Site D), where most of the modules currently are located. The milling and waste treatment modules, however, are still at Sawani (Site G). Libya failed to provide the Agency with the relevant design information for the UCF, but has undertaken now to do so.

19. Libya has stated that no uranium has been processed in the UCF. According to the information provided by Libya, the plant has an estimated annual feed capacity of 30 tonnes of

uranium and could produce UF₄, UO₂ and uranium metal, but it has no UF₆ production capability. Libya has stated that it had tried, unsuccessfully, to acquire UF₆ production capability. It has also stated that there has been no domestic UF₆ production, even on a laboratory scale.

20. During the December 2003 and January 2004 inspections, the Agency took environmental samples from selected UCF equipment and at buildings where UCF equipment was said to have been located. The results of the analyses are still pending.

C.3. Uranium Enrichment

21. According to the Libyan authorities, in the early 1980s, a foreign expert assisted by Libyan technicians initiated research and development on uranium gas centrifuge enrichment at Tajura, using a centrifuge design that the expert had brought with him. Libya stated that, by the time the expert left (around 1992), Libya had not yet been able to produce an operating centrifuge, and had not conducted any experiments using nuclear material. However, experience had been gained in the design and operation of centrifuge equipment, vacuum technology and mass spectrometry, which proved to be useful in the next phase of the enrichment programme. Libya has provided some drawings and access to equipment for Agency examination. The drawings and equipment, as well as environmental samples taken from the equipment, are currently being assessed.

22. The Libyan authorities stated that, in July 1995, Libya made a strategic decision to reinvigorate its nuclear activities, including gas centrifuge uranium enrichment. According to the Libyan authorities, in 1997, foreign manufacturers provided 20 pre-assembled L-1 {4} centrifuges and components for an additional 200 L-1 centrifuges, including process gas feeding and withdrawal systems, UF₆ cylinders and frequency converters. One of the 20 pre-assembled rotors was used to install a completed single centrifuge at Al Hashan (Site A). A first successful test was completed by October 2000.

23. Libyan authorities informed the Agency that, in late 2000, Libya started to progressively install 9-machine, 19-machine and 64-machine L-1 centrifuge cascades into a larger hall at Al Hashan (Site A). By April 2002, the 9-machine cascade was complete and under vacuum, with all pipes, electrical connections and process equipment installed. The 19-machine cascade was at a similar state of completion, with the first 10 rotors installed but not under vacuum. The 64-machine cascade, together with its process equipment, was only placed in position ready for installation. By then, the mechanical test equipment for the completed single centrifuge had also been moved to the larger hall. Libya stated that, at this time (April 2002), for security reasons the centrifuge equipment associated with the three cascades was dismantled, boxed and moved to Al Fallah (Site B), where it remains in storage, except for the parts transferred out of Libya.

24. Libya has stated that no nuclear material had been used during any tests conducted on the L-1 centrifuges. The Agency is currently reviewing technical reports provided by Libya, and is awaiting the results of environmental samples taken at relevant locations prior to completing a first assessment.

25. Libyan authorities stated that, in September 2000, Libya received two centrifuges of the type called L-2. These are similar to another European design (more advanced than the L-1 type centrifuges), and use maraging steel rotors instead of aluminium rotors. Libya stated that it had placed an initial order for 5000 centrifuges based on this design, and later extended this to 10 000 machines. The components were manufactured in another country and started to arrive in large quantities in December 2002. Out of the 10 000 centrifuges ordered, Libya had received a considerable number of parts, mainly casings, by the time of the Agency inspections in late December 2003. However, according to Libya, no additional rotors were included in the shipments. Libya has also given information to the Agency about the seizure, in early October 2003, of a freight ship at a northern Mediterranean port, carrying centrifuge enrichment related equipment manufactured elsewhere.

26. According to Libyan authorities, all of the centrifuge components found in Libya were manufactured outside Libya,

although Libya had imported equipment for a fairly large precision machine shop, now located at Janzour (Site E), to establish a domestic production capability. The machine shop equipment is still stored in shipping crates. Libya acknowledged that it had also acquired a large stock of maraging steel and high strength aluminium alloy that are essential for the production of centrifuge components. This technology transfer included training of Libyan staff at foreign locations, on at least three occasions.

27. The Agency has examined the centrifuges and the stocks of components and taken environmental samples to verify the Libyan statements. The Agency has been in contact with the governments of countries where the components were said to have been manufactured as part of its effort to verify the information provided by Libya. This process is continuing.

C.4. Irradiation and Reprocessing

28. Libya has stated that it failed to report the fabrication of several dozen small uranium oxide and uranium metal targets, on a gram scale, and their subsequent irradiation in the Tajura Research Reactor between 1984 and 1990, to produce mainly fission product radioisotopes. Thirty-eight of the targets, each containing about one gram of uranium, were dissolved and radioisotopes extracted using ion exchange methods or solvent extraction at the hot cells at the adjacent radiochemical laboratory. Forty-eight additional targets were irradiated but not processed, and are currently stored in one of those hot cells. Libya has indicated that plutonium (in very small quantities) was separated from at least two of the irradiated targets.

29. Libya has agreed to submit revised design information for the Tajura Research Reactor and to include the radiochemical laboratory as part of the facility. Libya has agreed to submit nuclear material accountancy reports to cover fabrication, irradiation and subsequent processing of uranium targets.

C.5. Nuclear Weaponization Issues

30. Libya has acknowledged that it had received documentation related to nuclear weapon design and fabrication from a foreign source. Libya has stated that these documents were the only such documentation existing in Libya. Libyan authorities stated, however, that two copies of these documents were provided to the UK and the USA prior to the Agency's visit in December 2003. The Agency placed the original documents under its seal on 31 December 2003. The documents were reviewed by Agency experts on 20 January 2004, and again placed under Agency seal before being transferred to the USA. The Agency has been assured that these documents will remain accessible to the Agency for further examination, including forensic analysis, until the Agency has been able to verify the correctness and completeness of Libya's declarations.

31. The documents presented by Libya include a series of engineering drawings relating to nuclear weapon components, notes (many of them handwritten) related to the fabrication of weapon components. The notes indicate the involvement of parties other than Libya, which will require follow-up investigation.

32. The Libyan authorities have stated that they had received the documents in late 2001 or early 2002. Libya has stated that it did not take any steps to assess the credibility or explore the practical utility of the information available in the documents. Libya stated that it had had no national personnel competent to evaluate the data and would have asked the supplier for help in the event it had opted to take further steps to develop a nuclear weapon. The Libyan authorities have stated that no other nuclear weapon related information exists in the country.

33. In order to initiate the verification of the Libyan declarations, the Agency requested the Libyan authorities to disclose all capabilities currently existing in Libya that could contribute to weaponization activities. Libya provided the Agency with information on such capabilities and subsequently allowed the Agency to visit sites deemed relevant by the Agency. The Agency inspected 18 locations identified by Libya that could have, from a technical standpoint, provided support to a nuclear weapon research and development programme.

These locations, which are listed in Annex II, included those related to the handling of high explosives, ammunition production, missile propellant fabrication and testing, missile warhead design and manufacturing, metal casting, welding and machining, and chemical and plastic materials research and development and production. While the Agency has identified some infrastructure (such as bermed buildings for the handling of energetic materials) and dual use equipment (for instance machine tools) which could represent capabilities useful for a weapon development programme, initial inspections of these locations did not identify specific facilities currently dedicated to nuclear weapon component manufacturing. Additional analytical and field activities will be necessary before the Agency is able to assess, whether, as declared, Libya had not taken any concrete steps in connection with the information on weapon design and fabrication available to it.

D. Findings, Initial Assessment and Next Steps

34. Starting in the early 1980s and continuing until the end of 2003, Libya imported nuclear material and conducted a wide variety of nuclear activities which it had failed to report to the Agency as required under its Safeguards Agreement. These failures, and the corrective actions to be taken by Libya, can be summarized as follows:

(a) failure to declare the import of UF₆ in 1985, 2000 and 2001, and its subsequent storage; Libya has agreed to submit the relevant inventory change reports (ICRs).

(b) failure to declare the import of other uranium compounds in 1985 and 2002, and their subsequent storage; Libya has agreed to submit the relevant ICRs.

(c) failure to declare activities involving the conversion of UOC into uranium oxides, UF₄ and uranium metal, including the production and loss of nuclear material where appropriate, and transfer of wastes resulting therefrom; Libya has agreed to submit the relevant ICRs.

(d) failure to declare the fabrication and irradiation of uranium targets, and their subsequent processing, including the separation of a small amount of plutonium, and the storage of wastes resulting therefrom; Libya has agreed to submit the relevant ICRs.

(e) failure to provide in a timely manner design information for the pilot centrifuge facility; Libya has provided some information about the facility, and the sensitive equipment that has been transferred out of Libya.

(f) failure to provide in a timely manner design information for the UCF and the locations where uranium conversion experiments were carried out and materials stored; Libya has agreed to provide design information for these facilities.

(g) failure to provide in a timely manner design information for hot cells associated with the research reactor; Libya has agreed to submit updated design information on the research reactor at Tajura.

35. The above failures show that, over an extended period of time, Libya was in breach of its obligation to comply with the provisions of the Safeguards Agreement. The failure by Libya to report nuclear material, facilities and activities, particularly those related to enrichment, and its acquisition of nuclear weapon design and fabrication documents, are matters of the utmost concern.

36. Following the disclosure of its undeclared nuclear activities, Libya stated that it has adopted a policy of full transparency and has decided to provide the Agency with a full picture of all of its nuclear activities. Since that time, Libya has shown active co-operation and openness. This is evidenced, in particular, by Libya's granting to the Agency unrestricted access to all locations the Agency requested to visit, by its prompt response to Agency requests for information, and by its decision to act as if an Additional Protocol were in force as of 29 December 2003. These are welcome developments.

37. Libya's undeclared nuclear programme involved frequent movements of key equipment and nuclear material, and relied heavily on support from foreign sources. Libya imported nuclear material, sensitive equipment and technology, and documents related to enrichment and the design and fabrication of nuclear weapons. With the cooperation and support of Member States, the Agency is now proceeding with

a thorough investigation of all aspects of Libya's undeclared nuclear programme.

38. As part of verifying the correctness and completeness of Libya's declarations, the Agency is also investigating, with the support of Member States, the supply routes and the sources of sensitive nuclear technology and related equipment and nuclear and non-nuclear materials. At this early stage in the Agency's investigation, it is evident already that a network has existed whereby actual technological know-how originates from one source, while the delivery of equipment and some of the materials have taken place through intermediaries, who have played a co-ordinating role, sub-contracting the manufacturing to entities in yet other countries. This supply chain appears to have made use of false end-user certificates whereby, in some cases, the original supplier may not have known the actual end use. However, in other cases the original supplier may have been aware at least of the possibility of misuse, and perhaps even the actual end use since the identity of equipment such as serial numbers had been removed. The Agency's investigation is continuing with a view to ensuring that the sensitive nuclear technologies and equipment found in Libya have not proliferated further. The Agency will also take the necessary steps to ensure that information known to it is brought to the attention of relevant national authorities as appropriate, and that the lessons learned are shared with the international community.

39. The Director General will report to the Board at its June 2004 meeting, or earlier, as appropriate.

Annex I – List of Nuclear Related Locations Declared by Libya^{5}

Site A	The original centrifuge R&D location (Al Hashan)
Site B	The new location for centrifuge R&D, also used to store UF ₆ (Al Fallah)
Site C	The original site for the Uranium Conversion Facility (UCF) (Al Khalla)
Site D	The new site for the UCF (Salah Eddin)
Site E	The machine shop for centrifuge manufacture (Janzour)
Site F	The yellow cake storage facility (Sabha)
Site G	The initial storage for the UCF and storage of centrifuge equipment from the 1980s experiments (Sawani)
Site H	The storage location for construction material (Al Karamia)
Site I	The desalination production plant (Tajura)
Site J	The National Board of Scientific Research (NBSR) headquarters
Site K	The original construction materials storage location (Al Ezeizia)
Site L	Tajura Nuclear Research Centre (TNRC)

Annex II – Sites Inspected in the course of the Assessment of Weapon Development Capabilities

1. Site J NBSR headquarters
2. Site K Al Ezeizia Storage Site
3. Site L Tajura Nuclear Research Centre
4. Al Ezeizia artillery refurbishment site
5. General Company for Engineering Industries (Site 47)
6. Rabta Engineering Industrial Complex
7. Rabta Pharmaceutical Plant
8. Rabta "new service building" (adjacent to the Pharmaceutical plant)
9. Rabta Factory 69 Bomb Filling Plant
10. Tarhuna rocket engine test stand
11. Tarhuna solid propellant pilot plant
12. Central Organization for Electronic Research (COER), Al Fajer Alga Did (Factory for SCUD Maintenance and Modification)
13. COER, Ber Osta Milad (Tripoli liquid rocket plant)
14. Centre for Remote Sensing and Space Science
15. Advanced Centre of Technology
16. Casting Institute
17. Polymer Institute
18. Welding Institute

- {1} In open source literature in recent years, there were references to the possibility of an undeclared nuclear programme in Libya. The Agency, however, had no actionable information to act on.
- {2} United Nations Security Council Press Release, *Press Statement on Libya by Security Council President*, 23 December 2003 (Document: SC/7967).
- {3} The receiving country was a nuclear-weapon State, hence the export reporting requirement of Article 34(a) of Libya's Safeguards Agreement did not apply.
- {4} The L-1 centrifuge design is an old design of European origin, also referred to as G-1, or P-1.
- {5} With the exception of Site L, these sites were previously not declared by Libya to the Agency.

Q – Libya

Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya

[Resolution adopted by the IAEA Board of Governors, 10 March 2004, GOV/2004/18]

The Board of Governors,

(a) Applauding the voluntary decision announced by the Socialist People's Libyan Arab Jamahiriya on 19 December 2003 to abandon its programmes for developing weapons of mass destruction and their means of delivery and its request to the Agency to ensure through verification that all of its nuclear activities will henceforth be under safeguards and exclusively for peaceful purposes,

(b) Recognizing this decision of the Socialist People's Libyan Arab Jamahiriya as a step towards the realization of the goal of an Africa and a Middle East free of weapons of mass destruction and at peace,

(c) Noting the Press Statement of 23 December 2003 by the President of the United Nations Security Council in which the members of the Security Council welcomed and encouraged cooperation by the Socialist People's Libyan Arab Jamahiriya with others to ensure the verified elimination of all of its weapons of mass destruction programmes,

(d) Commending the Socialist People's Libyan Arab Jamahiriya for its active cooperation with the Agency since 19 December 2003, and noting with satisfaction that this cooperation has included the granting of unrestricted access to facilities, the provision of prompt responses to Agency questions, and the volunteering of information relevant to the Agency's verification responsibilities,

(e) Welcoming the voluntary decision by the Socialist People's Libyan Arab Jamahiriya to sign the Additional Protocol and to act as if the provisions of that Protocol were in force as of 29 December 2003, as well as the Board's approval of the Protocol for signature,

(f) Noting with appreciation the Director General's report of 22 December 2003 (GOV/2003/82) on the implementation of safeguards in the Socialist People's Libyan Arab Jamahiriya pursuant to its Safeguards Agreement (INFCIRC/282), which entered into force on 8 July 1980, as well as his report of 20 February 2004 (GOV/2004/12) on the same subject,

(g) Noting with concern that the second of these reports brought to light that, in the past, over an extended period of time, the Socialist People's Libyan Arab Jamahiriya was in breach of its obligation to comply with the provisions of its Safeguards Agreement, and that it acquired nuclear weapons design and fabrication documents,

(h) Welcoming the Agency's work since 19 December 2003 to verify the Socialist People's Libyan Arab Jamahiriya's declarations and the elimination of all weapons-related materials, equipment, and programmes, and to define necessary corrective actions,

(i) Also noting the work undertaken by the United Kingdom and the United States of America, at the request of the Socialist People's Libyan Arab Jamahiriya and in cooperation with the Agency, to dismantle and eliminate weapons-related materials, equipment and programmes, and

(j) Taking into account the indications reported by the Director General of clandestine foreign supply of nuclear material, sensitive equipment and technology, and documents related to enrichment and the design and fabrication of nuclear weapons to the Socialist People's Libyan Arab Jamahiriya in support of the activities it has now renounced and abandoned,

1. Welcomes the voluntary decision of the Socialist People's Libyan Arab Jamahiriya to eliminate materials, equipment and programmes leading to the production of nuclear weapons in a manner verifiable by the Agency, as this will strengthen regional and global security and stability;

2. Appreciates the active cooperation and openness that has been provided since 19 December 2003 by the Socialist People's Libyan Arab Jamahiriya to facilitate the elimination of weapons-related materials, equipment and programmes and the Agency's verification work;

3. Recalls with satisfaction the approval of the Socialist People's Libyan Arab Jamahiriya's Additional Protocol, looks forward to that Protocol's early entry into force, and commends the decision to act as if the Protocol were in force as of 29 December 2003;

4. Finds, under Article XII.C of the Statute, that the past failures to meet the requirements of the relevant Safeguards Agreement (INFCIRC/282), identified by the Director General constituted non-compliance, and, in accordance with Article XII.C, requests the Director General to report the matter to the Security Council for information purposes only, while commending the Socialist People's Libyan Arab Jamahiriya for

the actions it has taken to date, and has agreed to take, to remedy the non-compliance;

5. Commends the Director General and Secretariat for the work they have undertaken since 19 December 2003 in cooperation with the Socialist People's Libyan Arab Jamahiriya and looks forward to receiving a further report from the Director General at its June 2004 meeting, or earlier as appropriate, and thereafter when the Secretariat has formed a complete and coherent understanding of past and present nuclear activities in the Socialist People's Libyan Arab Jamahiriya and can verify the completeness and correctness of its declarations with the goal that the matter will then be resolved and concluded by the Board;

6. Requests the Socialist People's Libyan Arab Jamahiriya to provide continuing cooperation and full disclosure to facilitate the Agency's completion of all its mandated tasks;

7. Welcomes the verification activities undertaken by the Agency pursuant to the Socialist People's Libyan Arab Jamahiriya's Safeguards Agreement, including the Agency's work to verify declarations and to define the necessary corrective actions, and also welcomes the steps taken to date by the Socialist People's Libyan Arab Jamahiriya to dismantle and eliminate weapons-related materials, equipment and programmes; and

8. Urges all third countries to cooperate closely and fully with the Agency in the clarification of open questions on which it may request their assistance, while appreciating such cooperation as may already have been extended.

R — Resolutions adopted by the General Assembly at its 58th Session

[*Editorial Note:* Owing to pressures of time in the UN General Assembly, and its committees, some resolutions are not introduced every year. This section therefore includes selected resolutions from the previous UNGA session that have no direct equivalent in the 58th session.]

