

---

*PROGRAMME FOR PROMOTING  
NUCLEAR NON-PROLIFERATION*

---

# Briefing Book

*Volume II:  
Treaties, Agreements and Other Relevant Documents  
(Eighth Edition)*

Compiled and Edited by Emily Bailey, Richard Guthrie, Darryl Howlett  
and John Simpson

**PPNN BRIEFING BOOK — Volume II: Treaties, Agreements and Other Relevant Documents  
(Eighth Edition)**

Published by The Mountbatten Centre for International Studies (MCIS) on behalf of the Programme for Promoting Nuclear Non-Proliferation.

This edition was produced for participants of the PPNN Conference *The 2000 NPT Review Conference: Issues And Options*, held during 10–12 March 2000 in Princeton, New Jersey, with the financial assistance of the United States Institute for Peace.

The Mountbatten Centre for International Studies,  
Department of Politics,  
University of Southampton,  
Southampton SO17 1BJ  
United Kingdom

First Edition 1990  
Second Edition 1993  
Third Edition 1995  
Fourth Edition 1996  
Fifth Edition 1997  
Sixth Edition 1998  
Seventh Edition 1999  
Eighth Edition 2000

ISBN 085432 551 4

© 2000 Programme for Promoting Nuclear Non-Proliferation

All right reserved

## Contents

### The Nuclear Non-Proliferation Treaty

*Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*

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

*Parties to the NPT*

[as of 31 January 2000]

### Materials Relating to the 2000 NPT Review Conference

*Report of the Preparatory Committee on Its Third Session*

[Reproduced from NPT/CONF.2000/1, 21 May 1999]

*Annex II — Chairman's working paper of 14 May 1999*

*Annex IV — Chairman's revised working paper of 20 May 1999*

*Annex VI — Draft rules of procedure*

*Annex VII — Provisional agenda*

*Annex VIII — Proposed allocation of items to the Main Committees of the Conference*

*Report of the Preparatory Committee on Its Second Session*

[Reproduced from NPT/CONF.2000/PC.II/36, 9 June 1998]

*Chairman's Working Paper*

[Reproduced from NPT/CONF.2000/PC.II/35, 9 June 1998]

*Report of the Preparatory Committee on Its First Session*

[Reproduced from NPT/CONF.2000/PC.I/32]

### Materials from the 1995 NPT Review and Extension Conference

*Strengthening the Review Process for the Treaty*

[Text reproduced from NPT/CONF.1995/32/DEC.1. Presented to the Conference as NPT/CONF.1995/L.4, proposed by the President.]

*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.]

*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.]

*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.]

*Allocation of Items to the Main Committees of the 1995 NPT Conference*

[Reproduced from Annex V of NPT/CONF.1995/1]

### Materials from Earlier NPT Review Conferences

*Final Declaration of the [First] Review*

*Conference by the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons* D-1

*Final Declaration of the Third Review Conference of the NPT*

A-4 D-6

### Nuclear Weapon Testing Treaties

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

B-1 E-1  
[Opened for signature 5 August 1963, entered into force 10 October 1963]

*Comprehensive Test Ban Treaty*

B-5 E-2  
[Opened for signature 24 September 1996, not in force at 31 January 1999]

*Comprehensive Test Ban Treaty — signatures and ratifications*

B-8 E-33  
[as of 31 January 2000]

*Declarations on the Occasion of the Signature of the Comprehensive Test Ban Treaty*

B-17 E-35

*Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty*

B-18 E-36  
[6-8 October 1999]

*Comprehensive Nuclear-Test-Ban Treaty*

B-19 E-38  
[Resolution A/RES/54/63, adopted by the General Assembly at its 54th Session, December 1999]

### Nuclear-Weapon-Free Zones

*Treaty for the Prohibition of Nuclear Weapons in Latin America*

*[Treaty of Tlatelolco]* F-1  
[Opened for signature on 14 February 1967, entered into force for each government individually]

*Amendments to the Treaty of Tlatelolco*

C-1 F-8

*South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga]*

F-9  
[Opened for signature 6 August 1985, entered into force 11 December 1986]

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

C-2 F-15  
[Opened for signature 11 April 1996, not in force at 31 January 1999]

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

C-4 F-23  
[Reproduced from the ASEAN Summit press release, 15 December 1995, entered into force 27 March 1997]

*Establishment of a nuclear-weapon-free zone in Central Asia*

C-5 F-28  
[Resolution A/RES/53/77 A, adopted by the General Assembly at its 53rd Session, December 1998]

*Mongolia's international security and nuclear-weapon-free status*

C-6 F-29  
[Resolution A/RES/53/77 D, adopted by the General Assembly at its 53rd Session, December 1998]

*African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)* F-30  
[Resolution A/RES/54/48, adopted by the General Assembly at its 54th Session, December 1999]

*Establishment of a nuclear-weapon-free zone in the region of the Middle East* F-31  
[Resolution A/RES/54/51, adopted by the General Assembly at its 54th Session, December 1999]

*Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)* F-33  
[Resolution A/RES/54/60, adopted by the General Assembly at its 54th Session, December 1999]

*Nuclear-weapon-free southern hemisphere and adjacent areas* F-34  
[Resolution A/RES/54/54 L, adopted by the General Assembly at its 54th Session, December 1999]

### The International Atomic Energy Agency

*Statute of the International Atomic Energy Agency* G-1  
[approved 23 October 1956, entered into force 29 July 1957]

*Message of the UN Secretary-General, Mr Kofi Annan, to the IAEA General Conference* G-9  
[September 1999 (extract)]

*Statement by the Director General, Dr Mohamed ElBaradei, to the Forty-Third Session of the General Conference of the International Atomic Energy Agency* G-10  
[September 1999 (extracts)]

*Application of IAEA Safeguards in the Middle East* G-13  
[IAEA General Conference resolution GC(43)/L.1/Rev.1, adopted September 1999]

*Amendment to Article VI of the Statute* G-14  
[IAEA General Conference resolution GC(43)/L.12, adopted September 1999]

### Safeguards Agreements with the International Atomic Energy Agency

*The IAEA Inspectors' Document* H-1  
[GC(V)/39 of 1961]

*The Agency's Safeguards System (1965, as provisionally extended in 1966 and 1968)* H-3  
[Reproduced from IAEA Information Circular 66/Rev.2, (INFCIRC/66/Rev.2), 16 September 1968]

*The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons* H-12  
[Reproduced from IAEA Information Circular 153 (INFCIRC/153), dated June 1972]

*New partnership approach to the implementation of safeguards in the Community, by the IAEA and Euratom: text of joint declaration* H-24  
[April 1992]

*Protocol Additional to the Agreement(s) between ..... and the International Atomic Energy Agency for the Application of Safeguards* H-25  
[IAEA Information Circular 540 (INFCIRC/540), September 1997, as corrected by INFCIRC/540/Corr.1, 12 October 1998]

*Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards — Corrigenda* H-30  
[Reproduced from INFCIRC/540/Corr.1, 12 October 1998. The Corrigenda have been inserted into the text reproduced above.]

*Strengthened Safeguards System: Status of Additional Protocols* H-31  
[as of 17 January 2000]

*Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Protocol* H-32  
[IAEA General Conference resolution GC(43)/L.13, adopted September 1999]

### 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]* I-1  
[Signed at Guadalajara, Mexico, 18 July 1991]

### United Nations Security Council Documents on Non-Proliferation

*United Nations Security Council Resolution 687 (1991)* J-1  
[Adopted by the Security Council on 3 April 1991]

*United Nations Security Council Resolution 707 (1991)* J-5  
[Adopted by the Security Council on 15 August 1991]

*United Nations Security Council Resolution 715 (1991)* J-7  
[Adopted by the Security Council on 11 October 1991]

*UN Security Council Declaration on Disarmament, Arms Control and Weapons of Mass Destruction* J-8  
[Reproduced from S/PV.3046, 31 January 1992]

*United Nations Security Council Resolution 1172 (1998)* J-9  
[Adopted by the Security Council on 6 June 1998]

*Security Council resolution 1284 (1999) on the situation between Iraq and Kuwait [extract]* J-10  
[Adopted by the Security Council at its 4084th meeting, on 17 December 1999]

### Security Assurances

*Unilateral Security Assurances by Nuclear-Weapon States* K-1

*Memorandum on Security Assurances in connection with the Republic of Kazakhstan's accession to the Treaty on the Non-Proliferation of Nuclear Weapons* K-5  
[5 December 1994]

*Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons* K-6  
[5 December 1994]

*Memorandum on Security Assurances in connection with the Republic of Belarus' accession to the Treaty on the Non-Proliferation of Nuclear Weapons* K-7  
[5 December 1994]

*Statement by France on the Accession of Ukraine to the NPT* K-8  
[le 5 décembre 1994]

*United Nations Security Council Resolution 255 (1968)* K-9  
[Adopted by the Security Council on 19 June 1968]

*United Nations Security Council Resolution 984 (1995)* K-10  
[Adopted by the Security Council on 11 April 1995]

*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* K-11  
[Reproduced from NPT/CONF.IV/PC.III/19, 27 April 1990 (Extract)]

*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* K-12  
[Reproduced from CD/SA/WP.13, 6 August 1991 (Extract)]

*Draft Protocol 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* K-14  
[Working paper submitted by South Africa, reproduced from NPT/CONF.2000/PC.III/9, 11 May 1999]

*Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons* K-15  
[Resolution A/RES/54/52, adopted by the General Assembly at its 54th Session, December 1999]