African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)

[Resolution A/RES/58/30, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling its resolutions 51/53 of 10 December 1996 and 56/17 of 29 November 2001 and all its other relevant resolutions, as well as those of the Organization of African Unity,

Recalling also the signing of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) at Cairo on 11 April 1996,

Recalling further the Cairo Declaration adopted on that occasion, which emphasized that nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, enhance global and regional peace and security,

Taking note of the statement made by the President of the Security Council on behalf of the members of the Council on 12 April 1996, affirming that the signature of the African Nuclear-Weapon-Free Zone Treaty constituted an important contribution by the African countries to the maintenance of international peace and security,

Considering that the establishment of nuclear-weapon-free zones, especially in the Middle East, would enhance the security of Africa and the viability of the African nuclear-weapon-free zone,

1. *Calls upon* African States that have not yet done so to sign and ratify the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) as soon as possible so that it may enter into force without delay;

2. *Expresses its appreciation* to the nuclear-weapon States that have signed the Protocols that concern them, and calls upon those that have not yet ratified the Protocols concerning them to do so as soon as possible;

3. *Calls upon* the States contemplated in Protocol III to the Treaty that have not yet done so to take all necessary measures to ensure the speedy application of the Treaty to territories for which they are, de jure or de facto, internationally responsible and that lie within the limits of the geographical zone established in the Treaty;

4. *Calls upon* the African States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that have not yet done so to conclude comprehensive safeguards agreements with the International Atomic Energy Agency pursuant to the Treaty, thereby satisfying the requirements of article 9 (b) of and annex II to the Treaty of Pelindaba when it enters into force, and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol approved by the Board of Governors of the Agency on 15 May 1997;

5. *Expresses its gratitude* to the Secretary-General, the Chairman of the Commission of the African Union and the Director General of the International Atomic Energy Agency for the diligence with which they have rendered effective assistance to the signatories to the Treaty;

6. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

[Resolution A/RES/58/31, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature at Mexico City on 14 February 1967,

Recalling also that, in its preamble, the Treaty of Tlatelolco states that military denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling further that, in its resolution 2286 (XXII) of 5 December 1967, it welcomed with special satisfaction the Treaty of Tlatelolco as an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security,

Recalling that in 1990, 1991 and 1992 the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean approved and opened for signature a set of amendments 2 to the Treaty of Tlatelolco, with the aim of enabling the full entry into force of that instrument,

Highlighting that, with the ratification of Cuba, the Treaty of Tlatelolco is now in force for thirty-three sovereign States of the region, thereby consolidating the first nuclear-weapon-free zone established in a densely populated region,

Noting with satisfaction the interest that the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean has manifested to promote mechanisms of cooperation and consultation in other nuclear-weapon-free zones,

Reaffirming the importance of strengthening the Agency as the appropriate legal and political forum for ensuring cooperation with the agencies of other nuclear-weapon-free zones,

1. *Welcomes* the fact that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) is now in force for the sovereign States of the region, and that this fact was officially acknowledged by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean at its eighteenth session, held at Havana on 5 and 6 November 2003, and takes note of the results of the aforementioned session of the General Conference, including the adoption of the Havana Declaration;

2. *Urges* the countries of the region that have not yet done so to deposit their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency in its resolutions 267 (E-V), 268 (XII) and 290 (E-VII);

3. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear

Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".

Establishment of a nuclear-weapon-free zone in the region of the Middle East

[Resolution A/RES/58/34, adopted by the General Assembly at its 58th Session, December 2003]

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 and 57/55 of 22 November 2002 on the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Recalling also the recommendations for the establishment of such a zone in the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d), of the Final Document of the Tenth Special Session of the General Assembly,

Emphasizing the basic provisions of the above-mentioned resolutions, which call upon all parties directly concerned to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East and, pending and during the establishment of such a zone, to declare solemnly that they will refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, to agree to place their nuclear facilities under International Atomic Energy Agency safeguards and to declare their support for the establishment of the zone and to deposit such declarations with the Security Council for consideration, as appropriate,

Reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes,

Emphasizing the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities,

Bearing in mind the consensus reached by the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security,

Desirous of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the Middle East,

Welcoming all initiatives leading to general and complete disarmament, including in the region of the Middle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Recognizing the importance of credible regional security, including the establishment of a mutually verifiable nuclear-weapon-free zone,

Emphasizing the essential role of the United Nations in the establishment of a mutually verifiable nuclear-weapon-free zone,

Having examined the report of the Secretary-General on the implementation of resolution 57/55,

1. *Urges* all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Calls upon* all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. *Takes note* of resolution GC(46)/RES/16, adopted on 20 September 2002 by the General Conference of the International Atomic Energy Agency at its forty-sixth 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 his report of 10 October 1990 or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the Middle East;

11. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution;

12. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

[Resolution A/RES/58/35, adopted by the General Assembly at its 58th Session, December 2003]

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,

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Noting that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards 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 in Kuala Lumpur from 20 to 25 February 2003, 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 and 57/56 of 22 November 2002,

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 arrangements 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 fifty-ninth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

Missiles

[Resolution A/RES/58/37, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling its resolutions 54/54 F of 1 December 1999, 55/33 A of 20 November 2000, 56/24 B of 29 November 2001 and 57/71 of 22 November 2002,

Reaffirming the role of the United Nations in the field of arms regulation and disarmament and the commitment of Member States to take concrete steps to strengthen that role,

Realizing the need to promote regional and international peace and security in a world free from the scourge of war and the burden of armaments,

Convinced of the need for a comprehensive approach towards missiles, in a balanced and non-discriminatory manner, as a contribution to international peace and security,

Bearing in mind that the security concerns of Member States at the international and regional levels should be taken into consideration in addressing the issue of missiles,

Underlining the complexities involved in considering the issue of missiles in the conventional context,

Expressing its support for the international efforts against the development and proliferation of all weapons of mass destruction,

Considering that the Secretary-General, in response to resolution 55/33 A, with the assistance of a Panel of Governmental Experts, submitted a report for the consideration of the General Assembly at its fifty-seventh session on the issue of missiles in all its aspects,

Welcoming the report of the Secretary-General on the issue of missiles in all its aspects,

1. *Takes note* of the report of the Secretary-General containing the replies from Member States on the report on the

issue of missiles in all its aspects, submitted pursuant to resolution 57/71;

2. *Requests* the Secretary-General further to seek the views of Member States on the report on the issue of missiles in all its aspects and to submit a report to the General Assembly at its fifty-ninth session;

3. *Also requests* the Secretary-General, with the assistance of a Panel of Governmental Experts, to be established in 2004 on the basis of equitable geographical distribution, to explore further the issue of missiles in all its aspects and to submit a report for consideration by the General Assembly at its fifty-ninth session;

4. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Missiles".

Reducing Nuclear Danger

[Resolution A/RES/58/47, adopted by the General Assembly at its 58th Session, December 2003]

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 imperative 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 detargeting 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 reduction of tensions brought about by a change in nuclear doctrines 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 that in the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* it is stated 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;

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 General Assembly resolution 57/84 of 22 November 2002;

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 endeavour to create conditions that would allow the emergence of an international consensus to hold 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 fifty-ninth session;

6. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Reducing nuclear danger".

Measures to prevent terrorists from acquiring weapons of mass destruction

[Resolution A/RES/58/48, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling its resolution 57/83 of 22 November 2002,

Recognizing the determination of the international community to combat terrorism, as evident 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,

Noting the support expressed in the Final Document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, which was held in Kuala Lumpur from 20 to 25 February 2003, 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 acquisition by terrorists of weapons of mass destruction, and the need for international cooperation in combating it,

Acknowledging the consideration of issues relating to terrorism and weapons of mass destruction by the Advisory Board on Disarmament Matters,

Taking note of resolution GC(47)/RES/8, adopted on 19 September 2003 by the General Conference of the International Atomic Energy Agency at its forty-seventh regular session, and the setting up of an Advisory Group on Security in the Agency to advise the Director General on the Agency's activities relating to nuclear security,

Taking note also of the report of the Policy Working Group on the United Nations and Terrorism,

Taking note further of the report of the Secretary-General, submitted pursuant to paragraphs 2 and 4 of resolution 57/83,

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 help 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. *Urges* all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture, and invites them to inform the Secretary-General, on a voluntary basis, of the measures taken in this regard;

3. *Encourages* cooperation among and between Member States and relevant regional and international organizations for strengthening national capacities in this regard;

4. *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, to seek the views of Member States on additional relevant measures for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction, and to report to the General Assembly at its fifty-ninth session;

5. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Measures to prevent terrorists from acquiring weapons of mass destruction".

Nuclear-weapon-free southern hemisphere and adjacent areas

[Resolution A/RES/58/49, adopted by the General Assembly at its 58th Session, December 2003]

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 and 57/73 of 22 November 2002,

Welcoming the adoption by the Disarmament Commission at its 1999 substantive session of a text entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned",

Determined to pursue the total elimination of nuclear weapons,

Determined also to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects and to the process of general and complete disarmament under strict and effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction, with a view to strengthening international peace and security, in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the provisions on nuclear-weapon-free zones of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,

Stressing the importance of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba establishing nuclear-weapon-free zones, as well as the Antarctic Treaty, to, inter alia, achieve a world entirely free of nuclear weapons,

Underlining the value of enhancing cooperation among the nuclear-weapon-free-zone treaty members by means of mechanisms such as joint meetings of States parties, signatories and observers to those treaties,

Recalling the applicable principles and rules of international law relating to the freedom of the high seas and the rights of passage through maritime space, including those of the United Nations Convention on the Law of the Sea,

1. *Welcomes* the continued contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the southern hemisphere and adjacent areas covered by those treaties from nuclear weapons;

2. *Also welcomes* the ratification by all original parties of the Treaty of Rarotonga, and calls upon eligible States to adhere to the treaty and the protocols thereto;

3. *Further welcomes* the efforts towards the completion of the ratification process of the Treaty of Pelindaba, and calls upon the States of the region that have not yet done so to sign and ratify the treaty, with the aim of its early entry into force;

4. *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 done so;

5. *Welcomes* the steps taken to conclude further nuclear-weapon-free-zone treaties on the basis of arrangements freely arrived at among the States of the region concerned, and calls upon all States to consider all relevant proposals, including those reflected in its resolutions on the establishment of nuclear-weapon-free zones in the Middle East and South Asia;

6. *Affirms its conviction* of the important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free, and, with particular reference to the responsibilities of the nuclear-weapon States, calls upon all States to support the process of nuclear disarmament and to work for the total elimination of all nuclear weapons;

7. *Calls upon* the States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, in order to pursue the common goals envisaged in those treaties and to promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas, to explore and implement further ways and means of cooperation among themselves and their treaty agencies;

8. *Welcomes* the vigorous efforts being made among States parties and signatories to those treaties to promote their common objectives, and considers that an international conference of States parties and signatories to the nuclear-weapon-free-zone treaties might be held to support the common goals envisaged in those treaties;

9. *Encourages* the competent authorities of the nuclear-weapon-free-zone treaties to provide assistance to the States parties and signatories to those treaties so as to facilitate the accomplishment of these goals;

10. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Nuclear-weapon-free southern hemisphere and adjacent areas".

Reduction of non-strategic nuclear weapons

[Resolution A/RES/58/50, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling its resolutions 55/33 D of 20 November 2000 and 57/58 and 57/59 of 22 November 2002,

Stressing the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties to the Treaty are committed under its article VI,

Recognizing that disarmament and non-proliferation are essential for the maintenance of international peace and security,

Reaffirming the necessity of strict compliance at all times and in all circumstances by all parties with their obligations under the Treaty on the Non-Proliferation of Nuclear Weapons 2 and the necessity of upholding their commitments in the decisions and final documents agreed at the 1995 and 2000 Review Conferences,

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

Reiterating the responsibility of the nuclear-weapon States for transparent, verifiable and irreversible reductions in nuclear weapons leading to nuclear disarmament,

Stressing the commitment made in the Final Document of the 2000 Review Conference to the further reduction of non-strategic nuclear weapons,

Convinced that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear-arms reduction and disarmament process,

Concerned about the threat posed by non-strategic nuclear weapons due to their portability and proximity to areas of conflict, and thus about the risk of proliferation and of use,

Concerned also about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the possible development of new types of low-yield non-strategic nuclear weapons,

Taking into consideration the lack of transparency and of formal agreements with regard to non-strategic nuclear weapons,

Emphasizing that further reductions of non-strategic nuclear weapons should be accorded a higher priority, as an important step towards the elimination of nuclear weapons, and be carried out in a comprehensive manner,

1. *Agrees* that further reductions in and elimination of non-strategic nuclear weapons should be based on unilateral initiatives and included as an integral part of the nuclear-arms reduction and disarmament process;

2. *Also agrees* that reductions of non-strategic nuclear weapons should be carried out in a transparent, verifiable and irreversible manner;

3. *Further agrees* on the importance of preserving, reaffirming and implementing the 1991 and 1992 presidential nuclear initiatives of the United States of America and the Union of Soviet Socialist Republics/Russian Federation on non-strategic nuclear weapons;

4. *Calls upon* the Russian Federation and the United States of America to formalize their presidential nuclear initiatives into legal instruments and to initiate negotiations on further reductions of such weapons;

5. *Stresses* the importance of the enhancement of special security and physical protection measures for the transport and storage of non-strategic nuclear weapons, their components and related materials through, inter alia, the placing of such weapons in physically secure central storage sites, with a view to their removal and subsequent elimination by the nuclear-weapon States as a part of the nuclear disarmament process to which they are committed under the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon all nuclear-weapon States in possession of such weapons to take the necessary steps in this regard;

6. *Calls* for further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;

7. *Also calls* for concrete agreed measures to reduce further the operational status of non-strategic nuclear weapons systems so as to reduce the risk of use of non-strategic nuclear weapons;

8. *Stresses* the need for an undertaking by the nuclear-weapon States that possess such weapons not to increase the number or types of weapons deployed and not to develop new types of these weapons or rationalizations for their use;

9. *Calls* for the prohibition of those types of non-strategic nuclear weapons that have already been removed from the arsenals of some nuclear-weapon States and the development of transparency mechanisms for the verification of the elimination of these weapons;

10. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Reduction of non-strategic nuclear weapons".

Towards a nuclear-weapon-free world: a new agenda

[Resolution A/RES/58/51, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling its resolutions 53/77 Y of 4 December 1998, 54/54 G of 1 December 1999, 55/33 C of 20 November 2000 and 57/59 of 22 November 2002,

Convinced that the existence of nuclear weapons is a threat to the survival of humanity and that the only real guarantee against the use or threat of use of these weapons is their complete elimination and the assurance that they will never be used or produced again,

Convinced also that the retention of nuclear weapons carries the inherent risk of proliferation of those weapons and their falling into the hands of non-State actors,

Reaffirming that nuclear non-proliferation and nuclear disarmament are equally important and mutually reinforcing processes requiring continuous irreversible progress on both fronts,

Declaring that the participation of the international community as a whole is central to the maintenance and enhancement of international peace and stability, and that international security is a collective concern requiring collective engagement,

Declaring also that internationally negotiated treaties in the field of disarmament have made a fundamental contribution to international peace and security, and that unilateral and bilateral nuclear disarmament measures complement the treaty-based multilateral approach towards nuclear disarmament,

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

Declaring that any presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security,

Declaring that each article of the Treaty on the Non-Proliferation of Nuclear Weapons 2 is binding on the States parties at all times and in all circumstances and that it is imperative that all States parties be held fully accountable with respect to the strict compliance with their obligations under the Treaty, and that the undertakings therein on nuclear disarmament have been given and implementation of them remains imperative,

Expressing its deep concern at the limited progress made to date in implementing the thirteen steps on nuclear disarmament, and determined to implement these thirteen practical steps, to which all States parties agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Expressing its deep concern at the continued failure of the Conference on Disarmament to deal with nuclear disarmament and to resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other devices, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives,

Expressing grave concern that the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force,

Stressing the importance of regular reporting in promoting confidence in the Treaty on the Non-Proliferation of Nuclear Weapons,

Noting the successful completion in September 2002 of the first phase of the Trilateral Initiative, involving the International Atomic Energy Agency, the Russian Federation and the United States of America, which aims to enable the placement of excess nuclear materials from dismantled weapons under international safeguards,

Convinced that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear arms reduction and disarmament process,

Noting that, despite bilateral agreements, there is no sign of engagement of all of the five nuclear-weapon States in the multilateral process leading to the total elimination of nuclear weapons,

Declaring that it is essential that the fundamental principles of transparency, verification and irreversibility apply to all nuclear disarmament measures,

Expressing its deep concern at the continued retention of the nuclear-weapons option by those three States, India, Israel and Pakistan, that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and that operate unsafeguarded nuclear facilities, in particular given the effects of regional volatility on international security, and, in this context, the continued regional tensions and deteriorating security situation in South Asia and the Middle East,

Expressing also its deep concern at the announcement by the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and at its decision to restart the Yongbyon nuclear reactor without International Atomic Energy Agency safeguards,

Expressing concern that the development of missile defences could impact negatively on nuclear disarmament and

non-proliferation and lead to a new arms race on earth and in outer space,

Stressing that no actions be taken that would lead to the weaponization of outer space,

Expressing its deep concern about emerging approaches to the broader role of nuclear weapons as part of security strategies, including rationalizations for the use, and the possible development, of new types of nuclear weapons,

Welcoming further the progress in the development of nuclear-weapon-free zones,

Recalling the United Nations Millennium Declaration, in which the 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,

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 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,

1. *Reaffirms* that any possibility that nuclear weapons could be used represents a continued risk for humanity;

2. *Calls upon* all States to refrain from any action that could lead to a new nuclear-arms race or that could impact negatively on nuclear disarmament and non-proliferation;

3. *Calls upon* all States to fulfil all their obligations under international treaties and international law in the field of nuclear disarmament and non-proliferation;

4. *Calls upon* all States parties to pursue, with determination, the full and effective implementation of the agreements reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the outcome of which provides the requisite plan to achieve nuclear disarmament;

5. *Agrees* on the importance and urgency of signatures and ratifications required to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

6. *Calls* for the upholding and maintenance of the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

7. *Underlines* the urgency of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty in the context of the progress achieved in implementing the international monitoring system;

8. *Calls upon* the nuclear-weapon States to implement the commitments made in the Treaty on the Non-Proliferation of Nuclear Weapons, as well as in other nuclear disarmament or reductions agreements or initiatives, and to apply the principle of irreversibility by destroying their nuclear warheads and avoid keeping them in a state that lends itself to their possible redeployment;

9. *Acknowledges* that the reductions in the number of deployed strategic nuclear warheads envisaged by the Treaty on Strategic Offensive Reductions ("the Moscow Treaty") represent a positive first step, and calls on the United States of America and the Russian Federation to make the Treaty verifiable, irreversible and transparent and to address non-operational warheads, thus making it an effective nuclear disarmament measure;

10. *Agrees* that the further reduction of non-strategic nuclear weapons should be accorded a higher priority as an important step towards the elimination of nuclear weapons and be carried out in a comprehensive manner, including:

(a) Further reductions in and elimination of non-strategic nuclear weapons based on unilateral initiatives and as an integral part of the nuclear-arms reduction and disarmament process;

(b) The implementation of reductions in a transparent, verifiable and irreversible manner;

(c) The preservation, reaffirmation and implementation of the 1991 and 1992 presidential nuclear initiatives of the United States of America and the Union of Soviet Socialist

Republics/Russian Federation on non-strategic nuclear weapons;

(d) The formalization by the Russian Federation and the United States of America of their presidential nuclear initiatives into legal instruments and the initiation of negotiations on further reductions of such weapons;

(e) The enhancement of special security and physical protection measures for the transport and storage of non-strategic nuclear weapons, their components and related materials through, inter alia, the placing of such weapons in physically secure central storage sites with a view to their removal and subsequent elimination by the nuclear-weapon States as a part of the nuclear disarmament process to which they are committed under the Treaty on the Non-Proliferation of Nuclear Weapons, as well as the necessary steps to be taken by all nuclear-weapon States in possession of such weapons in this regard;

(f) The achievement of further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;

(g) The achievement of concrete agreed measures to reduce further the operational status of non-strategic nuclear weapons systems so as to reduce the risk of use of non-strategic nuclear weapons;

(h) The undertaking by the nuclear-weapon States that possess these weapons not to increase the number or types of weapons deployed and not to develop new types of these weapons or rationalizations for their use;

(i) The prohibition of those types of non-strategic nuclear weapons that have already been removed from the arsenals of some nuclear-weapon States and the development of transparency mechanisms for the verification of the elimination of these weapons;

11. *Calls upon* the nuclear-weapon States to increase their transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures;

12. *Agrees* that the Conference on Disarmament should establish, without delay, an appropriate ad hoc committee to deal with nuclear disarmament;

13. *Agrees* that the Conference on Disarmament should resume negotiations 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, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives;

14. *Agrees* that the Conference on Disarmament should complete the examination and updating of the mandate on the prevention of an arms race in outer space in all its aspects, as contained in its decision of 13 February 1992, and re-establish an ad hoc committee as early as possible;

15. *Calls upon* the nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into a process leading to the total elimination of nuclear weapons;

16. *Notes* that the third and, as appropriate, fourth meetings of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the deliberations and results of the previous sessions, should make every effort to produce a report containing recommendations to the Review Conference;

17. *Stresses* the importance of regular reporting in promoting confidence in the Treaty on the Non-Proliferation of Nuclear Weapons;

18. *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;

19. *Notes* the proposals on security assurances that have been submitted to the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon the Preparatory Committee for the 2005 Review Conference to allow time to thoroughly consider the matter of security assurances at its third meeting so as to make recommendations to the Review Conference on how to take the matter forward;

20. *Calls upon* those three States, India, Israel and Pakistan, which are not yet parties to the Treaty on the Non-Proliferation of Nuclear Weapons and which operate unsafeguarded nuclear facilities, to accede to the Treaty as non-nuclear-weapon States promptly and without condition, to bring into force the required comprehensive safeguards agreements, together with additional protocols, consistent with 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 International Atomic Energy Agency on 15 May 1997, for ensuring nuclear non-proliferation and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation;

21. *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 regions concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament;

22. *Expresses concern* at tensions in the Middle East and South Asia, and renews support for the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction and of a nuclear-weapon-free zone in South Asia;

23. *Calls upon* those States that have not yet done so to conclude full-scope safeguards agreements with the International Atomic Energy Agency and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol;

24. *Calls upon* the Democratic People's Republic of Korea to reconsider its recent announcements, with a view to being in full compliance with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and in this connection supports all diplomatic efforts for an early, peaceful resolution of the situation and for the establishment of an area free of nuclear weapons on the Korean peninsula;

25. *Stresses* that the International Atomic Energy Agency must be able to verify and ensure that nuclear facilities of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons are being used for peaceful purposes only, and calls on States to cooperate fully and immediately with the Agency in resolving issues arising from the implementation of their respective obligations towards it;

26. *Calls upon* the Russian Federation and the United States of America to approach the International Atomic Energy Agency to carry out the verification requirements set forth in the Plutonium Management and Disposition Agreement signed by the two States on the basis of the model legal framework that has been agreed on and that is now available to be used in new verification agreements between the Agency and each of the two States;

27. *Calls upon* all nuclear-weapon States to make arrangements for the placing, as soon as practicable, of their fissile material no longer required for military purposes under International Atomic Energy Agency or other relevant international verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes;

28. *Affirms* that a nuclear-weapon-free world will ultimately require the underpinning of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments;

29. *Acknowledges* the report of the Secretary-General on the implementation of resolution 57/59, and requests him to prepare a report, within existing resources, on the implementation of the present resolution;

30. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Towards a

nuclear-weapon-free world: a new agenda", and to review the implementation of the present resolution at that session.

Nuclear disarmament

[Resolution A/RES/58/56, adopted by the General Assembly at its 58th Session, December 2003]

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 and 57/79 of 22 November 2002 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, calling for the urgent negotiation of agreements for the cessation of the qualitative improvement and development of nuclear-weapon systems, and for a comprehensive and phased programme with agreed time frames, wherever feasible, for the progressive and balanced reduction of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time,

Reaffirming the conviction of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the Treaty is a cornerstone of nuclear non-proliferation and nuclear disarmament and the importance of the decision on strengthening the review process for the Treaty, the decision on 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,

Noting with appreciation the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), to which Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America are States parties,

Reiterating its call for an early entry into force of the Comprehensive Nuclear-Test-Ban Treaty,

Noting with appreciation the entry into force of the Treaty on Strategic Offensive Reductions ("the Moscow Treaty") between

the United States of America and the Russian Federation as a significant step towards reducing their deployed strategic nuclear weapons, while calling for further irreversible deep cuts in their nuclear arsenals,

Noting with appreciation also the unilateral measures taken by the nuclear-weapon States for nuclear arms limitation, and encouraging them to take further such measures,

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 74 and other relevant recommendations in the Final Document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Kuala Lumpur from 20 to 25 February 2003, calling upon the Conference on Disarmament to establish, as soon as possible and as the highest priority, an ad hoc committee on nuclear disarmament and to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Recalling paragraph 11 of the declaration of the Meeting of the Ministers for Foreign Affairs of the Movement of Non-Aligned Countries, held in New York on 26 September 2003,

Bearing in mind the principles and guidelines on the establishment of nuclear-weapon-free zones, adopted by the Disarmament Commission at its substantive session of 1999,

Recalling the United Nations Millennium Declaration, in which heads of State and Government resolve 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 the 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, in view of recent political developments, the time is now opportune for all the nuclear-weapon States to take effective disarmament measures with a view to achieving the elimination of these weapons;

2. *Reaffirms* that nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing, that the two processes must go hand in hand and that there is a genuine need for a systematic and progressive process of nuclear disarmament;

3. *Welcomes and encourages* the efforts to establish new nuclear-weapon-free zones in different parts of the world on the basis of agreements or arrangements freely arrived at among the States of the regions concerned, which is an effective measure for limiting the further spread of nuclear weapons geographically and contributes to the cause of nuclear disarmament;

4. *Recognizes* that there is a genuine need to diminish the role of nuclear weapons in strategic doctrines and security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

5. *Urges* the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;

6. *Also urges* the nuclear-weapon States, as an interim measure, to de-alert and deactivate immediately their nuclear weapons and to take other concrete measures to reduce further the operational status of their nuclear-weapon systems;

7. *Reiterates its call* upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and to carry out effective nuclear disarmament measures with a view to achieving the total elimination of these weapons;

8. *Calls upon* the nuclear-weapon States, pending the achievement of the total elimination of nuclear weapons, to agree on an internationally and legally binding instrument on a joint undertaking not to be the first to use nuclear weapons, and calls upon all States to conclude an internationally and legally binding instrument on security assurances of non-use and non-threat of use of nuclear weapons against non-nuclear-weapon States;

9. *Urges* the nuclear-weapon States to commence 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 principle of irreversibility to the process of nuclear disarmament, 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 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in New York from 24 April to 19 May 2000, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, and the reaffirmation by the States parties that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons;

12. *Calls* for the full and effective implementation of the thirteen steps for nuclear disarmament contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

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 17 and the mandate contained therein;

15. *Urges* the Conference on Disarmament 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;

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 Conference on Disarmament was unable to establish an ad hoc committee on nuclear disarmament at its 2003 session, as called for in General Assembly resolution 57/79;

19. *Reiterates its call* upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee to deal with nuclear disarmament early in 2004 and to commence negotiations on a phased programme of nuclear disarmament leading to the eventual total elimination of nuclear weapons;

20. *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;

21. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution;

22. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Nuclear disarmament".

The Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled “Cessation of the nuclear arms race and nuclear disarmament”, an ad hoc committee 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

[Resolution A/RES/58/57, adopted by the General Assembly at its 58th Session, December 2003]

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 and 57/80 of 22 November 2002,

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 nuclear non-proliferation,

Recalling the 1998 report of the Conference on Disarmament, in which, inter alia, the Conference recorded that, in proceeding to take a decision on this matter, that decision was without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 and that intensive consultations would be pursued to seek the views of the members of the Conference on Disarmament on appropriate methods and approaches for dealing with agenda item 1, taking into consideration all proposals and views in that respect,

1. *Recalls* the decision of the Conference on Disarmament 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 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;

2. *Urges* the Conference on Disarmament to agree on a programme of work that includes the immediate commencement of negotiations on such a treaty.

A path to the total elimination of nuclear weapons

[Resolution A/RES/58/59, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Recalling its resolutions 49/75 H of 15 December 1994, 50/70 C of 12 December 1995, 51/45 G of 10 December 1996, 52/38 K of 9 December 1997, 53/77 U of 4 December 1998, 54/54 D of 1 December 1999, 55/33 of 20 November 2000, 56/24 N of 29 November 2001 and 57/78 of 22 November 2002, *Recognizing* that the enhancement of international peace and security and the promotion of nuclear disarmament mutually complement and strengthen each other,

Expressing deep concern regarding the growing dangers posed by the proliferation of weapons of mass destruction,

Convinced that every effort should be made to avoid nuclear devastation,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international regime for nuclear non-proliferation and as an essential foundation for the pursuit of nuclear disarmament, and welcoming accession by Timor-Leste to the Treaty,

Bearing in mind that challenges to the Treaty and to the nuclear non-proliferation regime have further increased the necessity of full compliance and that the Treaty can fulfil its role only if there is confidence in compliance by all States parties,

Recognizing the progress made by the nuclear-weapon States in the reduction of their nuclear weapons unilaterally or through their negotiations, including the recent entry into force of the Treaty on Strategic Offensive Reductions (“the Moscow Treaty”) by the United States of America and the Russian Federation, which should serve as a step for further nuclear disarmament, and the efforts for nuclear disarmament and non-proliferation by the international community,

Reaffirming the conviction that further advancement in nuclear disarmament will contribute to consolidating the international regime for nuclear non-proliferation, ensuring international peace and security,

Welcoming the continuation of a moratorium on nuclear-weapon-test explosions or any other nuclear explosions since the last nuclear tests,

Welcoming also the successful adoption of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and stressing the importance of implementing its conclusions,

Welcoming further the constructive discussions at the second session, held from 28 April to 9 May 2003, 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 2005,

Welcoming the successful convening of a series of seminars and conferences aiming at further reinforcement of International Atomic Energy Agency safeguards, including the International Conference on Wider Adherence to Strengthened International Atomic Energy Agency Safeguards, held in Tokyo on 9 and 10 December 2002, and sharing the hope that, by making utmost use of the outcomes from the foregoing seminars and conferences, the International Atomic Energy Agency safeguards system will be further strengthened, by means of universalization of safeguards agreements and the additional protocols,

Encouraging the Russian Federation and the United States of America to continue their intensive consultations in accordance with the Joint Declaration on the New Strategic Relationship between the two States,

Welcoming the Final Declaration of the third Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, convened in Vienna from 3 to 5 September 2003 in accordance with article XIV of the Treaty,

Recognizing the importance of preventing terrorists from acquiring or developing nuclear weapons or related materials, radioactive materials, equipment and technology and underlining the role of the International Atomic Energy Agency in this regard,

Stressing the importance of education on disarmament and non-proliferation for future generations, and welcoming 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,

1. *Reaffirms* the importance of achieving the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon States not parties to the Treaty to accede to it as non-nuclear-weapon States without delay and without conditions;

2. *Also reaffirms* the importance for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fulfil their obligations under the Treaty;

3. *Stresses* the central importance of 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 decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty:

(a) 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 as well as a moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of that Treaty;

(b) The establishment of an ad hoc committee in the Conference on Disarmament as early as possible during its 2004 session 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, in accordance with the report of the Special Coordinator of 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and non-proliferation objectives, with a view to its conclusion within five years and, pending its entry into force, a moratorium on the production of fissile material for nuclear weapons;

(c) The establishment of an appropriate subsidiary body with a mandate to deal with nuclear disarmament in the Conference on Disarmament as early as possible during its 2004 session in the context of establishing a programme of work;

(d) The inclusion of the principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures;

(e) An unequivocal undertaking by the nuclear-weapon States, as agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, to which all States parties to the Treaty are committed under article VI of the Treaty;

(f) Deep reductions by the Russian Federation and the United States of America in their strategic offensive arsenals, while placing great importance on the existing multilateral treaties, with a view to maintaining and strengthening strategic stability and international security;

(g) 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:

(i) Further efforts by all the nuclear-weapon States to continue to reduce their nuclear arsenals unilaterally;

(ii) Increased transparency by the nuclear-weapon States with regard to their nuclear weapons capabilities and the implementation of agreements pursuant to article VI of the Treaty and as voluntary confidence-building measures to support further progress on nuclear disarmament;

(iii) 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;

(iv) Concrete agreed measures to reduce further the operational status of nuclear weapons systems;

(v) 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;

(vi) The engagement, as soon as appropriate, of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons;

(h) Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control;

4. *Recognizes* that the realization of a world free of nuclear weapons will require further steps, including deeper reductions by all the nuclear-weapon States in the process of working towards achieving their elimination;

5. *Invites* the nuclear-weapon States to keep the Members of the United Nations duly informed of the progress or efforts made towards nuclear disarmament;

6. *Emphasizes* the importance of a successful Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 2005, as the third session of the Preparatory Committee will be convened in 2004;

7. *Welcomes* the ongoing efforts in the dismantlement of nuclear weapons, notes the importance of the safe and effective management of the resultant fissile materials, and calls for arrangements by all the nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under International Atomic Energy Agency 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;

8. *Stresses* the importance of further development of the verification capabilities, including International Atomic Energy Agency safeguards, that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world;

9. *Calls upon* all States to redouble their efforts to prevent and curb the proliferation of nuclear and other weapons of mass destruction, confirming and strengthening, if necessary, their policies not to transfer equipment, materials or technology that could contribute to the proliferation of those weapons, while ensuring that such policies are consistent with the obligations of States under the Treaty on the Non-Proliferation of Nuclear Weapons;

10. *Also calls upon* all States to maintain the highest possible standards of security, safe custody, effective control and physical protection of all materials that could contribute to the proliferation of nuclear and other weapons of mass destruction in order, inter alia, to prevent those materials from falling into the hands of terrorists;

11. *Welcomes* the adoption of resolution GC(47)/RES/11 on 19 September 2003 by the General Conference of the International Atomic Energy Agency, in which it is recommended that States members of the Agency continue to consider implementing the elements of the plan of action outlined in resolution GC(44)/RES/19, adopted on 22 September 2000 by the General Conference of the Agency, and in the Agency's updated plan of action of April 2003, with the aim of facilitating the entry into force of comprehensive safeguards agreements and additional protocols, and calls for the early and full implementation of that resolution;

12. *Encourages* the constructive role played by civil society in promoting nuclear non-proliferation and nuclear disarmament.

Convention on the Prohibition of the Use of Nuclear Weapons

[Resolution A/RES/58/64, adopted by the General Assembly at its 58th Session, December 2003]

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, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, whose twenty-fifth anniversary is being marked this year, it is stated 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 2003 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 57/94 of 22 November 2002,

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.

The risk of nuclear proliferation in the Middle East

[Resolution A/RES/58/68, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Bearing in mind its relevant resolutions,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is resolution GC(47)/RES/13, adopted on 19 September 2003,

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 International Atomic Energy 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 on the Non-Proliferation of Nuclear Weapons, 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 International Atomic Energy 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 of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons 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 International Atomic Energy Agency safeguards,

Noting that Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons,

Concerned about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region,

Stressing the importance of taking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, in order to enhance peace and security in the region and to consolidate the global non-proliferation regime,

Emphasizing the need for all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting this objective, inviting the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons and, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards,

Noting that one hundred and sixty-nine 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 5 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 on the Non-Proliferation of Nuclear Weapons 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 International Atomic Energy 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 fifty-ninth session on the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "The risk of nuclear proliferation in the Middle East".

Comprehensive Nuclear-Test-Ban Treaty

[Resolution A/RES/58/71, adopted by the General Assembly at its 58th Session, December 2003]

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,

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 Comprehensive Nuclear-Test-Ban Treaty constitutes a fundamental instrument in the field of disarmament and nuclear non-proliferation,

Encouraged by the signing of the Treaty by one hundred and sixty-nine States, including forty-one of the forty-four needed for its entry into force, and welcoming the ratification of one hundred and seven States, including thirty-two of the forty-four needed for its entry into force, among which there are three nuclear-weapon States,

Recalling its resolution 57/100 of 22 November 2002,

Welcoming the Final Declaration of the third Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held at Vienna from 3 to 5 September 2003, pursuant to article XIV of the Treaty,

1. *Stresses* the importance and urgency of signature and ratification, without delay and without conditions and in accordance with constitutional processes, 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 to 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. *Urges* States to maintain their moratoria on nuclear-weapons test explosions or any other nuclear explosions, pending the entry into force of the Treaty;

4. *Urges* all States that have not yet signed the Treaty to sign and ratify it as soon as possible and to refrain from acts that would defeat its object and purpose in the meanwhile;

5. *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 their earliest successful conclusion;

6. *Urges* all States to remain seized of the issue at the highest political level;

7. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Comprehensive Nuclear-Test-Ban Treaty".