## Export Controls

*Communications Received from Members Regarding the Export of Nuclear Material and of Certain Categories of Equipment and other Material.* L-1  
[INFCIRC/209/Rev.1 was published by the IAEA in November 1990 to consolidate the list of items which would trigger IAEA safeguards (the 'Zangger list'), first published in September 1974, and four sets of amendments published in December 1978, February 1984, August 1985 and February 1990. The Document reproduced here is based on the 1990 consolidated text. Subsequent amendments to the annex to that text (not reproduced here) were published by the IAEA in May 1992 (Mod.1); April 1994 (Mod.2); and October 1995 (Mod.3)]

*Communications Received from Members Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material* L-5  
[Reproduced from INFCIRC/209/Rev.1/Add.3, April 1994]

*Guidelines for Sensitive Missile-Relevant Transfers* L-6  
[Missile Technology Control Regime (MTCR), as updated on 7 January 1993 (replaced original guidelines dated 16 April 1987)]

*The Nuclear Suppliers Group: Its origins, role and activities* L-12  
[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]

*Guidelines for Nuclear Transfers* L-17  
[Nuclear Suppliers Group, reproduced from INFCIRC/254/Rev. 2/Part 1/Add. 1, June 1996]

*Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, And Related Technology* L-23  
[Nuclear Suppliers Group, reproduced from INFCIRC/254/Rev.2/Part 2/Mod.1/Add. 1, June 1996]

## Fissile Material Cut-Off

*Prohibition of the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices* M-1  
[Resolution A/RES/48/75 L, adopted by the General Assembly at its 48th Session, 16 December 1993]

*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* M-2  
[Reproduced from CD/1299, 24 March 1995]

*The Formation of the Ad Hoc Committee on Fissile Materials in the Conference on Disarmament* M-3  
[extracted from the CD Report to the UNGA for 1998, CD/1557, 8 September 1998]

*The Conference on Disarmament decision 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* M-4  
[Resolution A/RES/53/77 I, adopted by the General Assembly at its 53rd Session, December 1998]

## Nuclear Disarmament and Bilateral Nuclear Arms Negotiations

*Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms* N-1  
[START II Treaty, signed 3 January 1993]

*Joint Statement On Parameters On Future Reductions In Nuclear Forces* N-5  
[Russian Federation & United States of America, Helsinki, 21 March 1997]

*Proposal for a programme of action for the elimination of nuclear weapons* N-6  
 [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.]

*The Canberra Commission on the Elimination of Nuclear Weapons [Extract]* N-8  
 [Released on 14 August 1996]

*Towards a Nuclear-Weapons-Free World: The Need for a New Agenda* N-11  
 [Declaration by Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, 9 June 1998]

*Reducing nuclear danger* N-13  
 [Resolution A/RES/53/77 F, adopted by the General Assembly at its 53rd Session, December 1998]

*Bilateral nuclear arms negotiations and nuclear disarmament* N-14  
 [Resolution A/RES/53/77 Z, adopted by the General Assembly at its 53rd Session, December 1998]

*Nuclear disarmament* N-16  
 [Resolution A/RES/54/54 P, adopted by the General Assembly at its 54th Session, December 1999]

*Towards a nuclear-weapon-free world: the need for a new agenda* N-18  
 [Resolution A/RES/54/54 G, adopted by the General Assembly at its 54th Session, December 1999]

*Convening of the fourth special session of the General Assembly devoted to disarmament* N-20  
 [Resolution A/RES/54/54 U, adopted by the General Assembly at its 54th Session, December 1999]

*Joint Statement Between the United States and the Russian Federation Concerning Strategic Offensive And Defensive Arms and Further Strengthening of Stability* N-21  
 [20 June 1999]

*The Report of the Tokyo Forum for nuclear non-proliferation and disarmament* N-22  
 [Released 25 July 1999 (extracts)]

## Physical Protection

*Convention on the Physical Protection of Nuclear Material* O-1  
 [Signed at Vienna and New York on 3 March 1980, entered into force on 8 February 1987]

*Agreement on the Prohibition of Attack against Nuclear Installations and Facilities Between the Republic of India and the Islamic Republic of Pakistan* O-6  
 [Signed December 1988, entered into force 27 January 1991]

*Moscow Nuclear Safety and Security Summit Declaration* O-7  
 [20 April 1996]

*Measures against Illicit Trafficking in Nuclear Materials and other Radioactive Sources* O-10  
 [IAEA General Conference resolution GC(43)/L.14, adopted September 1999]

## Declarations, Speeches and Other Relevant Documents

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

*Agreed Statement between the United States of America and the Democratic People's Republic of Korea* P-2  
 [12 August 1994]

*Agreed Framework between the United States of America and the Democratic People's Republic of Korea* P-3  
 [21 October 1994]

*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)* P-4  
 [8 July 1996, reproduced from Communiqué No. 96/23]

*Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons* P-6  
 [Resolution A/RES/54/54 Q, adopted by the General Assembly at its 54th Session, December 1999]

## **The Nuclear Non-Proliferation Treaty**



**Treaty on the Non-Proliferation of Nuclear Weapons (NPT)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

**Article I**

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

**Article II**

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

**Article III**

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.
2. Each State Party to the Treaty undertakes not to provide:
  - (a) source or special fissionable material, or
  - (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.
3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful

nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

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

#### Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.
2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

#### Article V

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

#### Article VI

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

complete disarmament under strict and effective international control.

#### Article VII

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

#### Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depository Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depository Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.
2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.
3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depository Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

#### Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depository Governments.
3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositories of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has

- manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
  5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.
  6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

**Article X**

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

Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

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

**Article XI**

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

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

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

**Parties to the NPT**

[as of 31 January 2000]

<b>Country</b>	<b>Date Signed</b>	<b>Date Ratification Deposited</b>	<b>Date Accession/ Succession Deposited</b>
Afghanistan	1 July 1968	4 February 1970	
Albania			12 September 1990
Algeria			12 January 1995
Andorra			7 June 1996
Angola			14 October 1996
Antigua and Barbuda			17 June 1985
Argentina			17 February 1995
Armenia			15 July 1993
Australia	27 February 1970	23 January 1973	
Austria	1 July 1968	27 June 1969	
Azerbaijan			22 September 1992
Bahamas			11 August 1976
Bahrain			3 November 1988
Bangladesh			31 August 1979
Barbados	1 July 1968	21 February 1980	
Belarus			22 July 1993
Belgium	20 August 1968	2 May 1975	
Belize			9 August 1985
Benin	1 July 1968	31 October 1972	
Bhutan			23 May 1985
Bolivia	1 July 1968	26 May 1970	
Bosnia and Herzegovina			15 August 1994
Botswana	1 July 1968	28 April 1969	
Brazil			18 September 1998
Brunei Darussalam			26 March 1985
Bulgaria	1 July 1968	5 September 1969	
Burkina Faso	25 November 1968	3 March 1970	
Burundi			19 March 1971
Cambodia			2 June 1972
Cameroon	17 July 1968	8 January 1969	
Canada	23 July 1968	8 January 1969	
Cape Verde			24 October 1979
Central African Republic			25 October 1970
Chad	1 July 1968	10 March 1971	
Chile			25 May 1995
China†			9 March 1992
Colombia	1 July 1968	8 April 1986	
Comoros			4 October 1995
Congo			23 October 1978
Costa Rica	1 July 1968	3 March 1970	
Côte d'Ivoire	1 July 1968	6 March 1973	
Croatia			29 June 1992
Cyprus	1 July 1968	10 February 1970	
Czech Republic			1 January 1993
Democratic People's Republic of Korea			12 December 1985
Denmark	1 July 1968	3 January 1969	
Djibouti			16 October 1996
Dominica			10 August 1984
Dominican Republic	1 July 1968	24 July 1971	
Ecuador	9 July 1968	7 March 1969	
Egypt	1 July 1968	26 February 1981	
El Salvador	1 July 1968	11 July 1972	
Equatorial Guinea			1 November 1984
Eritrea			16 March 1995
Estonia			31 January 1992
Ethiopia	5 September 1968	5 February 1970	
Fiji			14 July 1972
Finland	1 July 1968	5 February 1969	
France†			2 August 1992
Gabon			19 February 1974
Gambia	4 September 1968	12 May 1975	
Georgia			7 March 1994

## NON-PROLIFERATION TREATY

A-5

Germany	28 November 1969	2 May 1975	
Ghana	1 July 1968	4 May 1970	
Greece	1 July 1968	11 March 1970	
Grenada			2 September 1975
Guatemala	26 July 1968	22 September 1970	
Guinea			29 April 1985
Guinea-Bissau			20 August 1976
Guyana			19 October 1993
Haiti	1 July 1968	2 June 1970	
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 Republic 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 Republic	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 (Federated 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
Senegal	1 July 1968	17 December 1970	
Seychelles			12 March 1985
Sierra Leone			26 February 1975
Singapore	5 February 1970	10 March 1976	
Slovak Republic			1 January 1993
Slovenia			20 August 1992
Solomon Islands			17 June 1981
Somalia	1 July 1968	5 March 1970	
South Africa			10 July 1991
Spain			5 November 1987
Sri Lanka	1 July 1968	5 March 1979	
Sudan	24 December 1968	31 October 1973	
Suriname			30 June 1976
Swaziland	24 June 1969	11 December 1969	
Sweden	19 August 1968	9 January 1970	
Switzerland	27 November 1969	9 March 1977	
Syrian Arab Republic	1 July 1968	24 September 1968	
Taiwan	1 July 1968	27 January 1970	
Tajikistan			17 January 1995
Thailand			7 December 1977
The former Yugoslav Rep. of Macedonia			30 March 1995
Togo	1 July 1968	26 February 1970	
Tonga			7 July 1971
Trinidad and Tobago	20 August 1968	30 October 1986	
Tunisia	1 July 1968	26 February 1970	
Turkey	28 January 1969	17 April 1980	
Turkmenistan			29 September 1994
Tuvalu			19 January 1979
Uganda			20 October 1982
Ukraine			5 December 1994
United Arab Emirates			26 September 1995
United Kingdom*†	1 July 1968	27 November 1968	
United Republic of Tanzania			31 May 1991
United States of America*†	1 July 1968	5 March 1970	
Uruguay	1 July 1968	31 August 1970	
Uzbekistan			7 May 1992
Vanuatu			24 August 1995
Venezuela	1 July 1968	25 September 1975	
Viet Nam			14 June 1982
Yemen	23 September 1968	14 May 1986	
Yugoslavia	1 July 1968	4 March 1970	
Zaire	22 July 1968	4 August 1970	
Zambia			15 May 1991
Zimbabwe			26 September 1991