Measures to eliminate international terrorism

[Resolution A/RES/58/81, adopted by the General Assembly at its 58th Session, December 2003]

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Recalling also the United Nations Millennium Declaration,

Recalling further all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

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 General Assembly resolution 57/27 of 19 November 2002,

Recalling its 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,

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,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, wherein the Assembly encouraged 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 was a comprehensive legal framework covering all aspects of the matter,

Taking note of the final document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Kuala Lumpur on 25 February 2003, which reiterated the collective position of the Movement of

Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, 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,

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001 and 57/27 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 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,

Aware of General Assembly resolution 57/219 of 18 December 2002,

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,

Having examined the report of the Secretary-General, the report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the report of the Working Group of the Sixth Committee established pursuant to resolution 57/27,

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *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;

3. *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;

4. *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;

5. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *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;

7. *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), 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 8 and the International Convention for the Suppression of the Financing of Terrorism, 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;

8. *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 the conventions and protocols referred to in paragraph 7 above;

9. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of resolution 57/27, 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;

10. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 49/60, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210, and calls upon all States to implement them;

11. *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;

12. *Welcomes* the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of 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;

13. *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;

14. *Welcomes* the important 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 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 57/27;

15. *Decides* that the Ad Hoc Committee shall continue to elaborate a draft comprehensive convention on international terrorism, shall continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and shall 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;

16. *Decides also* that the Ad Hoc Committee shall meet from 28 June to 2 July 2004 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, that it shall 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, and that the work shall continue, if necessary, during the fifty-ninth session of the General Assembly, within the framework of a working group of the Sixth Committee;

17. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

18. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session in the event of the completion of the draft comprehensive convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

19. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-ninth session on progress made in the implementation of its mandate;

20. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Measures to eliminate international terrorism".

Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons

[Resolution A/RES/57/50, adopted by the General Assembly at its 57th Session, November 2002]

The General Assembly,

Recalling its previous resolutions on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

Recalling also its resolutions 51/37 of 10 December 1996 and 54/44 of 1 December 1999 relating to the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

Recalling further paragraph 77 of the Final Document of the Tenth Special Session of the General Assembly,

Determined to prevent the emergence of new types of weapons of mass destruction that have characteristics comparable in destructive effect to those of weapons of mass destruction identified in the definition of weapons of mass destruction adopted by the United Nations in 1948,

Noting the desirability of keeping the matter under review, as appropriate,

1. *Reaffirms* that effective measures should be taken to prevent the emergence of new types of weapons of mass destruction;

2. *Requests* the Conference on Disarmament, without prejudice to further overview of its agenda, to keep the matter under review, as appropriate, with a view to making, when necessary, recommendations on undertaking specific negotiations on identified types of such weapons;

3. *Calls upon* all States, immediately following any recommendations of the Conference on Disarmament, to give favourable consideration to those recommendations;

4. *Requests* the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its fifty-seventh session;

5. *Requests* the Conference on Disarmament to report the results of any consideration of the matter in its annual reports to the General Assembly;

6. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament".

Mongolia's international security and nuclear-weapon-free status

[Resolution A/RES/57/67, adopted by the General Assembly at its 57th Session, November 2002]

The General Assembly,

Recalling its resolutions 53/77 D of 4 December 1998 and 55/33 S of 20 November 2000,

Recalling also the purposes and principles of the Charter of the United Nations as well as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Bearing in mind its resolution 49/31 of 9 December 1994 on the protection and security of small States,

Proceeding from the fact that nuclear-weapon-free status is one of the means of ensuring the national security of States,

Convinced that the internationally recognized status of Mongolia will contribute to enhancing stability and confidence-building in the region as well as promote Mongolia's security by strengthening its independence, sovereignty and territorial integrity, the inviolability of its borders and the preservation of its ecological balance,

Taking note of the adoption by the Mongolian parliament of legislation defining and regulating its nuclear-weapon-free status as a concrete step towards promoting the aims of nuclear non-proliferation,

Bearing in mind the joint statement of the five nuclear-weapon States on security assurances to Mongolia in connection with its nuclear-weapon-free status as a contribution to implementing resolution 53/77 D as well as their commitment to Mongolia to cooperate in the implementation of the resolution, in accordance with the principles of the Charter,

Noting that the joint statement has been transmitted to the Security Council by the five nuclear-weapon States,

Mindful that the Movement of Non-Aligned Countries, at the Ministerial Meeting of its Coordinating Bureau, held at Durban, South Africa on 29 April 2002, has welcomed and expressed its support for the policy of Mongolia to institutionalize its nuclear-weapon-free status as a concrete contribution to the international efforts to strengthen the non-proliferation regime and enhance predictability in north-east Asia,

Noting other measures taken to implement resolution 55/33 S at the national and international levels,

Welcoming Mongolia's active and positive role in developing peaceful, friendly and mutually beneficial relations with the States of the region and other States,

Having considered the report of the Secretary-General on the implementation of resolution 55/33 S,

1. Takes note of the report of the Secretary-General on the implementation of resolution 55/33 S;

2. Expresses its appreciation to the Secretary-General for the efforts to implement resolution 55/33 S;

3. Endorses and supports Mongolia's good-neighbourly and balanced relationship with its neighbours as an important element of strengthening regional peace, security and stability;

4. Welcomes the efforts made by Member States to cooperate with Mongolia in implementing resolution 55/33 S, as well as the progress made in consolidating Mongolia's international security;

5. Invites Member States to continue to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's independence, sovereignty and territorial integrity, the inviolability of its borders, its economic security, its ecological balance and its nuclear-weapon-free status, as well as its independent foreign policy;

6. Appeals to the Member States of the Asia and Pacific region to support Mongolia's efforts to join the relevant regional security and economic arrangements;

7. Requests the Secretary-General and relevant United Nations bodies to continue to provide assistance to Mongolia in taking the necessary measures mentioned in paragraph 5 above;

8. Requests the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its fifty-ninth session the item entitled "Mongolia's international security and nuclear-weapon-free status".

Bilateral strategic nuclear arms reductions and the new strategic framework

[Resolution A/RES/57/68, adopted by the General Assembly at its 57th Session, November 2002]

The General Assembly,

Recalling its resolution 53/77 Z of 4 December 1998 and other relevant resolutions,

Welcoming the completion of strategic arms reductions codified in the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START) by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America,

Agreeing that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the United States of America and the Russian Federation,

Noting with satisfaction the building of the new strategic relationship between the United States of America and the Russian Federation based on the principles of mutual security, trust, openness, cooperation and predictability,

Appreciating the joint determination of the two countries to work together and with other nations and international organizations to promote security, economic well-being and a peaceful, prosperous free world,

Applauding the agreement whereby each country will reduce its strategic nuclear warheads to a number that does not exceed 1,700 to 2,200, as specified in the Treaty on Strategic Offensive Reductions ("the Moscow Treaty"), by 31 December 2012,

Believing that the agreed strategic reductions advance the commitment of both the United States of America and the Russian Federation under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Appreciating that the United States of America and the Russian Federation will continue to work closely together, including through cooperative programmes, to ensure the security of weapons of mass destruction and missile technologies, information, expertise and material,

1. Welcomes the commitment of the two countries to strategic nuclear warhead reductions in the Treaty on Strategic Offensive Reductions ("the Moscow Treaty"), signed on 24 May 2002, which is an important result of this new bilateral strategic relationship and which will help to establish more favourable conditions for actively promoting security and cooperation and enhancing international stability;

2. Looks forward to the entry into force of the Moscow Treaty at the earliest possible date;

3. Notes with satisfaction the Joint Declaration signed by the United States of America and the Russian Federation in Moscow on 24 May 2002, which, inter alia, created the Consultative Group for Strategic Security, chaired by Foreign and Defence Ministers, through which the United States of America and the Russian Federation will strengthen mutual confidence, expand transparency, share information and plans and discuss strategic issues of mutual interest;

4. Recognizes that the Group of Eight Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by leaders at the Kananaskis Summit, held at Kananaskis, Canada, on 26 and 27 June 2002, will enhance international security and safety by supporting specific cooperation projects, initially in the Russian Federation, to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues;

5. Invites all countries, as appropriate, to join the Group of Eight commitment to the non-proliferation principles endorsed by the Group of Eight leaders at the Kananaskis Summit aimed at preventing terrorists, or those who harbour them, from acquiring or developing nuclear, chemical, radiological and

biological weapons, missiles, and related materials, equipment and technology;

6. *Invites* the United States of America and the Russian Federation to keep other States Members of the United Nations duly informed of their strategic offensive reductions;

7. *Decides* to include in the provisional agenda of its fifty-eighth session an item entitled "Bilateral strategic nuclear arms reductions and the new strategic framework".

Establishment of a nuclear-weapon-free zone in Central Asia

[Resolution A/RES/57/69, adopted by the General Assembly at its 57th Session, November 2002]

The General Assembly,

Recalling its resolutions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998 and 55/33 W of 20 November 2000 and its decisions 54/417 of 1 December 1999 and 56/412 of 29 November 2001,

Recalling also paragraphs 60, 61, 62 and 64 of the Final Document of the Tenth Special Session of the General Assembly and the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and recalling further the relevant paragraphs of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and of the report of its Main Committee II concerning the establishment of a nuclear-weapon-free zone in Central Asia,

Convinced that the establishment of nuclear-weapon-free zones contributes to the achievement of general and complete disarmament,

Emphasizing the importance of internationally recognized treaties on the establishment of nuclear-weapon-free zones in different regions of the world and on the strengthening of the non-proliferation regime,

Welcoming the adoption by the Disarmament Commission at its 1999 substantive session of principles and guidelines for the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned,

Considering that the establishment of a nuclear-weapon-free zone in Central Asia on the basis of arrangements freely arrived at among the States of the region will heighten the security of the States concerned and strengthen global and regional peace and security,

Recalling the Almaty Declaration on the establishment of a nuclear-free zone in Central Asia, adopted by the leaders of the Central Asian States on 28 February 1997, the statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan on the 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, held at Bishkek on 9 and 10 July 1998, with a view to elaborating acceptable ways and means of establishing a nuclear-weapon-free zone in Central Asia,

Reaffirming the universally recognized role of the United Nations in the establishment of nuclear-weapon-free zones,

1. *Notes with appreciation* the support of all States for the initiative to establish a nuclear-weapon-free zone in Central Asia;

2. *Takes note* of the elaboration by experts of all five Central Asian States at the meeting held at Samarkand, Uzbekistan, from 25 to 27 September 2002, of a draft treaty for the establishment of a nuclear-weapon-free zone in Central Asia and protocol thereto;

3. *Invites* all five Central Asian States to continue consulting with the five nuclear-weapon States on the draft treaty for the establishment of a nuclear-weapon-free zone in Central Asia and the protocol thereto, in conformity with the 1999 Disarmament Commission agreed guidelines for the establishment of nuclear-weapon-free zones;

4. *Welcomes* the decision by all five Central Asian States to sign the Central Asian nuclear-weapon-free zone treaty as soon as possible;

5. *Requests* the Secretary-General, within existing resources, to continue to provide assistance to the five Central Asian States in their further work for the early establishment of a nuclear-weapon-free zone in Central Asia;

6. *Decides* to continue its consideration of the question of the establishment of a nuclear-weapon-free zone in Central Asia at its fifty-eighth session under the item entitled "General and complete disarmament".

Compliance with arms limitation and disarmament and non-proliferation agreements

[Resolution A/RES/57/86, adopted by the General Assembly at its 57th Session, November 2002]

The General Assembly,

Recalling its resolution 52/30 of 9 December 1997 and other relevant resolutions on the question,

Recognizing the abiding concern of all Member States for maintaining respect for rights and obligations arising from treaties to which they are parties and other sources of international law,

Convinced that observance by Member States of the Charter of the United Nations, treaties to which they are parties and other sources of international law is important for the strengthening of international security,

Mindful of the fundamental importance of full implementation and strict observance of agreements and other agreed obligations on arms limitation and disarmament and non-proliferation by States parties if individual nations and the international community are to derive enhanced security from them,

Stressing that any violation of such agreements and other agreed obligations by States parties not only adversely affects the security of States parties but can also create security risks for other States relying on the constraints and commitments stipulated in those agreements and other agreed obligations,

Stressing also that any weakening of confidence in such agreements and other agreed obligations diminishes their contribution to global or regional security and undermines their credibility and effectiveness,

Recognizing, in this context, that full compliance by States parties with all provisions of existing agreements and the resolving of compliance concerns effectively by means consistent with such agreements and international law can, inter alia, contribute to better relations among States and the strengthening of world peace and stability,

Believing that compliance with all provisions of arms limitation and disarmament and non-proliferation agreements by States parties is a matter of interest and concern to all members of the international community, and noting the role the United Nations has played and should continue to play in that regard,

Welcoming the contribution to international peace and regional security that full compliance by States parties with verification provisions of arms limitation and disarmament and non-proliferation agreements provides,

Also welcoming the universal recognition of the critical importance of the question of compliance with and verification of arms limitation and disarmament and non-proliferation agreements, and other agreed obligations,

Recognizing, in the light of the threat of international terrorism, that it is especially important that States parties comply with arms limitation and disarmament and non-proliferation obligations and commitments,

1. *Urges* all States parties to arms limitation and disarmament and non-proliferation agreements to implement and comply with the entirety of all provisions of such agreements;

2. *Calls upon* all Member States to give serious consideration to the implications that non-compliance by States parties with any provisions of agreements in the fields of arms limitation and

disarmament and non-proliferation has for international security and stability, as well as for the prospects for progress in those fields;

3. *Calls upon* Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and international law, with a view to encouraging strict observance by all States parties of the provisions of arms limitation and disarmament and non-proliferation agreements and maintaining or restoring the integrity of such agreements;

4. *Welcomes* the role that the United Nations has played and continues to play in restoring the integrity of, and fostering negotiations on, certain arms limitation and disarmament and non-proliferation agreements and in the removal of threats to peace;

5. *Encourages* efforts by all States parties to pursue additional areas of cooperation, as appropriate, that can increase confidence in compliance with existing arms limitation and disarmament and non-proliferation agreements and reduce the possibility of misinterpretation and misunderstanding;

6. *Notes* the contribution that effective verification procedures for arms limitation and disarmament and non-proliferation agreements frequently can make in enhancing confidence in the compliance with those agreements;

7. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Compliance with arms limitation and disarmament and non-proliferation agreements".

S — Resolutions of the IAEA General Conference

Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol

Resolution GC(47)/RES/11, adopted by the IAEA General Conference on 19 September 2003

The General Conference,

- (a) Recalling resolution GC(46)/RES/12,
- (b) Convinced that the Agency's safeguards promote greater confidence among States, i.a. by providing assurance that States are complying with their obligations under relevant safeguards agreements and thus contribute to strengthening their collective security,
- (c) Considering the Treaty on the Non-Proliferation of Nuclear Weapons, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Nuclear Free Zone Treaty, the African Nuclear-Weapon-Free Zone Treaty and the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone and the Agency's essential role in applying safeguards in accordance with the relevant articles of these treaties,
- (d) Noting that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented and that the Agency's capability to detect undeclared nuclear material and activities should be increased, Operative paragraph 3 was voted on separately and was approved (76 in favour, 3 against, one abstention). The entire resolution was thereupon adopted without a vote.
- (e) 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,
- (f) Welcoming the fact that as of 19 September 2003, 77 States and other Parties to safeguards agreements have signed additional protocols, 37 of which have entered into force and 1 is being provisionally applied pending entry into force,
- (g) Welcoming in this regard the ratification by the Republic of Cuba of the Tlatelolco Treaty, its accession to the NPT, and the signature of its comprehensive safeguards agreement and a protocol additional to it on 18 September 2003, as a substantial contribution to the strengthening of the IAEA safeguards system and consolidating Latin America and the Caribbean as the first densely inhabited nuclear-weapon-free zone in the world, which will be officially acknowledged by the XVIII General Conference of OPANAL (Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), for the first time, during its meeting in Havana, 5-6 November 2003,
- (h) Welcoming the fact that all nuclear-weapon States have signed protocols additional to their voluntary-offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under article 1 of the NPT; and noting with satisfaction that the Protocol Additional to the voluntary-offer Safeguards Agreement with the People's Republic of China entered into force on 28 March 2002,
- (i) 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 the new strengthening measures, and looking forward to an expeditious conclusion of this work,

(j) Welcoming the fact that, in the Safeguards Statement of the Agency for 2002, based on its evaluation of all the information acquired in implementing safeguards agreements and all other information available to the Agency, conclusions could be drawn for States with safeguards agreements that the nuclear material and other items placed under safeguards remained in peaceful nuclear activities or were otherwise adequately accounted for, while noting the cases referred to in GC(46)/RES/14 and GC(46)/RES/15,

(k) Welcoming the fact that in the Safeguards Statement of the Agency for 2002, based on its evaluation of all the information obtained through activities pursuant to these States' comprehensive safeguards agreements and additional protocols as well as all other information available to the Agency, conclusions could be drawn for thirteen States that have a comprehensive safeguards agreement and an additional protocol in force, or being provisionally applied, that all nuclear material in these States had been placed under safeguards and remained in peaceful nuclear activities or was otherwise adequately accounted for,

(l) 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,

(m) Recalling that the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons - *inter alia* - (1) reaffirmed that the IAEA is the competent authority responsible for verifying and assuring, in accordance with the Agency's Statute and the Agency's safeguards system, compliance with its safeguards agreements and (2) recommended that the Director General of the IAEA and the IAEA's Member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion and entry into force of safeguards agreements and additional protocols, including, for example, specific measures to assist States with less experience in nuclear activities to implement legal requirements,

(n) 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, and

(o) Welcoming the holding of the sub-regional seminars on the strengthened safeguards system with an emphasis on the additional protocol, held in Romania (January 2003), Malaysia (March/April 2003) and Uzbekistan (June 2003); the national seminars on the additional protocol held in Thailand (March 2003) and Malaysia (April 2003); as well as the "International Conference on Wider Adherence to Strengthened IAEA Safeguards" organized by the Government of Japan in Tokyo (December 2002); and sharing the hope for the continuation of these efforts in order further to strengthen the IAEA's safeguards system.

Consistent with the respective safeguards undertakings of Member States:

1. Calls on all Member States to give their full and continuing support to the Agency in order to ensure that the Agency is able to meet its safeguards responsibilities;
2. Stresses the need for effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards 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. Affirms that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to detecting undeclared nuclear material and activities must be implemented rapidly and universally by all concerned States and other Parties in compliance with their respective international commitments;
5. Stresses the importance of a review of safeguards working methods referred to in GOV/2003/48 and GC(47)/INF/7.
6. Stresses the importance of the Agency's safeguards system, including comprehensive safeguards agreements and also the Model Additional Protocol, 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, including the early provision of design information;
7. 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;
8. Requests all concerned States and other Parties to safeguards agreements which have not yet done so to sign additional protocols promptly;
9. 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;
10. Encourages all States and other Parties to safeguards agreements having signed additional protocols to take the necessary measures to bring them into force as soon as possible, in conformity with their national legislation;
11. Encourages the nuclear-weapon States that have yet to bring their additional protocols into force to do so as soon as possible, in conformity with their national legislation, and invites all nuclear weapon States to keep the scope of their additional protocols under review;
12. Recalls the development of elements of the conceptual framework for integrated safeguards described in document GOV/2002/8, recognizes that such elements will be further developed in the light of experience, further evaluation and technological development, and requests the Secretariat to implement integrated safeguards on a priority basis in an effective and cost-efficient manner.
13. 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;
14. Notes the commendable efforts of some Member States, notably Japan, and the IAEA Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and in the Agency's updated plan of action (April 2003), 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;

15. 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;

16. Requests Member States to co-operate among themselves to provide appropriate assistance to facilitate exchange of equipment, material and scientific and technological information for the implementation of additional protocols; and

17. Requests the Director General to report on the implementation of this resolution to the General Conference at its forty-eighth regular session.

Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People's Republic of Korea

Resolution GC(47)/RES/12 adopted by the IAEA
General Conference on 19 September 2003

The General Conference,

(a) Recalling the Board of Governors' resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711, GOV/2742, GOV/2002/60, and GOV/2003/3, as well as General Conference resolutions GC(XXXVII)/RES/624, GC(XXXVIII)/RES/16, GC(39)/RES/3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(43)/RES/3, GC(44)/RES/26, GC(45)RES/16, and GC(46)RES/14,

(b) Noting in particular the resolution of the Board of Governors in document GOV/2003/14 of 12 February 2003, in which the Board declared that the Democratic People's Republic of Korea (DPRK) was in further non-compliance with its safeguards agreement, and decided to report the DPRK's non-compliance to the United Nations Security Council,

(c) Noting statements by a wide range of high-level multilateral bodies regarding the DPRK's nuclear programmes, which make clear that this is an issue of concern to the international community,

(d) Noting with concern repeated official DPRK statements declaring its intention to build up a nuclear deterrent force, while noting also its statements in support of a nuclear-weapon-free Peninsula;

(e) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security, but noting that any nuclear weapons programme by the DPRK would undermine this objective, and

(f) Having considered the Director General's report contained in document GC(47)/19, which describes the DPRK's unilateral actions which render the Agency unable to verify that nuclear material has not been diverted,

1. Strongly endorses the actions taken by the Board of Governors and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

2. Deplores the steps taken by the DPRK which led to the Board decision of 12 February 2003 to find the DPRK in non-compliance with its NPT safeguards agreement;

3. Further deplores the DPRK's continued unwillingness to enter into the substantive dialogue which it was offered by the IAEA and to permit the application of comprehensive safeguards;

4. Urges the DPRK to reconsider those actions and announcements which run contrary to voluntarily undertaken international non-proliferation obligations;

5. Calls upon the DPRK to promptly accept comprehensive IAEA safeguards and co-operate with the Agency in their full and effective implementation;

6. Urges the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and

irreversible manner, maintaining the essential verification role of the IAEA;

7. Stresses its desire for a peaceful resolution through dialogue to the DPRK nuclear issue, leading to a nuclear-weapon-free Korean Peninsula, with a view to maintaining peace and security in the region;

8. Strongly encourages diplomatic efforts to facilitate a peaceful resolution of the DPRK nuclear issue, and particularly welcomes the six-party talks which took place in Beijing from 27 to 29 August 2003, and the consensus that emerged from those talks, as a clear step in the right direction;

9. Supports the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK nuclear issue; and

10. Decides to remain seized of the matter and to include the item in the agenda for its forty-eighth regular session.

Application of IAEA Safeguards in the Middle East

Resolution GC(47)/RES/13, adopted by the IAEA
General Conference on 19 September 2003

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 consequence, 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 recent 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 some States in concluding a full-scope safeguards agreement, and

(g) Recalling its resolution GC(46)/RES/16,

1. Takes note of the Director General's report in document GC(47)/12 and Add.1;

2. Affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone (NWFZ);

3. Calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region, and invites the countries concerned to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region;

4. Takes note of the importance of the 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 NWFZ, and calls on the Director General, as requested by the participants, to render all necessary assistance to the working group in promoting that objective;

5. Requests the Director General to continue consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627;

6. Calls upon all States in the region to extend their fullest co-operation to the Director General in the fulfilment of the tasks entrusted to him in the preceding paragraph;

7. Further calls upon all States in the region to take measures, including confidence-building and verification measures, aimed at establishing a NWFZ in the Middle East;

8. Calls upon all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution; and

9. Requests the Director General to submit to the Board of Governors and the General Conference at its forty-eighth 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".

T — Other Documents and Declarations (in chronological order)

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.

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 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.

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)

[8 July 1996, reproduced from Communiqué No. 96/23]

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.

...

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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.

Proposal for a programme of action for the elimination of nuclear weapons

[Submitted to the Conference on Disarmament by 28 members of the G-21 — Algeria, Bangladesh, Brazil, Cameroon, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, India, Indonesia, Iraq, Islamic Republic of Iran, Kenya, Mexico, Mongolia, Morocco, Myanmar, Nigeria, Pakistan, Peru, Senegal, Sri Lanka, Syrian Arab Republic, Venezuela, Viet Nam, Zaire and Zimbabwe — on 7 August 1996, reproduced from CD/1419.]

Introduction

Effective measures for nuclear disarmament and the elimination of the threat of nuclear war have been accorded the highest priority by the international community. The post Cold War era provides an unprecedented opportunity to establish a new system of international security based on the immutable principles of the United Nations Charter. Rationalisations for the continued possession of nuclear weapons need to be discarded. So long as the role of the nuclear weapons in the context of security is not delegitimised and existing nuclear doctrines not abandoned, there will always be a threat of a resumption of the nuclear arms race the escalation of the nuclear threat.

It is therefore incumbent to ensure that existing favourable circumstances in the international relations are utilised in order to translate the objectives of eliminating all nuclear weapons from a rhetorical goal into a living reality. This requires active multilateral efforts to identify, negotiate and implement specific, step by step measures for the complete elimination of nuclear weapons.

The Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons dated 8 July 1996, has established that the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage to generation to come, render them potentially catastrophic. According to the Court, 'The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet'.

The International Court of Justice concluded that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflicts, and in particular the principles of and rules of humanitarian law and stated 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.

As stated in its declaration of 28 March 1996 to the Plenary of the Conference on Disarmament, the Group of 21 has persistently pressed for commencement of negotiations in the Conference on Disarmament on nuclear disarmament, an objective which has been accorded the highest priority by the international community. It will be recalled that on 14 March 1996 the Group of 21 put a decision before the Conference for adoption (CD/1388), through which the Conference would establish an Ad-hoc Committee on nuclear disarmament 'to commence negotiations on a phased programme for the eventual elimination of nuclear weapons within a specified framework of time', as requested by General Assembly Resolution 50/70 P.

This programme to be carried out by the Ad-hoc Committee could include the following steps and measures, as a basis for its work. The list of measures in each phase is indicative and not exhaustive, and the order in which they are mentioned does not necessarily reflect priority. Nevertheless, it is to be understood that in any programme for nuclear disarmament all measures and steps to be taken are inextricably bound to each other.

Programme of action

First Phase — 1996-2000

A. Measures aimed at reducing the nuclear threat.

- Immediate and concurrent commencement of negotiations and early conclusion of:
 - a multilaterally negotiated legally binding instrument to assure non-nuclear weapon States against the use or threat of use of nuclear weapons;
 - a convention prohibiting the use or threat of use of nuclear weapons;
 - a treaty to eliminate nuclear weapons; and
 - a treaty banning the production of fissile material for nuclear weapons.
- End the qualitative improvement of nuclear weapons, by agreements on:
 - Cessation of all nuclear weapon tests and closure of all nuclear weapon test sites; and
 - Measures to prevent the use of new technologies for the upgrading of existing nuclear weapons systems, including the prohibition of nuclear weapon research and development.
- Full implementation of the Treaties of Tlatelolco, Rarotonga, Pelindaba, and South-East Asia and establishment of additional nuclear weapons free zones, on the basis of arrangements freely arrived at among the States of the region concerned.
- Declarations of the stocks of nuclear weapons and of nuclear weapons usable material.

B. Measures of nuclear disarmament

- Stand down nuclear-weapon systems from a state of operational readiness.
- Preservation of the ABM (Anti-ballistic missiles) Treaty.
- Moratorium and prohibition on testing of outer space weapons systems.
- Ratification and implementation of the START II Treaty.
- Placement under IAEA safeguards of nuclear fissile material transferred from military to peaceful uses by the nuclear weapons States.
- Further negotiations for nuclear disarmament by all nuclear weapon States, including the cessation of production of nuclear warheads.
- Recommendation to the General Assembly to declare the decade 2000-2010 as the 'Decade for nuclear disarmament'.

Second Phase — 2000-2010

Measures to reduce the nuclear arsenals and to promote confidence between States.

- Entry into force of the treaty to eliminate nuclear weapons and establishment of a single integrated multilateral comprehensive verification system to ensure compliance, including measures such as:
 - Separation of nuclear warheads from their delivery vehicles;
 - Placement of nuclear warheads in secure storage under international supervision leading to the removal of special nuclear materials from warheads; and
 - Preparation under international auspices of an inventory of nuclear arsenals, including fissile materials, nuclear warheads and their delivery vehicles.
- Progressive and balanced reduction of missiles intended for carrying nuclear warheads.
- Recommendation to the General Assembly to declare the decade 2010-2020 as the 'Decade for the total elimination of nuclear weapons'.

Third Phase — 2010-2020**Consolidation of a Nuclear weapon free World**

- Adoption of principles and mechanisms for a global cooperative security system.
- Full implementation of the treaty to eliminate all nuclear weapons and of its verification regime through the completion of further measures such as:
 - Conversion of all facilities devoted to the production of nuclear weapons to peaceful purposes;
 - Application of safeguards on nuclear facilities on a universal basis; and
 - Elimination of all nuclear weapons.

The Canberra Commission on the Elimination of Nuclear Weapons [Extract]

[Released on 14 August 1996]

Statement

The destructiveness of nuclear weapons is immense. Any use would be catastrophic.

Nuclear weapons pose an intolerable threat to tall humanity and its habitat, yet tens of thousands remain in arsenals built up at an extraordinary time of deep antagonism. That time has passed, yet assertions of their utility continue.

These facts are obvious but their implications have been blurred. There is no doubt that, if the peoples of the world were more fully aware of the inherent danger of nuclear weapons and the consequences of their use, they would reject them, and not permit their continued possession or acquisition on their behalf by their governments, even for an alleged need for self-defence.

Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them.

The world faces threats of nuclear proliferation and nuclear terrorism. These threats are growing. They must be removed.

For these reasons, a central reality is that nuclear weapons diminish the security of all states. Indeed, states which possess them become themselves targets of nuclear weapons.

The opportunity now exists, perhaps without precedent or recurrence, to make a new and clear choice to enable the world to conduct its affairs without nuclear weapons and in accordance with the principles of the Charter of the United Nations.

The members of the Canberra Commission call upon the United States, Russia, the United Kingdom, France and China to give the lead by committing themselves, unequivocally, to the elimination of all nuclear weapons. Such a commitment would propel the process in the most direct and imaginative way. All other governments must join this commitment and contribute to its fulfillment.

The Commission has identified a series of steps which can be taken immediately and which would thereupon make the world safer.

The Commission has also described the practical measures which can be taken to bring about the verifiable elimination of nuclear weapons and the full safeguarding of militarily usable nuclear material.

A nuclear weapon free world can be secured and maintained through political commitment, and anchored in an enduring and binding legal framework.

Executive Summary

The Canberra Commission is persuaded that immediate and determined efforts need to be made to rid the world of nuclear weapons and the threat they pose to it. The destructiveness of nuclear weapons is immense. Any use would be catastrophic.

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.

The end of the bipolar confrontation has not removed the danger of nuclear catastrophe. In some respects the risk of use by accident or miscalculation has increased. Political upheaval or the weakening of state authority in a nuclear weapon state could cripple existing systems for ensuring the safe handling and control of nuclear weapons and weapons material, increasing the odds of a calamity. The same fate could befall other states or sub-state groups with a less developed nuclear weapon capability or those that seek to develop such a capability in the future.

Nuclear weapons have long been understood to be too destructive and non-discriminatory to secure discrete objectives on the battlefield. The destructiveness of nuclear weapons is so great that they have no military utility against a comparably equipped opponent, other than the belief that they deter that opponent from using nuclear weapons. Possession of nuclear weapons has not prevented wars, in various regions, which directly or indirectly involve the major powers. They were deemed unsuitable for use even when those powers suffered humiliating military setbacks.

No nuclear weapon state has been or is prepared to declare as a matter of national policy that it would respond to the use of chemical or biological weapons with nuclear weapons. The solution to these concerns lies in the strengthening and effective implementation of and universal adherence to the Chemical Weapons Convention and Biological Weapons Convention, with particular emphasis on early detection of untoward developments. The response to any violation should be a multilateral one.

Thus, the only apparent military utility that remains for nuclear weapons is in deterring their use by others. That utility implies the continued existence of nuclear weapons. It would disappear completely if nuclear weapons were eliminated.

A New Climate For Action

Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them.

In the 1960s, the world looked at the prospect of dozens of nuclear weapons states, recoiled and rejected it. The result was the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of 1968 with its promise of a world free of these weapons. The overall success of the NPT and other nuclear non-proliferation regimes has been gratifying, but it has been hard won, and is by no means guaranteed. The prospects of a renewal of horizontal proliferation have become real.

The proliferation of nuclear weapons is amongst the most immediate security challenges facing the international community. Despite the impact of the international nuclear non-proliferation regime, the disconcerting reality is that several states have made, and some continue to make, clandestine efforts to develop nuclear arsenals. The possible acquisition by terrorist groups of nuclear weapons or material is a growing threat to the international community.

The end of the Cold War has created a new climate for international action to eliminate nuclear weapons, a new opportunity. It must be exploited quickly or it will be lost.

The elimination of nuclear weapons must be a global endeavour involving all states. The process followed must ensure that no state feels, at any stage, that further nuclear disarmament is a threat to its security. To this end nuclear weapon elimination should be conducted as a series of phased verified reductions that allow states to satisfy themselves, at each stage of the process, that further movement toward elimination can be made safely and securely.

Immediate Steps

The first requirement is for the five nuclear weapon states to commit themselves unequivocally to the elimination of nuclear weapons and agree to start work immediately on the practical

steps and negotiations required for its achievement. This commitment should be made at the highest political level. Non-nuclear weapon states should support the commitment by the nuclear weapon states and join in cooperative international action to implement it. This commitment would change instantly the tenor of debate, the thrust of war planning, and the timing or indeed the necessity for modernisation programs. It would transform the nuclear weapons paradigm from the indefinite management of a world fraught with the twin risks of the use of nuclear weapons and further proliferation, to one of nuclear weapons elimination. Negotiation of the commitment should begin immediately, with the aim of first steps in its implementation being taken in 1997.

The commitment by the nuclear weapon states to a nuclear weapon free world must be accompanied by a series of practical, realistic and mutually reinforcing steps. There are a number of such steps that can be taken immediately. They would significantly reduce the risk of nuclear war and thus enhance the security of all states, but particularly that of the nuclear weapon states. Their implementation would provide clear confirmation of the intent of the nuclear weapon states to further reduce the role of nuclear weapons in their security postures. The recommended steps are:

- Taking nuclear forces off alert
- Removal of warheads from delivery vehicles
- Ending deployment of non-strategic nuclear weapons
- Ending nuclear testing
- Initiating negotiations to further reduce United States and Russian nuclear arsenals
- Agreement amongst the nuclear weapon states of reciprocal no first use undertakings, and of a non-use undertaking by them in relation to the non-nuclear weapon states.

Nuclear weapon states should take all nuclear forces off alert status and so reduce dramatically the chance of an accidental or unauthorised nuclear weapons launch. In the first instance, reductions in alert status could be adopted by the nuclear weapon states unilaterally.

The physical separation of warheads from delivery vehicles would strongly reinforce the gains achieved by taking nuclear forces off alert. This measure can be implemented to the extent that nuclear forces can be reconstituted to an alert posture only within known or agreed upon timeframes.

The nuclear weapon states should unilaterally remove all non-strategic nuclear weapons from deployed sites to a limited number of secure storage facilities on their territory.

Pending universal application of the Comprehensive Test Ban Treaty all states should observe at once the moratorium it imposes on nuclear testing.

The United States and Russia must continue to show leadership in reversing the nuclear accumulations of the Cold War. Their purpose should be to move toward nuclear force levels for all the nuclear weapon states which would reflect unambiguously the determination to eliminate these weapons when this step can be verified with adequate confidence.

The nuclear weapon states should agree and state that they would not be the first to use or threaten to use nuclear weapons against each other and that they would not use or threaten to use nuclear weapons in any conflict with a non-nuclear weapon state. Such an agreement should be brought into operation as soon as possible.

Reinforcing Steps

The following steps would build on the solid foundation of commitment, accomplishment and goodwill established through implementation of the steps recommended for immediate action:

- Action to prevent further horizontal proliferation
- Developing verification arrangements for a nuclear weapon free world
- Cessation of the production of fissile material for nuclear explosive purposes.

The problem of nuclear proliferation is inextricably linked to the continued possession of nuclear weapons by a handful of states. A world environment where proliferation is under control

will facilitate the disarmament process and movement toward final elimination, and vice versa. The emergence of any new nuclear weapon state during the elimination process would seriously jeopardise the process of eliminating nuclear weapons. Action is needed to ensure effective non-proliferation controls on civil and military nuclear activities, and to press for universal acceptance of non-proliferation obligations.

Effective verification is critical to the achievement and maintenance of a nuclear weapon free world. Before states agree to eliminate nuclear weapons they will require a high level of confidence that verification arrangements would detect promptly any attempt to cheat the disarmament process whether through retention or acquisition of clandestine weapons, weapons components, means of weapons production or undeclared stocks of fissile material. Formal legal undertakings should be accompanied by corresponding legal arrangements for verification. To maintain security in a post-nuclear weapon world the verification system must provide a high level of assurance as to the continued peaceful, non-explosive use of a state's nuclear activity. A political judgement will be needed on whether the levels of assurance possible from the verification regime are sufficient. All existing arms control and disarmament agreements have required political judgements of this nature because no verification system provides absolute certainty.

A key element of non-proliferation arrangements for a nuclear weapon free world will be a highly developed capacity to detect undeclared nuclear activity at both declared and undeclared sites. Progressive extension of safeguards to nuclear activity in the nuclear weapon states, the undeclared weapon states and the threshold states will be needed with the end point being universal application of safeguards in all states. Systems will be needed to verify that nuclear warheads are dismantled and destroyed, and their fissile material content safeguarded to provide maximum confidence that such material cannot be reintroduced to weapons use.

The political commitment to eliminate nuclear weapons must be matched by a willingness to make available the resources needed for nuclear disarmament including effective verification. States must also be confident that any violations detected will be acted upon. In this context, the Security Council should continue its consideration of how it might address, consistent with specific mandates given to it and consistent with the Charter of the United Nations, violations of nuclear disarmament obligations that might be drawn to its attention. This should demonstrate that the collective security system enshrined in the Charter will operate effectively in this field.

Further United States/Russian Strategic Arms Reduction Treaties (START) and nuclear confidence building measures should establish a receptive international climate for negotiations on global reduction of nuclear arms. The United States and Russia could commence a process for bringing the United Kingdom, France and China into the nuclear disarmament process. Further early steps could be for the US and Russia to prepare the ground for verification of nuclear weapon states reductions by sharing information and expertise on START verification, on weapons dismantlement and on verification and control of fissile material from dismantled weapons. US/Russian experience on nuclear confidence building might be extended to the other nuclear weapon states and new measures developed which involve them.