\* Depository State † Nuclear-Weapon State

**Materials Relating to the 2000 NPT Review Conference**



## Report of the Preparatory Committee on Its Third Session

[Reproduced from NPT/CONF.2000/1, 21 May 1999]

### I. TERMS OF REFERENCE AND ORGANIZATION OF WORK

1. At its fifty-first session, the General Assembly, in its resolution 51/45 A of 10 December 1996, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first meeting of the Preparatory Committee in New York from 7 to 19 April 1997.
2. Accordingly, the Committee held its first session in New York from 7 to 18 April 1997. Following the decision taken at that session, the Committee held its second session at Geneva from 27 April to 8 May 1998 and its third session in New York from 10 to 21 May 1999. Progress reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2000/PC.I/32 and NPT/CONF.2000/PC.II/36.
3. At the first session of the Preparatory Committee, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and Other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and Other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed for the presidency of the 2000 Review Conference.
4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Mr. Pasi Patokallio (Finland) to serve as Chairman of the first session. It also decided that Mr. Tadeusz Strulak (Poland) would be Chairman of the second session. It was further decided that, when not serving as Chairman, the chairmen of the sessions of the Preparatory Committee would serve as vice-chairmen of the Committee.
5. At its second session, the Committee was informed that the Government of Poland had proposed Mr. Eugeniusz Wyzner to succeed Mr. Strulak in his function as Chairman of the second session. Furthermore, at the same session, the Committee elected Mr. Andelfo Garcia Gonzales (Colombia) as Chairman of the third session and as vice-Chairman of the second session, and Mr. Markku Reimaa (Finland) as vice-Chairman of the Committee.
6. At its third session, the Committee had been informed that the Government of Colombia had proposed Mr. Camilo Reyes Rodriguez to succeed Mr. Garcia in his function as Chairman of the third session. At the third session, the Committee authorized its Bureau and the President-Elect to handle technical and other organizational matters in the period before the Conference. It also decided that the Chairman of the third session should open the Conference.
7. At its first session, the Committee adopted its agenda as contained in paragraph 8 of document NPT/CONF.2000/PC.I/32.
8. Mrs. Hannelore Hoppe, Senior Political Affairs Officer, Department for Disarmament Affairs, served as Secretary of the Preparatory Committee. The International Atomic Energy Agency (IAEA) was represented at all sessions.
9. Delegations of the following 158 States parties participated in one or more sessions of the Preparatory Committee:  
Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.
10. At its first session, the Committee decided that:
  - Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear weapons (NPT) should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. Accordingly, representatives of the following States not parties to the Treaty attended one or more sessions of the Committee as observers: Cuba, Israel and Pakistan;

- Representatives of specialized agencies and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. The following intergovernmental organizations were represented as observers at meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), European Commission, South Pacific Forum, League of Arab States, Organization of the Islamic Conference and Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;
  - Representatives of non-governmental organizations (NGOs) should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the public gallery, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee would also make time available at each session, during which the non-governmental organizations could make presentations. Representatives of over 70 non-governmental organizations attended each of the sessions of the Committee.
11. At its first session, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 1995 Review and Extension Conference of the parties to the NPT, which would be applied *mutatis mutandis*.
  12. Also at its first session, the Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.
  13. In accordance with the Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. The summary records of the first session were issued as documents NPT/CONF.2000/PC.I/SR.1-3, 13 and 15. The summary records of the second session were issued as documents NPT/CONF.2000/PC.II/SR.1-4 and 16. The summary records of the third session (NPT/CONF.2000/PC.III/SR.1-3 and 19) are issued separately as annex I to the present report. [These are not reproduced here — Eds.]
  14. At each session, the Committee set aside meetings for a general exchange of views on issues related to all aspects of its work in the course of which many delegations made statements. In particular, the general exchange of views at the third session of the Committee included discussion on and consideration of any proposals on expected products of the 2000 Review Conference. All statements are reflected in the summary records of those meetings.
- 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons'. In doing so, the Committee used as a basis for a structured discussion the three sets of issues (clusters) contained in annex V to the final report of the Preparatory Committee for the 1995 Review and Extension Conference (NPT/CONF.1995/1).
  16. At the first session, the chairman put forward a working paper containing results of informal consultations on draft recommendations to the 2000 Review Conference (CONF.2000/PC.I/32 annex II). The Committee then recommended that, at its second session, the official documents and other proposals submitted by delegations during the first session of the Preparatory Committee should be taken into account during further work on draft recommendations to the Review Conference and also the working paper submitted by the Chairman, which would be interpreted in the light of the official documents and proposals made by delegations. The Committee also recommended that it should continue, at its second session, the consideration of all aspects of the Treaty in a structured and balanced manner, in accordance with agenda item 4, entitled 'Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons'.
  17. At its second session, the Committee allocated one meeting to the discussion on and consideration of any proposals on each of the following subject areas:
    - (a) The provision in paragraph 4(b) of the 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament' on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices;
    - (b) The resolution on the Middle East adopted at the 1995 Review and Extension Conference; and
    - (c) Security assurances for parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
  18. At its third session, the Committee allocated one meeting to the discussion on and consideration of any proposals on each of the following subject areas:
    - (a) 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';
    - (b) 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'; and
    - (c) The 'Resolution on the Middle East' adopted at the 1995 Review and Extension Conference.
  19. The Preparatory Committee considered in the process of the preparation of the 2000 Review Conference