The Future Environment

Concurrent with the central disarmament process, there will be a need for activity supported by all states, but particularly the nuclear weapon states, to build an environment conducive to nuclear disarmament and non-proliferation.

It will be extremely important for the pursuit of the elimination of nuclear weapons to protect fully the integrity of the Anti-Ballistic Missile Treaty.

Nuclear weapon free zones are part of the architecture that can usefully encourage and support a nuclear weapon free world. The spread of nuclear weapon free zones around the globe, with specific mechanisms to answer the security concerns of each region, can progressively codify the transition to a world free of nuclear weapons.

At the level of national action, states have the fundamental obligation, under a variety of treaties, and in moral terms, to ensure that sensitive nuclear material, equipment and technology under their jurisdiction and control do not find their way into the hands of those who would misuse them.

The Commission noted with satisfaction the response of the International Court of Justice made in July 1996 to a request from the General Assembly of the United Nations for an advisory opinion on the legality of the threat or use of nuclear weapons. The Court's statement that there existed 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 is precisely the obligation that the Commission wishes to see implemented.

The Commission considered carefully the merits of setting out a precise timeframe for the elimination of nuclear weapons, but elected not to do so. However, this does not imply that it accepts the extended timelines imposed by such current constraints as limited warhead dismantlement facilities. Those constraints could be relieved by political decisions and the allocation of resources required to advance dismantlement. In addition, another limiting factor may prove to be establishing the necessary confidence in the verification regime which would be required to take the final step to complete elimination. In this context, the Canberra Commission remains convinced of the basic importance of agreed targets and guidelines which would drive the process inexorably toward the ultimate objective of final elimination, at the earliest possible time.

List of Members of the Canberra Commission on the Elimination of Nuclear Weapons

Ambassador Celso Amorim, Permanent Representative of Brazil to the United Nations, N.Y.; General (ret.) Lee Butler, former Commander-in-Chief, U.S. Strategic Air Command; Ambassador Richard Butler, Permanent Representative of Australia to the United Nations, N.Y.; Field Marshall Lord Carver, former Chief of Defence Staff, U.K.; Captain Jacques-Yves Cousteau, France; Ambassador Jayantha Dhanapala, Ambassador of Sri Lanka to the U.S.; Ambassador Rolf Ekeus, Sweden, Executive Chairman, UNSCOM; Ambassador Nabil Elaraby, Permanent Representative of Egypt to the United Nations, N.Y.; Professor Ryukichi Imai, Kyorin University, Japan; Ronald McCoy, President of the Malaysian Medical Association; Robert McNamara, U.S.A., former Secretary of Defense and President of the World Bank; Professor Robert O'Neill, Oxford University, U.K.; Ambassador Qian Jiadong, China; Michel Rocard, former Prime Minister of France; Professor Joseph Rotblat, U.K., President of the Pugwash Conferences on Science and World Affairs; Professor Roald Sagdeev, Russian Federation, University of Maryland; Dr. Maj Britt Theorin, Sweden, President, International Peace Bureau and Parliamentarians for Global Action.

United Nations Security Council Resolution 1172 (1998)

[Adopted by the Security Council on 6 June 1998]

The Security Council,

Reaffirming the statements of its President of 14 May 1998 (S/PRST/1998/12) and of 29 May 1998 (S/PRST/1998/17),

Reiterating the statement of its President of 31 January 1992 (S/23500), which stated, *inter alia*, that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security,

Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and *also gravely concerned* at the danger to peace and stability in the region,

Deeply concerned at the risk of a nuclear arms race in South Asia, and *determined* to prevent such a race,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive

Nuclear Test Ban Treaty for global efforts towards nuclear non-proliferation and nuclear disarmament,

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the successful outcome of that Conference,

Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and *welcoming* the determination of the five nuclear-weapon States to fulfil their commitments relating to nuclear disarmament under Article VI of that Treaty,

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

1. *Condemns* the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;

2. *Endorses* the Joint Communiqué issued by the Foreign Ministers of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998 (S/1998/473);

3. *Demands* that India and Pakistan refrain from further nuclear tests and in this context *calls upon* all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear Test Ban Treaty;

4. *Urges* India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation;

5. *Urges* India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and *encourages* them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;

6. *Welcomes* the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue;

7. *Calls upon* India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;

8. *Encourages* all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and *welcomes* national policies adopted and declared in this respect;

9. *Expresses* its grave concern at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;

10. *Reaffirms* its full commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament;

11. *Expresses* its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated and *recalls* that in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons India or Pakistan cannot have the status of a nuclear-weapon State;

12. *Recognizes* that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;

13. *Urges* India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the

Comprehensive Nuclear Test Ban Treaty without delay and without conditions;

14. *Urges* India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;

15. *Requests* the Secretary-General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;

16. *Expresses* its readiness to consider further how best to ensure the implementation of the present resolution;

17. *Decides* to remain actively seized of the matter.

Towards a Nuclear-Weapons-Free World: The Need for a New Agenda

[Declaration by Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, 9 June 1998]

1. We, the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden have considered the continued threat to humanity represented by the perspective of the indefinite possession of nuclear weapons by the nuclear weapon states, as well as by those three nuclear-weapon-capable states that have not acceded to the Non-Proliferation Treaty, and the attendant possibility of use of threat of use of nuclear weapons. The seriousness of this predicament has been further underscored by the recent nuclear tests conducted by India and Pakistan.

2. We fully share the conclusion expressed by the commissioners of the Canberra Commission in their Statement that "the proposition that nuclear weapons can be retained in perpetuity and never used — accidentally or by decision — defies credibility. The only complete defence is the elimination of nuclear weapons and assurance that they will never be produced again."

3. We recall that the General Assembly of the United Nations already in January 1946 — in its very first resolution — unanimously called for a commission to make proposals for "the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction." While we can rejoice at the achievement of the international community in concluding total and global prohibitions on chemical and biological weapons by the Conventions of 1972 and 1993, we equally deplore the fact that the countless resolutions and initiatives which have been guided by similar objectives in respect of nuclear weapons in the past half century remain unfulfilled.

4. We can no longer remain complacent at the reluctance of the nuclear-weapon states and the three nuclear-weapons-capable states to take that fundamental and requisite step, namely a clear commitment to the speedy, final and total elimination of their nuclear weapons and nuclear weapons capability and we urge them to take that step now.

5. The vast majority of the membership of the United Nations has entered into legally-binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. These undertakings have been made in the context of the corresponding legally binding commitments by the nuclear-weapon states to the pursuit of nuclear disarmament. We are deeply concerned at the persistent reluctance of the nuclear-weapon states to approach their Treaty obligations as an urgent commitment to the total elimination of their nuclear weapons.

6. In this connection we recall the unanimous conclusion of the International Court of Justice in its 1996 Advisory Opinion that there exists an obligation to pursue in good faith and 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 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".

The Report of the Tokyo Forum for nuclear non-proliferation and disarmament

[Released 25 July 1999 (extracts)]

... [A]t the threshold of the 21st Century, the fabric of international security is unravelling and nuclear dangers are growing at a disturbing rate. Relations among major powers are deteriorating. The United Nations is in ... crisis. The global regimes to stop the proliferation of nuclear weapons and other weapons of mass destruction are under siege. ... Nuclear tests by India and Pakistan have shown that not all countries share the view that the usefulness of nuclear weapons is declining. Years of relentless effort have not eliminated the clandestine weapons of mass destruction programs of the most determined proliferators. The US-Russia nuclear disarmament process is

stalled, with adverse consequences for the global disarmament agenda. The situation in Asia is ... fluid, portending negative changes for disarmament and non-proliferation. ... Unless concerted action is taken ... to reverse these dangerous trends, non-proliferation and disarmament treaties could become hollow instruments. A renewed sense of commitment to both non-proliferation and disarmament is urgently needed.

... The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) demands both disarmament and non-proliferation. The nuclear-weapon states must demonstrate tangible progress in nuclear disarmament, while the non-nuclear-weapon states must rally behind the Treaty and take stronger steps of their own, such as adopting improved ... [IAEA] safeguards. To support the NPT's core bargain, a permanent secretariat and consultative commission should be created to deal with questions of compliance and to consider strengthening measures for the Treaty. ... The world faces a choice between the assured dangers of proliferation or the challenges of disarmament. The better choice is the progressive reduction and complete elimination of nuclear weapons.

... The Comprehensive Nuclear-Test-Ban Treaty must be ratified urgently by those key states still holding out — the United States, Russia, China, India, Pakistan North Korea and Israel. All states must respect a moratorium on nuclear testing and pay their fair share of the treaty's verification costs. ... [T]he United States and Russia ... [should] initiate new comprehensive talks on nuclear arms reduction and security issues ... to further extend reductions to 1,000 deployed strategic warheads. If [existing] treaties remain stalled ... both countries ... [should] pursue parallel and verifiable reductions to that level. ... China ... [should] join the United Kingdom and France in reducing and, in the first instance, not increasing nuclear weapon inventories. ... Irreversible reductions in nuclear forces require great transparency. ... The implementation of further transparency measures on the numbers and types of nuclear weapons and on the amounts of fissile material should be encouraged. ...

... [A]ll states with nuclear weapons ... [should] endorse and implement the goal of zero nuclear weapons on hair-trigger alert. ... [T]he United States and Russia ... [should] immediately stand down nuclear forces slated for reduction in START II. To eliminate the risk of the millennium computer bug leading to an accidental launch, all nuclear weapons in all states should be removed from alert for the period of concern.

... [T]he United States ... [should] increase cooperative threat-reduction efforts in the former Soviet Union. The world community, especially the G8 states and the European Union, must substantially expand cooperative threat-reduction efforts. ... [A] Fissile Material Cut-off Treaty [should be concluded promptly]. ... China, India, Pakistan and Israel ... [should] declare moratoria on producing fissile material for nuclear weapons. Nuclear-weapon states should put all excess military stocks of fissile materials and civil fissile materials under ... [IAEA] safeguards.

... [R]egional and global cooperative efforts [are necessary] to prevent weapons of mass destruction from falling into the hands of extremist, fanatical or criminal groups.

... The guidelines of the Missile Technology Control regime need to be strengthened. ... [A]ll states, particularly North Korea, ... [should] respect these guidelines. ... A special conference of concerned states should be convened to deal with ... missile proliferation.

... [M]issile defence deployments could produce [uncertainties and complications]. Recognising the security concerns posed by ballistic missiles ... all states contemplating the deployment of advanced missile defences ... [should] proceed with caution, in concert with other initiatives to reduce the salience of nuclear weapons.

... [I]n the near term, ... India and Pakistan ... [should]: maintain moratoria on nuclear testing; sign and ratify the Comprehensive Nuclear-Test-Ban Treaty; support prompt negotiation of an Fissile Material Cut-off Treaty; adopt and properly implement nuclear risk-reduction measures; suspend missile flight tests; confirm pledges to restrain nuclear and missile-related exports; cease provocative actions; and take steps to resolve the Kashmir dispute. In the long term, ... India and Pakistan [are

urged] to accede to the treaty on the Non-Proliferation of Nuclear Weapons as non-nuclear-weapon states.

... [T]he linkage between the core objectives of a [peaceful] Middle East ... and one free of weapons of mass destruction ... [should be recognised]. ... [This necessitates]: a revitalised Arab-Israeli peace process; resumption of an effective WMD control regime for Iraq under UN Security Council auspices; restraint on missile and flight test programs; effective and verifiable implementation of the Chemical Weapons Convention and Biological Weapons Convention by all states in the region; implementation of strengthened ... [IAEA] safeguards; and Israel's accession to the ... [NPT] as a non-nuclear weapon state.

... [A]ll parties [are urged] to redouble their efforts to achieve ... a denuclearised Korean Peninsula ... [and pursue] coordinated global efforts to maintain North Korea's freeze on its graphite-moderated nuclear reactors and related facilities. All nuclear weapon and missile-related activities in North Korea must cease, including production and sale of WMD-capable missile technology. ... [F]ull and effective implementation of the 1994 Agreed Framework, North Korea's full compliance with an ... [IAEA] safeguards agreement, and its adherence to the agency's strengthened safeguards system [is called for].

... [T]he UN Security Council ... [should] pass a resolution declaring that the proliferation of weapons of mass destruction constitutes a threat to international peace and security. Permanent members of the Security Council ... [should] refrain from exercising their vetoes against efforts to assist or defend UN member states that have become victim to the use or the threat of use of weapons of mass destruction. All current and prospective permanent members of the UN Security Council should have exemplary non-proliferation credentials.

... [T]he ... Conference on Disarmament ... [should] revise its procedures, update its work program and carry out purposeful work, or suspend its operations. ... [Its] consensus rule is causing ... deadlock [and] should not be necessary to begin or conclude negotiations on a multilateral convention.

... The scope of verification of disarmament should be expanded to non-deployed nuclear weapons and the dismantling of nuclear weapons. An effective verification protocol should be agreed for the Biological Weapons Convention, and implementation decisions weakening the verification regime of the Chemical Weapons Convention should be stopped and reversed.

... [All] states seeking nuclear non-proliferation and disarmament ... [should] actively support the development of arrangements through which states in non-compliance with arms control treaties will know ... that they will be caught ... [and] will face serious consequences. The international community must be united and unequivocal in its intended response to would-be violators based on a broad consensus, including possible recourse to Chapter VII of the UN Charter. A revitalised ... [UN] with a reformed and authoritative Security Council is essential to building and maintaining the support of the international community for the effective enforcement of compliance.

Nuclear Posture Review Report — Foreword by US Secretary of Defense Donald H. Rumsfeld

[submitted to Congress 31 December 2001, published
8 January 2002]

The Congress directed the Defense Department to conduct a comprehensive Nuclear Posture Review to lay out the direction for American nuclear forces over the next five to ten years. The Department has completed that review and prepared the attached report.

Early on, we recognized that the new security environment demanded that the Department go beyond the Congressional mandate in developing a strategic posture for the 21st century. President Bush had already directed the Defense Department to transform America's military and prepare it for the new, unpredictable world in which we will be living. The result of his direction is the Quadrennial Defense Review (QDR). Building

on the (QDR) this Nuclear Posture Review puts in motion a major change in our approach to the role of nuclear offensive forces in our deterrent strategy and presents the blueprint for transforming our strategic posture.

This report establishes a New Triad, composed of:

- Offensive strike systems (both nuclear and non-nuclear);
- Defenses (both active and passive); and
- A revitalized defense infrastructure that will provide new capabilities in a timely fashion to meet emerging threats.

This New Triad is bound together by enhanced command and control (C2) and intelligence systems.

The establishment of this New Triad can both reduce our dependence on nuclear weapons and improve our ability to deter attack in the face of proliferating WMD capabilities in two ways:

- The addition of defenses (along with the prospects for timely adjustments to force capabilities and enhanced C2 and intelligence systems) means that the U.S. will no longer be as heavily dependent on offensive strike forces to enforce deterrence as it was during the Cold War.
- The addition of non-nuclear strike forces — including conventional strike and information operations — means that the U.S. will be less dependent than it has been in the past on nuclear forces to provide its offensive deterrent capability.

The combination of new capabilities that make up the New Triad reduce the risk to the nation as it draws its nuclear forces toward the goal of 1,700-2,200 operationally deployed strategic nuclear warheads announced by President Bush on November 13, 2001.

The following is a summary of the highlights in this report.

First and foremost, the Nuclear Posture Review puts the Cold War practices related to planning for strategic forces behind us. In the decade since the collapse of the Soviet Union, planning for the employment of U.S. nuclear forces has undergone only modest revision, despite the new relationship between the U.S. and Russia. Few changes had been made to the size or composition of the strategic nuclear force beyond those required by the START Treaty. At the same time, plans and funding for sustaining some critical elements of that force have been inadequate.

As a result of this review, the U.S. will no longer plan, size or sustain its forces as though Russia presented merely a smaller version of the threat posed by the former Soviet Union. Following the direction laid down for U.S. defense planning in the Quadrennial Defense Review, the Nuclear Posture Review shifts planning for America's strategic forces from the threat-based approach of the Cold War to a capabilities-based approach. This new approach should provide, over the coming decades, a credible deterrent at the lowest level of nuclear weapons consistent with U.S. and allied security.

Second, we have concluded that a strategic posture that relies solely on offensive nuclear forces is inappropriate for deterring the potential adversaries we will face in the 21st century. Terrorists or rogue states armed with weapons of mass destruction will likely test America's security commitments to its allies and friends. In response, we will need a range of capabilities to assure friend and foe alike of U.S. resolve. A broader array of capability is needed to dissuade states from undertaking political, military, or technical courses of action that would threaten U.S. and allied security. U.S. forces must pose a credible deterrent to potential adversaries who have access to modern military technology, including NBC weapons and the means to deliver them over long distances. Finally, U.S. strategic forces need to provide the President with a range of options to defeat any aggressor.

To meet the nation's defense goals in the 21st century, the first leg of the New Triad, the offensive strike leg, will go beyond the Cold War triad of intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and long-range nuclear-armed bombers. ICBMs, SLBMs, bombers and nuclear weapons will, of course, continue to play a vital role. However, they will be just part of the first leg of the New Triad, integrated with new non-nuclear strategic capabilities that strengthen the credibility of our offensive deterrence.

The second leg of the New Triad requires development and deployment of both active and passive defenses — a recognition that offensive capabilities alone may not deter aggression in the new security environment of the 21st century. The events of September 11, 2001 underscore this reality. Active and passive defenses will not be perfect. However, by denying or reducing the effectiveness of limited attacks, defenses can discourage attacks, provide new capabilities for managing crises, and provide insurance against the failure of traditional deterrence.

The third leg of the New Triad is a responsive defense infrastructure. Since the end of the Cold War, the U.S. defense infrastructure has contracted and our nuclear infrastructure has atrophied. New approaches to development and procurement of new capabilities are being designed so that it will not take 20 years or more to field new generations of weapon systems. With respect to the nuclear infrastructure, it needs to be repaired to increase confidence in the deployed forces, eliminate unneeded weapons, and mitigate the risks of technological surprise. Maintaining our ability to respond to large strategic changes can permit us to reduce our nuclear arsenal and, at the same time, dissuade adversaries from starting a competition in nuclear armaments.

The effectiveness of this New Triad depends upon command and control, intelligence, and adaptive planning. "Exquisite" intelligence on the intentions and capabilities of adversaries can permit timely adjustments to the force and improve the precision with which it can strike and defend. The ability to plan the employment of the strike and defense forces flexibly and rapidly will provide the U.S. with a significant advantage in managing crises, deterring attack and conducting military operations.

Constructing the New Triad, reducing our deployed nuclear weapons, and increasing flexibility in our strategic posture has resource implications. It costs money to retire old weapons systems and create new capabilities. Restoring the defense infrastructure, developing and deploying strategic defenses, improving our command and control, intelligence, planning, and non-nuclear strike capabilities require new defense initiatives and investments. However, these investments can make the U.S. more secure while reducing our dependence on nuclear weapons.

The Quadrennial Defense Review established the foundation for America's post-Cold War defense strategy. Building on the Quadrennial Defense Review, the Nuclear Posture Review will transform the Cold War era offensive nuclear triad into a New Triad designed for the decades to come.

The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction

[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.

National Strategy to Combat Weapons of Mass Destruction

[The White House, December 2002 (Based on the classified National Security Presidential Directive 17, signed in September 2002)]

"The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination.

The United States will not allow these efforts to succeed. ...History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action."

President Bush

The National Security Strategy of the United States of America
September 17, 2002

INTRODUCTION

Weapons of mass destruction (WMD) — nuclear, biological, and chemical — in the possession of hostile states and terrorists represent one of the greatest security challenges facing the United States. We must pursue a comprehensive strategy to counter this threat in all of its dimensions.

An effective strategy for countering WMD, including their use and further proliferation, is an integral component of the National Security Strategy of the United States of America. As with the war on terrorism, our strategy for homeland security, and our new concept of deterrence, the U.S. approach to combat WMD represents a fundamental change from the past. To succeed, we must take full advantage of today's opportunities, including the application of new technologies, increased emphasis on intelligence collection and analysis, the strengthening of alliance relationships, and the establishment of new partnerships with former adversaries.

Weapons of mass destruction could enable adversaries to inflict massive harm on the United States, our military forces at home and abroad, and our friends and allies. Some states, including several that have supported and continue to support terrorism, already possess WMD and are seeking even greater capabilities, as tools of coercion and intimidation. For them, these are not weapons of last resort, but militarily useful weapons of choice intended to overcome our nation's advantages in conventional forces and to deter us from responding to aggression against our friends and allies in regions of vital interest. In addition, terrorist groups are seeking to acquire WMD with the stated purpose of killing large numbers of our people and those of friends and allies—without compunction and without warning.

We will not permit the world's most dangerous regimes and terrorists to threaten us with the world's most destructive weapons. We must accord the highest priority to the protection of the United States, our forces, and our friends and allies from the existing and growing WMD threat.

PILLARS OF OUR NATIONAL STRATEGY

Our National Strategy to Combat Weapons of Mass Destruction has three principal pillars:

Counterproliferation to Combat WMD Use

The possession and increased likelihood of use of WMD by hostile states and terrorists are realities of the contemporary security environment. It is therefore critical that the U.S. military and appropriate civilian agencies be prepared to deter and defend against the full range of possible WMD employment scenarios. We will ensure that all needed capabilities to combat WMD are fully integrated into the emerging defense transformation plan and into our homeland security posture. Counterproliferation will also be fully integrated into the basic doctrine, training, and equipping of all forces, in order to ensure that they can sustain operations to decisively defeat WMD-armed adversaries.

Strengthened Nonproliferation to Combat WMD Proliferation

The United States, our friends and allies, and the broader international community must undertake every effort to prevent states and terrorists from acquiring WMD and missiles. We must enhance traditional measures—diplomacy, arms control, multilateral agreements, threat reduction assistance, and export controls—that seek to dissuade or impede proliferant states and terrorist networks, as well as to slow and make more costly their access to sensitive technologies, material, and expertise. We must ensure compliance with relevant international agreements, including the Nuclear Nonproliferation Treaty (NPT), the Chemical Weapons Convention (CWC), and the Biological Weapons Convention (BWC). The United States will continue to work with other states to improve their capability to prevent unauthorized transfers of WMD and missile technology, expertise, and material. We will identify and pursue new methods of prevention, such as national criminalization of proliferation activities and expanded safety and security measures.

Consequence Management to Respond to WMD Use

Finally, the United States must be prepared to respond to the use of WMD against our citizens, our military forces, and those of friends and allies. We will develop and maintain the capability to reduce to the extent possible the potentially horrific consequences of WMD attacks at home and abroad.

The three pillars of the U.S. national strategy to combat WMD are seamless elements of a comprehensive approach. Serving to integrate the pillars are four cross-cutting enabling functions that need to be pursued on a priority basis: intelligence collection and analysis on WMD, delivery systems, and related technologies; research and development to improve our ability to respond to evolving threats; bilateral and multilateral cooperation; and targeted strategies against hostile states and terrorists.

COUNTERPROLIFERATION

We know from experience that we cannot always be successful in preventing and containing the proliferation of WMD to hostile states and terrorists. Therefore, U.S. military and appropriate civilian agencies must possess the full range of operational capabilities to counter the threat and use of WMD by states and terrorists against the United States, our military forces, and friends and allies.

Interdiction

Effective interdiction is a critical part of the U.S. strategy to combat WMD and their delivery means. We must enhance the capabilities of our military, intelligence, technical, and law enforcement communities to prevent the movement of WMD materials, technology, and expertise to hostile states and terrorist organizations.

Deterrence

Today's threats are far more diverse and less predictable than those of the past. States hostile to the United States and to our friends and allies have demonstrated their willingness to take high risks to achieve their goals, and are aggressively pursuing WMD and their means of delivery as critical tools in this effort. As a consequence, we require new methods of deterrence. A strong declaratory policy and effective military forces are essential elements of our contemporary deterrent posture, along with the full range of political tools to persuade potential adversaries not to seek or use WMD. The United States will continue to make clear that it reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of WMD against the United States, our forces abroad, and friends and allies.

In addition to our conventional and nuclear response and defense capabilities, our overall deterrent posture against WMD threats is reinforced by effective intelligence, surveillance, interdiction, and domestic law enforcement capabilities. Such combined capabilities enhance deterrence both by devaluing an

adversary's WMD and missiles, and by posing the prospect of an overwhelming response to any use of such weapons.

Defense and Mitigation

Because deterrence may not succeed, and because of the potentially devastating consequences of WMD use against our forces and civilian population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD-armed adversaries, including in appropriate cases through preemptive measures. This requires capabilities to detect and destroy an adversary's WMD assets before these weapons are used. In addition, robust active and passive defenses and mitigation measures must be in place to enable U.S. military forces and appropriate civilian agencies to accomplish their missions, and to assist friends and allies when WMD are used.

Active defenses disrupt, disable, or destroy WMD en route to their targets. Active defenses include vigorous air defense and effective missile defenses against today's threats. Passive defenses must be tailored to the unique characteristics of the various forms of WMD. The United States must also have the ability rapidly and effectively to mitigate the effects of a WMD attack against our deployed forces.

Our approach to defend against biological threats has long been based on our approach to chemical threats, despite the fundamental differences between these weapons. The United States is developing a new approach to provide us and our friends and allies with an effective defense against biological weapons.

Finally, U.S. military forces and domestic law enforcement agencies as appropriate must stand ready to respond against the source of any WMD attack. The primary objective of a response is to disrupt an imminent attack or an attack in progress, and eliminate the threat of future attacks. As with deterrence and prevention, an effective response requires rapid attribution and robust strike capability. We must accelerate efforts to field new capabilities to defeat WMD-related assets. The United States needs to be prepared to conduct post-conflict operations to destroy or dismantle any residual WMD capabilities of the hostile state or terrorist network. An effective U.S. response not only will eliminate the source of a WMD attack but will also have a powerful deterrent effect upon other adversaries that possess or seek WMD or missiles.

NONPROLIFERATION

Active Nonproliferation Diplomacy

The United States will actively employ diplomatic approaches in bilateral and multilateral settings in pursuit of our nonproliferation goals. We must dissuade supplier states from cooperating with proliferant states and induce proliferant states to end their WMD and missile programs. We will hold countries responsible for complying with their commitments. In addition, we will continue to build coalitions to support our efforts, as well as to seek their increased support for nonproliferation and threat reduction cooperation programs. However, should our wide-ranging nonproliferation efforts fail, we must have available the full range of operational capabilities necessary to defend against the possible employment of WMD.

Multilateral Regimes

Existing nonproliferation and arms control regimes play an important role in our overall strategy. The United States will support those regimes that are currently in force, and work to improve the effectiveness of, and compliance with, those regimes. Consistent with other policy priorities, we will also promote new agreements and arrangements that serve our nonproliferation goals. Overall, we seek to cultivate an international environment that is more conducive to nonproliferation. Our efforts will include:

Nuclear

- Strengthening of the Nuclear Nonproliferation Treaty and International Atomic Energy Agency (IAEA), including through ratification of an IAEA Additional Protocol by all NPT states parties, assurances that all states put in place

full-scope IAEA safeguards agreements, and appropriate increases in funding for the Agency;

- Negotiating a Fissile Material Cut-Off Treaty that advances U.S. security interests; and
- Strengthening the Nuclear Suppliers Group and Zangger Committee.

Chemical and Biological

- Effective functioning of the Organization for the Prohibition of Chemical Weapons;
- Identification and promotion of constructive and realistic measures to strengthen the BWC and thereby to help meet the biological weapons threat; and
- Strengthening of the Australia Group.

Missile

- Strengthening the Missile Technology Control Regime (MTCR), including through support for universal adherence to the International Code of Conduct Against Ballistic Missile Proliferation.

Nonproliferation and Threat Reduction Cooperation

The United States pursues a wide range of programs, including the Nunn-Lugar program, designed to address the proliferation threat stemming from the large quantities of Soviet-legacy WMD and missile-related expertise and materials. Maintaining an extensive and efficient set of nonproliferation and threat reduction assistance programs to Russia and other former Soviet states is a high priority. We will also continue to encourage friends and allies to increase their contributions to these programs, particularly through the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. In addition, we will work with other states to improve the security of their WMD-related materials.

Controls on Nuclear Materials

In addition to programs with former Soviet states to reduce fissile material and improve the security of that which remains, the United States will continue to discourage the worldwide accumulation of separated plutonium and to minimize the use of highly-enriched uranium. As outlined in the National Energy Policy, the United States will work in collaboration with international partners to develop recycle and fuel treatment technologies that are cleaner, more efficient, less waste-intensive, and more proliferation-resistant.

U.S. Export Controls

We must ensure that the implementation of U.S. export controls furthers our nonproliferation and other national security goals, while recognizing the realities that American businesses face in the increasingly globalized marketplace.

We will work to update and strengthen export controls using existing authorities. We also seek new legislation to improve the ability of our export control system to give full weight to both nonproliferation objectives and commercial interests. Our overall goal is to focus our resources on truly sensitive exports to hostile states or those that engage in onward proliferation, while removing unnecessary barriers in the global marketplace.

Nonproliferation Sanctions

Sanctions can be a valuable component of our overall strategy against WMD proliferation. At times, however, sanctions have proven inflexible and ineffective. We will develop a comprehensive sanctions policy to better integrate sanctions into our overall strategy and work with Congress to consolidate and modify existing sanctions legislation.

WMD CONSEQUENCE MANAGEMENT

Defending the American homeland is the most basic responsibility of our government. As part of our defense, the United States must be fully prepared to respond to the consequences of WMD use on our soil, whether by hostile states or by terrorists. We must also be prepared to respond to the effects of WMD use against our forces deployed abroad, and to assist friends and allies. The National Strategy for Homeland Security discusses U.S. Government programs to

deal with the consequences of the use of a chemical, biological, radiological, or nuclear weapon in the United States. A number of these programs offer training, planning, and assistance to state and local governments. To maximize their effectiveness, these efforts need to be integrated and comprehensive. Our first responders must have the full range of protective, medical, and remediation tools to identify, assess, and respond rapidly to a WMD event on our territory.

The White House Office of Homeland Security will coordinate all federal efforts to prepare for and mitigate the consequences of terrorist attacks within the United States, including those involving WMD. The Office of Homeland Security will also work closely with state and local governments to ensure their planning, training, and equipment requirements are addressed. These issues, including the roles of the Department of Homeland Security, are addressed in detail in the National Strategy for Homeland Security.

The National Security Council's Office of Combating Terrorism coordinates and helps improve U.S. efforts to respond to and manage the recovery from terrorist attacks outside the United States. In cooperation with the Office of Combating Terrorism, the Department of State coordinates interagency efforts to work with our friends and allies to develop their own emergency preparedness and consequence management capabilities.

INTEGRATING THE PILLARS

Several critical enabling functions serve to integrate the three pillars—counterproliferation, nonproliferation, and consequence management—of the U.S. National Strategy to Combat WMD.

Improved Intelligence Collection and Analysis

A more accurate and complete understanding of the full range of WMD threats is, and will remain, among the highest U.S. intelligence priorities, to enable us to prevent proliferation, and to deter or defend against those who would use those capabilities against us. Improving our ability to obtain timely and accurate knowledge of adversaries' offensive and defensive capabilities, plans, and intentions is key to developing effective counter- and nonproliferation policies and capabilities. Particular emphasis must be accorded to improving: intelligence regarding WMD-related facilities and activities; interaction among U.S. intelligence, law enforcement, and military agencies; and intelligence cooperation with friends and allies.

Research and Development

The United States has a critical need for cutting-edge technology that can quickly and effectively detect, analyze, facilitate interdiction of, defend against, defeat, and mitigate the consequences of WMD. Numerous U.S. Government departments and agencies are currently engaged in the essential research and development to support our overall strategy against WMD proliferation.

The new Counterproliferation Technology Coordination Committee, consisting of senior representatives from all concerned agencies, will act to improve interagency coordination of U.S. Government counterproliferation research and development efforts. The Committee will assist in identifying priorities, gaps, and overlaps in existing programs and in examining options for future investment strategies.

Strengthened International Cooperation

WMD represent a threat not just to the United States, but also to our friends and allies and the broader international community. For this reason, it is vital that we work closely with like-minded countries on all elements of our comprehensive proliferation strategy.

Targeted Strategies Against Proliferants

All elements of the overall U.S. strategy to combat WMD must be brought to bear in targeted strategies against supplier and recipient states of WMD proliferation concern, as well as against terrorist groups which seek to acquire WMD.

A few states are dedicated proliferators, whose leaders are determined to develop, maintain, and improve their WMD and

delivery capabilities, which directly threaten the United States, U.S. forces overseas, and/or our friends and allies. Because each of these regimes is different, we will pursue country-specific strategies that best enable us and our friends and allies to prevent, deter, and defend against WMD and missile threats from each of them. These strategies must also take into account the growing cooperation among proliferant states—so-called secondary proliferation—which challenges us to think in new ways about specific country strategies.

One of the most difficult challenges we face is to prevent, deter, and defend against the acquisition and use of WMD by terrorist groups. The current and potential future linkages between terrorist groups and state sponsors of terrorism are particularly dangerous and require priority attention. The full range of counterproliferation, nonproliferation, and consequence management measures must be brought to bear against the WMD terrorist threat, just as they are against states of greatest proliferation concern.

END NOTE

Our National Strategy to Combat WMD requires much of all of us—the Executive Branch, the Congress, state and local governments, the American people, and our friends and allies. The requirements to prevent, deter, defend against, and respond to today's WMD threats are complex and challenging. But they are not daunting. We can and will succeed in the tasks laid out in this strategy; we have no other choice.

Proliferation Security Initiative, Statement of Interdiction Principles

[Agreed at Paris, 4 September 2003]

The Proliferation Security Initiative (PSI) is a response to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide. The PSI builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes. It is consistent with and a step in the implementation of the UN Security Council Presidential Statement of January 1992, which states that the proliferation of all WMD constitutes a threat to international peace and security, and underlines the need for member states of the UN to prevent proliferation. The PSI is also consistent with recent statements of the G8 and the European Union, establishing that more coherent and concerted efforts are needed to prevent the proliferation of WMD, their delivery systems, and related materials. PSI participants are deeply concerned about this threat and of the danger that these items could fall into the hands of terrorists, and are committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.

The PSI seeks to involve in some capacity all states that have a stake in non-proliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. The PSI also seeks cooperation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes by states and non-state actors of proliferation concern. The increasingly aggressive efforts by proliferators to stand outside or to circumvent existing non-proliferation norms, and to profit from such trade, requires new and stronger actions by the international community. We look forward to working with all concerned states on measures they are able and willing to take in support of the PSI, as outlined in the following set of "Interdiction Principles."

Interdiction Principles for the Proliferation Security Initiative

PSI participants are committed to the following interdiction principles to establish a more coordinated and effective basis through which to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and

frameworks, including the UN Security Council. They call on all states concerned with this threat to international peace and security to join in similarly committing to:

1. Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. "States or non-state actors of proliferation concern" generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.

2. Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, protecting the confidential character of classified information provided by other states as part of this initiative, dedicate appropriate resources and efforts to interdiction operations and capabilities, and maximize coordination among participants in interdiction efforts.

3. Review and work to strengthen their relevant national legal authorities where necessary to accomplish these objectives, and work to strengthen when necessary relevant international law and frameworks in appropriate ways to support these commitments.

4. Take specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their national legal authorities permit and consistent with their obligations under international law and frameworks, to include:

- a. Not to transport or assist in the transport of any such cargoes to or from states or non-state actors of proliferation concern, and not to allow any persons subject to their jurisdiction to do so.

- b. At their own initiative, or at the request and good cause shown by another state, to take action to board and search any vessel flying their flag in their internal waters or territorial seas, or areas beyond the territorial seas of any other state, that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concern, and to seize such cargoes that are identified.

- c. To seriously consider providing consent under the appropriate circumstances to the boarding and searching of its own flag vessels by other states, and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states.

- d. To take appropriate actions to (1) stop and/or search in their internal waters, territorial seas, or contiguous zones (when declared) vessels that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and to seize such cargoes that are identified; and (2) to enforce conditions on vessels entering or leaving their ports, internal waters or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search, and seizure of such cargoes prior to entry.

- e. At their own initiative or upon the request and good cause shown by another state, to (a) require aircraft that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; and/or (b) deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

- f. If their ports, airfields, or other facilities are used as transshipment points for shipment of such cargoes to or from states or non-state actors of proliferation concern, to inspect vessels, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.

Proliferation Security Initiative, Chairman's Conclusions

[London, 9-10 October 2003]

Participants in the Proliferation Security Initiative (PSI) met at Lancaster House, London, on 9-10 October. Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, the UK and the US were represented. The meeting was preceded on 8 October by an air interception command post exercise (CPX), organised by the UK.

The London meeting was the fourth meeting of the PSI, consolidating and building on the foundations laid at Madrid (12 June); Brisbane (9-10 July); and Paris (3-4 September).

Outreach

Following the publication of the Statement of Interdiction Principles on 4 September 2003, PSI participants approached other countries to seek their support for the Statement, and their views on how they might contribute to the Initiative.

Participants agreed that the response had been very encouraging. The Initiative had been well received. Over 50 countries had already expressed support for the Statement of Principles.

It was agreed that further co-ordinated outreach work would be needed to broaden international understanding of and co-operation with the Initiative. In this context, further regionally based meetings and activities would be valuable. In this regard the meeting welcomed planned efforts in the Asian region by Japan and Australia. The possibility was discussed of inviting additional participants to specific PSI exercises or other activities, on an ad hoc basis.

Participation

The meeting agreed that the PSI was a global initiative with an inclusive mission. Successful interdiction of trafficking in WMD, their delivery systems and related materials requires the widest possible co-operation between states. Participation in the PSI, which is an activity not an organisation, should be open to any state or international body that accepts the Paris Statement of Principles and makes an effective contribution.