## II. SUBSTANTIVE WORK OF THE COMMITTEE

15. The Committee held 21 meetings devoted to substantive discussions under agenda item 4, entitled 'Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph

principles, ways and means for the implementation of the preamble and the articles of the Treaty and the Decisions and the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, in accordance with paragraph 4 of the decision on 'Strengthening the Review Process for the Treaty'. The Chairman put forward a working paper on 14 May 1999 (annex II) containing elements of draft recommendations to the Review Conference. Following consultations on these proposals and other written proposals made by delegations (annex III), the Chairman put forward a revised working paper on 20 May 1999 (annex IV). Further consultations were held on elements contained in the Chairman's revised paper. In this regard the Preparatory Committee was unable to reach agreement on any substantive recommendations to the 2000 Review Conference.

20. The Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex V to the present report. [Not reproduced here — Eds.]

### III. ORGANIZATION OF THE WORK OF THE REVIEW CONFERENCE

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

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

#### *Dates and venue of the Conference*

22. At its second session, the Committee reaffirmed its agreement, reached at its first session, that the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons would take place in New York from 24 April to 19 May 2000.

#### *Draft rules of procedure of the conference*

23. At its second and third sessions, the Committee considered the draft rules of procedure for the Conference. At its third session, the Committee agreed to recommend to the conference the draft rules of procedure as contained in annex VI to the present report.

#### *Provisional agenda for the conference*

24. At its third session, the committee adopted the provisional agenda as contained in annex VII to the present report. It also agreed to the proposed allocation of items to the Main Committees of the Conference as contained in annex VIII to the present report.

#### *Financing of the Conference*

25. At its second session, the Committee took note of the estimated costs of the Conference, including its Preparatory Committee (NPT/CONF.2000/PC.II/1),

and agreed to the schedule of division of costs. At its third session, the Secretariat provided the committee with revised estimated costs contained in document NPT/CONF.2000/PC.III/24. The schedule of division of costs is contained in the appendix to the draft rules of procedure as contained in annex VI to the present report. [The appendix is not reproduced here — Eds.]

#### *Background documentation*

26. At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare papers on various articles of the Treaty, taking into account the decisions on 'Strengthening the Review Process for the Treaty', and on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament' and the 'Resolution on the Middle East', adopted in 1995.
27. The following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 NPT Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on 'Strengthening the Review Process for the Treaty' and on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament' and the 'Resolution on the Middle East'.
28. Specifically, the Secretariat of the United Nations is asked to prepare documents on the following topics to reflect developments related to the implementation of the Treaty and the outcome of the 1995 Review and Extension Conference, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized:
- (a) Implementation of the tenth preambular paragraph (comprehensive nuclear test ban), reflecting developments since the 1995 Review and Extension Conference;
  - (b) Implementation of articles I and II, drawing on the relevant discussions and results of all prior Review Conferences and taking into account recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by the IAEA on article III;
  - (c) Implementation of article VI, covering developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament;
  - (d) Implementation of article VII, addressing proposals for the establishment of nuclear-weapon-free zones where they have not yet been established;
  - (e) Developments regarding security assurances, dealing with both positive and negative security assurances and reflecting developments in the

- Conference on Disarmament and the United Nations and proposals within the ambit of the NPT;
- (f) Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT, reflecting developments since 1995 with a view to realizing the objectives of the resolution;
  - (g) Realization of the goals of the Treaty in various regions of the world.
29. The Preparatory Committee also asks that the following be made available to the 2000 Review Conference;
- (a) Documentation prepared by the IAEA regarding its activities relevant to articles III, IV and V;
  - (b) A memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) regarding its activities;
  - (c) A memorandum from the Secretariat of the South Pacific Forum regarding its activities related to the Rarotonga Treaty.
  - (d) A memorandum from the Secretariat of the Organisation of African Unity regarding its activities related to the Pelindaba Treaty; and
  - (e) A memorandum from the depositary of the Bangkok Treaty regarding its activities related to the Treaty.

*Final outcome of the Conference*

30. The Preparatory Committee at its third session decided to have a general exchange of views focused on the expected outcome of the 2000 Review conference.
31. In accordance with article VIII, paragraph 3, of the Treaty and taking into account the decisions and the resolution on the Middle East adopted by the 1995 Review and Extension Conference, in particular paragraph 7 of Decision 1, the Preparatory Committee recalled that the 2000 Review Conference, taking into account the work and reports of the Main Committees, should:
- Evaluate the results of the period which the 2000 Review conference is reviewing, including the implementation of the undertakings of the States parties under the Treaty;
  - Identify the areas in which and the means through which further progress should be sought in the future.
- The 2000 Review conference should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.
32. The 2000 Review Conference should examine the functioning of the review process itself, taking account of experience since 1995, and may wish to reflect appropriately the conclusions of the examination.
33. The 2000 Review Conference can also consider and adopt other outcomes.
34. The outcome should reaffirm the validity and importance of the decision on 'Strengthening the Review Process for the Treaty', the decision on

'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', and the 'Resolution on the Middle East' adopted by the 1995 Review and Extension Conference.

#### **IV. OFFICERS OF THE REVIEW CONFERENCE**

35. At its third session, the Committee unanimously endorsed the candidacy of Mr. Jacob Selebi of South Africa for the presidency of the 2000 Review Conference.
36. Also at the third session, the Committee agreed to recommend that Main Committee I should be chaired by a representative of the Group of Non-Aligned and Other States (Colombia), Main Committee II should be chaired by a representative of the Group of Eastern European States (Poland) and that Main Committee III should be chaired by a representative of the Western Group (Finland).
37. The Committee also agreed to recommend that the post of Chairman of the Drafting committee should be assumed by the representative of the Group of Eastern European States, and the post of Chairman of the Credentials Committee by a representative of the Group of Non-Aligned and Other States.

#### **V. APPOINTMENT OF THE SECRETARY-GENERAL OF THE REVIEW CONFERENCE**

38. At its first session, the committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 2000 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, a nomination to be confirmed by the Conference itself. At its third session, the Committee was informed that, in response to that request, the Secretary-General of the United Nations, following consultations with the members of the Preparatory Committee, had nominated Mrs. Hannelore Hoppe, Department for Disarmament Affairs, as provisional Secretary-General of the Conference. The Committee took note of that nomination.

#### **VI. PARTICIPATION AT THE REVIEW CONFERENCE**

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

#### **VII. ADOPTION OF THE FINAL REPORT**

40. The Preparatory Committee adopted its final report at its last meeting, on 21 May 1999.

**Annex II — Chairman's working paper of 14 May 1999**

1. The Preparatory Committee agreed on the following draft recommendations to the Review Conference:

1. Reaffirmation of commitment to the preamble and the articles of the Treaty.
2. Reaffirmation of conviction that the treaty is essential to international peace and security and recognition of the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.
3. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as 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.

*Universality*

4. Urgency and importance of achieving the universality of the Treaty; welcome 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. Also urge all States not yet party to the Treaty as non-nuclear-weapon States to accede to the Treaty at the earliest possible date, particularly those States that operate unsafeguarded nuclear facilities.
5. Undertake to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts by States parties include the enhancement of regional security.

*Non-proliferation*

6. Reaffirmation that 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. Emphasize the particular importance attached to the strict observance of articles I and II.
7. Reaffirmation by non-nuclear-weapon States parties to the Treaty of their commitments to the fullest implementation of Article II and to refrain from nuclear sharing with nuclear-weapon States, non-nuclear-weapon States, and states not party to the Treaty for military purposes under any kind of security arrangements.
8. Reaffirmation of the condemnation of the nuclear test explosions in South Asia in 1998 as stated in Security Council resolution 1172 and General Assembly resolution 53/77 G, and the importance of full compliance with each of the measures identified in those resolutions. Urge all 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.
9. Reaffirmation of the integrity of the Article IX, paragraph 3 of the Treaty and the commitment of all State parties not to accord any status or recognition to

additional States that possess nuclear-weapon capabilities.

10. Reaffirmation that the cessation of all nuclear testing will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the further enhancement of international peace and security.

*Nuclear disarmament*

11. Reaffirmation of the commitment to fulfil with determination the obligations under article VI. Reaffirmation, in this context, by the nuclear-weapon states, of their unequivocal commitment to the ultimate elimination of nuclear weapons, and to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally. Declaration of commitment to the achievement of general and complete disarmament under strict and effective international control. Declaration that the achievement of nuclear disarmament and general and complete disarmament, necessitates the cooperation of all states.
12. Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Require that at an appropriate stage the U.S. and the Russian Federation should be joined by the other nuclear-weapon States. Reaffirmation of the need to renew and revitalize this process, including accelerated efforts to ensure full implementation of the obligations under Article VI. Invite increased transparency by nuclear-weapon States on the dismantlement of tactical nuclear weapons.
13. Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States. Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States, to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to implement the Treaty's verification regime.
14. Reaffirmation of the need for the immediate commencement and the 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. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation. Welcome the establishment in August 1998 of an Ad Hoc Committee in the Conference on Disarmament for this purpose, and urge its immediate re-establishment.