The meeting noted that participation would vary with the activity taking place, and the contribution participants could provide. Some countries had particular experience, assets or expertise relevant to all PSI activities; other countries or organisations could be expected to contribute according to their particular capabilities.

It was noted that a number of countries which had expressed particularly keen interest in participating in future PSI activities and meetings had experience and capabilities which would be of value to the Initiative, and which should be taken into account in future decision making.

Focus of efforts

The Statement of Interdiction Principles, agreed at Paris in September, outlines the scope of the Initiative. It makes clear that 'States or non-state actors of proliferation concern' generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.

Participants agreed that the Initiative aimed to impede and stop trafficking of WMD, their delivery systems and related materials by any state or non-state actor engaged in or supporting WMD proliferation programmes, at any time and in any place.

WMD is a global threat which calls for a global response. Participants looked forward to working with all concerned states on developing the specific measures they were able and willing to take in support of the PSI.

Operational matters

Participants had an initial exchange of views on a possible Boarding Agreement, presented by the US, which could facilitate practical implementation of the Initiative. They agreed that participants should make comments as rapidly as possible, so that states which are interested can move forward with concluding the agreement.

Participants agreed that future interdiction exercises should build on the successful exercises that have already taken place: an Australian-led maritime interdiction training exercise in the Coral Sea in September, and a UK-led air interception command post exercise in London. Future exercises should seek to integrate civil, military, and law enforcement decision making, as appropriate.

The meeting agreed further steps to plan training exercises that will take place in the coming months:

- Spanish led maritime interdiction training exercise in the Mediterranean, 14-17 October
- French led maritime interdiction training exercise in the Mediterranean, 24-28 November
- Italian led air interception training exercise, 3-4 December
- US led maritime interdiction training exercise in the Arabian Sea, January 2004
- Polish led ground interdiction exercise, early 2004
- Italian led maritime interdiction exercise in the Mediterranean, Spring 2004
- French led air interception exercise, Spring 2004
- German led interdiction exercise, at an international airport, March 2004

It was noted that there could be lessons to be learnt from NATO's maritime interdiction operations.

Contacts with international organisations

Participants agreed that all relevant fora should be kept informed of significant developments under the Initiative. To this end, the chair of each PSI Plenary meeting should, as appropriate, circulate its conclusions.

Recalling the 1992 UN Security Council Presidential Declaration on the proliferation of WMD, the meeting noted the value of securing an expression of support in relevant international fora for greater international co-operation against trafficking in WMD, their delivery systems and related materials.

Future meetings

Concluding, the Plenary Chair noted that the broad direction of the PSI had now been agreed. Plenary meetings might therefore become less frequent. But exercises and expert discussion of specific operational and policy issues under the PSI umbrella would continue, with the broadest possible participation by states committed to PSI Principles and to making effective contributions.

The offer by the United States to host an operational experts' meeting in December was warmly welcomed. A number of countries, beyond the original 11 participants, that support the PSI Principles and have concrete contributions to make to PSI activities will take part in that meeting.

Participants warmly welcomed Portugal's offer to host the next PSI Plenary meeting in early 2004.

Statement by Abdul Qadeer Khan

[Islamabad, 4 February 2004]

My dear Ladies and Gentlemen

It is with the deepest sense of sorrow, anguish and regret that I have chosen to appear before you in order to atone for some of the anguish and pain that has been suffered by the people of Pakistan on account of the extremely unfortunate events of the last two months.

I am aware of the vital criticality of Pakistan's nuclear programme to our national security and the national pride and emotions which it generates in your hearts. I am also conscious

that any untoward event, incident or threat to this national capability draws the greatest concern in the nation's psyche.

It is in this context that the recent international events and their fallout on Pakistan have traumatized the nation. I have much to answer for it.

The recent investigation was ordered by the government of Pakistan, consequent to the disturbing disclosures and evidence by some countries to international agencies, relating to alleged proliferation activities by certain Pakistanis and foreigners over the last two decades.

The investigation has established that many of the reported activities did occur, and that these were invariably initiated at my behest. In my interviews with the concerned government officials, I was confronted with the evidence and the findings, and I have voluntarily admitted that much of it is true and accurate.

My dear brothers and sisters, I have chosen to appear before you to offer my deepest regrets and unqualified apologies to a traumatized nation. I am aware of the high esteem, love and affection in which you have held me for my services to national security, and I am grateful for all the awards and honours that have been bestowed upon me.

However, it pains me to realise in retrospect that my entire lifetime achievement of providing foolproof national security to my nation could have been placed in serious jeopardy on account of my activities which were based in good faith but on errors of judgment related to unauthorised proliferation activities.

I wish to place on record that those of my subordinates who have accepted their role in the affair were acting in good faith, like me, on my instructions. I also wish to clarify that there was never ever any kind of authorization for these activities by a government official.

I take full responsibility for my actions and seek your pardon. I give an assurance, my dear brothers and sisters, that such activities will never take place in the future.

I also appeal to all citizens of Pakistan, in the supreme national interest, to refrain from any further speculations and not to politicise this extremely sensitive issue of national security.

May Allah keep Pakistan safe and secure.

Remarks by President Bush on Weapons of Mass Destruction Proliferation

[Fort Lesley J. McNair - National Defense University,
Washington, D.C., 11 February 2004]

...On September the 11th, 2001, America and the world witnessed a new kind of war.... The greatest threat before humanity today is the possibility of secret and sudden attack with chemical or biological or radiological or nuclear weapons..

....

Meeting this [threat] has required changes in thinking and strategy.

One source of these weapons is dangerous and secretive regimes that build weapons of mass destruction to intimidate their neighbors and force their influence upon the world. These nations pose different challenges; they require different strategies.

America and other nations are learning more about black-market operatives who deal in equipment and expertise related to weapons of mass destruction. These dealers are motivated by greed, or fanaticism, or both. They find eager customers in outlaw regimes, which pay millions for the parts and plans they need to speed up their weapons programs. And with deadly technology and expertise going on the market, there's the terrible possibility that terrorists groups could obtain the ultimate weapons they desire most.

The extent and sophistication of such networks can be seen in the case of a man named Abdul Qadeer Khan....

He served as director of the network, its leading scientific mind, as well as its primary salesman. Over the past decade, he made frequent trips to consult with his clients and to sell his expertise. He and his associates sold the blueprints for centrifuges to enrich uranium, as well as a nuclear design stolen

from the Pakistani government. The network sold uranium hexafluoride, the gas that the centrifuge process can transform into enriched uranium for nuclear bombs. Khan and his associates provided Iran and Libya and North Korea with designs for Pakistan's older centrifuges, as well as designs for more advanced and efficient models. The network also provided these countries with components, and in some cases, with complete centrifuges.

To increase their profits, Khan and his associates used a factory in Malaysia to manufacture key parts for centrifuges. Other necessary parts were purchased through network operatives based in Europe, the Middle East, and Africa. These procurement agents saw the trade in nuclear technologies as a shortcut to personal wealth, and they set up front companies to deceive legitimate firms into selling them tightly controlled materials.

Khan's deputy -- a man named B.S.A. Tahir -- ran SMB computers, a business in Dubai. Tahir used that computer company as a front for the proliferation activities of the A. Q. Khan network. Tahir acted as both the network's chief financial officer and money launderer. He was also its shipping agent, using his computer firm as cover for the movement of centrifuge parts to various clients. Tahir directed the Malaysia facility to produce these parts based on Pakistani designs, and then ordered the facility to ship the components to Dubai. Tahir also arranged for parts acquired by other European procurement agents to transit through Dubai for shipment to other customers.....

As a result of our penetration of the network, American and the British intelligence identified a shipment of advanced centrifuge parts manufactured at the Malaysia facility. We followed the shipment of these parts to Dubai, and watched as they were transferred to the BBC China, a German-owned ship. After the ship passed through the Suez Canal, bound for Libya, it was stopped by German and Italian authorities. They found several containers, each forty feet in length, listed on the ship's manifest as full of "used machine parts." In fact, these containers were filled with parts of sophisticated centrifuges.

The interception of the BBC China came as Libyan and British and American officials were discussing the possibility of Libya ending its WMD programs. The United States and Britain confronted Libyan officials with this evidence of an active and illegal nuclear program. About two months ago, Libya's leader voluntarily agreed to end his nuclear and chemical weapons programs, not to pursue biological weapons, and to permit thorough inspections by the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons. We're now working in partnership with these organizations and with the United Kingdom to help the government of Libya dismantle those programs and eliminate all dangerous materials.

Colonel Ghaddafi made the right decision, and the world will be safer once his commitment is fulfilled. We expect other regimes to follow his example. Abandoning the pursuit of illegal weapons can lead to better relations with the United States, and other free nations. Continuing to seek those weapons will not bring security or international prestige, but only political isolation, economic hardship, and other unwelcome consequences....

Breaking this network is one major success in a broad-based effort to stop the spread of terrible weapons. We're adjusting our strategies to the threats of a new era. America and the nations of Australia, France and Germany, Italy and Japan, the Netherlands, Poland, Portugal, Spain and the United Kingdom have launched the Proliferation Security Initiative to interdict lethal materials in transit. Our nations are sharing intelligence information, tracking suspect international cargo, conducting joint military exercises. We're prepared to search planes and ships, to seize weapons and missiles and equipment that raise proliferation concerns, just as we did in stopping the dangerous cargo on the BBC China before it reached Libya. Three more governments -- Canada and Singapore and Norway -- will be participating in this initiative. We'll continue to expand the core group of PSI countries. And as PSI grows, proliferators will find it harder than ever to trade in illicit weapons.

There is a consensus among nations that proliferation cannot be tolerated. Yet this consensus means little unless it is translated into action. ... Today, I announce seven proposals to strengthen the world's efforts to stop the spread of deadly weapons.

First, I propose that the work of the Proliferation Security Initiative be expanded to address more than shipments and transfers. Building on the tools we've developed to fight terrorists, we can take direct action against proliferation networks. We need greater cooperation not just among intelligence and military services, but in law enforcement, as well. PSI participants and other willing nations should use the Interpol and all other means to bring to justice those who traffic in deadly weapons, to shut down their labs, to seize their materials, to freeze their assets. We must act on every lead. We will find the middlemen, the suppliers and the buyers. Our message to proliferators must be consistent and it must be clear: We will find you, and we're not going to rest until you are stopped.

Second, I call on all nations to strengthen the laws and international controls that govern proliferation. At the U.N. last fall, I proposed a new Security Council resolution requiring all states to criminalize proliferation, enact strict export controls, and secure all sensitive materials within their borders. The Security Council should pass this proposal quickly. And when they do, America stands ready to help other governments to draft and enforce the new laws that will help us deal with proliferation.

Third, I propose to expand our efforts to keep weapons from the Cold War and other dangerous materials out of the wrong hands. In 1991, Congress passed the Nunn-Lugar legislation. Senator Lugar had a clear vision, along with Senator Nunn, about what to do with the old Soviet Union. Under this program, we're helping former Soviet states find productive employment for former weapons scientists. We're dismantling, destroying and securing weapons and materials left over from the Soviet WMD arsenal. We have more work to do there.

And as a result of the G-8 Summit in 2002, we agreed to provide \$20 billion over 10 years -- half of it from the United States -- to support such programs. We should expand this cooperation elsewhere in the world. We will retain [sic] WMD scientists and technicians in countries like Iraq and Libya. We will help nations end the use of weapons-grade uranium in research reactors. I urge more nations to contribute to these efforts. The nations of the world must do all we can to secure and eliminate nuclear and chemical and biological and radiological materials.

As we track and destroy these networks, we must also prevent governments from developing nuclear weapons under false pretenses. The Nuclear Non-Proliferation Treaty was designed more than 30 years ago to prevent the spread of nuclear weapons beyond those states which already possessed them. Under this treaty, nuclear states agreed to help non-nuclear states develop peaceful atomic energy if they renounced the pursuit of nuclear weapons. But the treaty has a loophole which has been exploited by nations such as North Korea and Iran. These regimes are allowed to produce nuclear material that can be used to build bombs under the cover of civilian nuclear programs.

So today, as a fourth step, I propose a way to close the loophole. The world must create a safe, orderly system to field civilian nuclear plants without adding to the danger of weapons proliferation. The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.

The 40 nations of the Nuclear Suppliers Group should refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plants. This step will prevent new states from developing the means to produce fissile material for nuclear bombs. Proliferators must not be allowed to cynically manipulate the NPT to acquire the

material and infrastructure necessary for manufacturing illegal weapons.

For international norms to be effective, they must be enforced. It is the charge of the International Atomic Energy Agency to uncover banned nuclear activity around the world and report those violations to the U.N. Security Council. We must ensure that the IAEA has all the tools it needs to fulfill its essential mandate. America and other nations support what is called the Additional Protocol, which requires states to declare a broad range of nuclear activities and facilities, and allow the IAEA to inspect those facilities.

As a fifth step, I propose that by next year, only states that have signed the Additional Protocol be allowed to import equipment for their civilian nuclear programs. Nations that are serious about fighting proliferation will approve and implement the Additional Protocol. I've submitted the Additional Protocol to the Senate. I urge the Senate to consent immediately to its ratification.

We must also ensure that IAEA is organized to take action when action is required. So, a sixth step, I propose the creation of a special committee of the IAEA Board which will focus intensively on safeguards and verification. This committee, made up of governments in good standing with the IAEA, will strengthen the capability of the IAEA to ensure that nations comply with their international obligations.

And, finally, countries under investigation for violating nuclear non-proliferation obligations are currently allowed to serve on the IAEA Board of Governors. For instance, Iran -- a country suspected of maintaining an extensive nuclear weapons program -- recently completed a two-year term on the Board. Allowing potential violators to serve on the Board creates an unacceptable barrier to effective action. No state under investigation for proliferation violations should be allowed to serve on the IAEA Board of Governors -- or on the new special committee. And any state currently on the Board that comes under investigation should be suspended from the Board. The integrity and mission of the IAEA depends on this simple principle: Those actively breaking the rules should not be entrusted with enforcing the rules.

As we move forward to address these challenges we will consult with our friends and allies on all these new measures. We will listen to their ideas. Together we will defend the safety of all nations and preserve the peace of the world. ...

Countering the proliferation of weapons of mass destruction [Extracts]

[Written Ministerial Statement by the UK Foreign Secretary, Jack Straw House of Commons, 25 February 2004]

... The United Kingdom has worked effectively with the United States in the case of Libya's programmes and in countering AQ Khan's network. We have played a leading role, with France and Germany, on the issue of Iran's nuclear programme. We have enforced UN Security Council Resolutions on Iraq. We have been active on the Proliferation Security Initiative designed to interdict the passage of cargoes intended for use in WMD programmes. We support the Six Party talks in North Korea. All of this demonstrates effective multilateralism in action.

...

Proliferation Security Initiative

The Proliferation Security Initiative has developed well since it was launched in May 2003. ... There is more that we can do to extend its possibilities:

- we are working in the International Maritime Organisation to secure amendment to the Suppression of Unlawful Acts at Sea Convention, which will make it an internationally recognised offence to transport WMD, their delivery systems and related materials on commercial vessels. It is already an offence under the Chicago Convention of the International Civil Aviation Organisation to transport WMD on civil aircraft.

- agreements have been concluded in the past providing for the boarding of vessels which may be carrying drugs. We now plan to negotiate similar agreements with the main commercial flag states allowing for the boarding of vessels which may be carrying cargoes which could be used in WMD programmes. Shipping of the 10 largest commercial flag states covers some 70% of maritime trade. So with a relatively small number of such agreements, a large proportion of the world's shipping would be covered. The options available to the proliferator and rogue supplier would be reduced.
- we will consider with our partners whether new penalties should be introduced to deter air or shipping lines from seeking to transport such cargoes. Might the vessels and planes of any companies found to have engaged in such transport be denied landing or port rights around the world? Should we consider an international register of companies and individuals convicted of proliferation offences?
- we support President Bush's call to use Interpol and all other means to help law enforcement agencies work against the traffickers.
- within the EU, we see a case for Customs experts considering how to tighten regulations and practices, and how better to exchange information in order to prevent the trafficking of WMD.
- in the UK, we have begun work on the screening of traffic for the illicit movement of radioactive materials. This will eventually cover all air, sea and Channel Tunnel traffic — passengers, parcels, vehicles, freight and containers.

Global Partnership

...

Since Kananaskis, we have had the Iraq conflict and Libya's decision to dismantle its WMD programmes. Work is under way to develop a programme for the employment of former weapons scientists in Iraq. The UK has offered to help with a similar programme in Libya. We would like to see the Global Partnership expanded so that it is fully global in its geographical extent, and for the number of donor states to be expanded so that the target of \$20 billion can become a floor rather than a ceiling.

The United Nations and Counter Proliferation

An anomaly in the field of counter proliferation has been the lack of discussion since 1992 of proliferation in an overall sense by the UN Security Council. Following a proposal by President Bush last September, work is now under way on a resolution which will call on states to adopt tough national legislation to criminalise the possession, manufacture or trafficking of WMD, in particular for terrorist purposes; to develop effective export

controls where these do not exist; and to maintain effective physical protection of sensitive materials. ...

We also believe that the Council should also consider establishing an appropriate follow-up mechanism, perhaps a Counter Proliferation Committee, just as the Council's Counter Terrorism Committee was established in 2001.

The European Union

The European Security Strategy, adopted by the European Council in December, highlights the importance of work against WMD. The month before its adoption, the EU agreed that agreements with other countries should include a non-proliferation clause. We are working with our EU partners and the Commission to see this introduced as new agreements arise or existing ones are renewed.

Non Proliferation Treaty and International Atomic Energy Agency

The Non Proliferation Treaty obliges states party to enter into safeguards agreements with the International Atomic Energy Agency to verify that nuclear activities are and remain legitimate. Article IV of the Treaty confirms states' rights to develop and use nuclear energy for peaceful purposes.

But states which fail to comply with their safeguards obligations inevitably lose the confidence of the international community. The bargain which is at the heart of the Treaty is then called into question. We should consider whether such states should not forfeit the right to develop the nuclear fuel cycle, particularly the enrichment and reprocessing capabilities which are of such proliferation sensitivity. That does not mean that they would be deprived of the possibility of constructing and running civil nuclear power stations. These could still operate with fuel supplied by countries honouring their safeguards obligations. The fuel would be subject to Agency monitoring while in the receiving country, and would be returned to the country of supply when spent. This would prevent a seemingly civil programme masking a weapons programme.

Experience in recent years has shown the need for more wide-ranging Agency inspections of national nuclear industries. The Agency's Additional Protocol provides the basis for carrying out such inspections. It is important that all members of the international community adopt one. Suppliers of nuclear technology should increasingly see this as a key commitment when they judge export licence applications.

The Agency has done well to meet a growing verification workload within the constraints of its budget. But we should not ask it forever to do more within the same resources. We may need seriously to consider further strengthening of its Safeguards Division. ...