15. Reaffirmation that the provisions of Article V of the Treaty with regard to peaceful nuclear explosions are to be viewed in the light of the Comprehensive Nuclear-Test-Ban Treaty.

*Nuclear-weapon-free zones*

16. Welcome and support of the steps taken to conclude further nuclear-weapon-free zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned, enhances global and regional peace and security, as a measure towards the strengthening of the nuclear non-proliferation regime, and realizing the objectives of nuclear disarmament. Support of proposals for such zones as in the Middle East and South Asia. Welcome of the initiative taken by states in Central Asia to establish a nuclear-weapon-free zone in that region.
17. Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies. Welcome and support 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 of April 1999.

*Security assurances*

18. Reaffirmation of the view that further steps, which could take the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. Welcome the establishment in March 1996 of an Ad Hoc Committee in the Conference on Disarmament on Negative Security Assurances, and urge its immediate re-establishment.

*Safeguards*

19. Welcome and support the adoption, in May 1997, of the Model Protocol Additional to the existent safeguards agreements to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system; reaffirmation that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its Safeguards Agreements.
20. Reaffirmation that new supply arrangements for the transfer of sources or special fissionable material or equipment or material specially 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.
21. Support for the Agency's efforts to integrate safeguards measures arising from the Model Protocol Additional to existing Safeguards Agreements. Also urge all States that have Safeguards Agreements with IAEA to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540.
22. Urge the nuclear-weapon State. to include in Additional Protocols to their voluntary safeguards

agreements those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Protocol.

23. Urge all States parties required by article III of the Treaty which have not yet done so to conclude with the International Atomic Energy Agency a comprehensive Safeguards Agreement. Additionally call on all States not parties to the Treaty to accept IAEA comprehensive safeguards.
24. Urge all States to implement, to the extent possible, IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.3 and also urge all States parties to examine ways and means to strengthen the current regime.

*Resolution on the Middle East*

25. Recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension conference constituted an integral part of the package of the 1995 outcome, and reaffirmation of the firm commitment to work towards the full implementation of that resolution. Recognition, in this regard, of the special responsibility of the depositary states as co-sponsors of this resolution.
26. To take note that since the adoption of the 1995 Resolution on the Middle East all States of the region have become parties to the Treaty with the exception of Israel. To stress the urgent need for Israel to accede to the Treaty without farther delay and to place all its nuclear facilities under full-scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

*Peaceful uses of nuclear energy*

27. Reaffirmation of the commitment to the full implementation of article IV of the Treaty and the commitment to cooperation between State parties in the field of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty and the decision on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament'.
28. Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.
29. Reaffirmation that 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.
30. Reaffirmation of the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance to ensuring a successful review process under the Nuclear safety convention and note the adoption of the Joint Convention on the safety of Spent Fuel Management and on the Safety of Radioactive

- Waste Management as another contribution in this area.
31. Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end.
  2. The following is a list of the specific proposals put forward by delegations for consideration by the Preparatory Committee on the understanding that the proposals are without commitment by the Preparatory Committee and without prejudice to the position of any delegation and that the list is not exclusive.

[No list was appended — Eds.]

### Annex IV — Chairman's revised working paper of 20 May 1999

1. Reaffirmation of commitment to the preamble and the articles of the Treaty and to the outcome of the 1995 Review and Extension Conference of the NPT.
2. Reaffirmation of conviction that the preservation of the integrity of the Treaty is essential to international peace and security.
3. Recognition of the crucial role of the Treaty in nuclear non proliferation, nuclear disarmament and the peaceful uses of nuclear energy.
4. Reaffirmation 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.
5. Recalling 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, and that these undertakings have been made on the context of the corresponding legally binding commitments by the nuclear weapon States of nuclear disarmament.
6. 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.
7. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on 'Principles and Objectives for Nuclear Non-proliferation and Disarmament' and on 'Strengthening the Review Process for the Treaty' as well as 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.
8. Affirmation that all the articles of the Treaty on the Non-Proliferation of Nuclear Weapons are binding on all States parties and at all times and in all circumstances.

#### *Universality*

- 9 Urgency and importance of achieving the universality of the Treaty; welcome 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.
10. Urge all States not yet party to the Treaty, Cuba, India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States, at the earliest possible date, without condition or further delay, particularly those States that operate unsafeguarded nuclear facilities.
11. Undertake to make determined effort. 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.

#### *Non-proliferation*

12. Reaffirmation that every effort should be made to implement the Treaty in all its aspect. to prevent the proliferation of nuclear weapons and other nuclear

explosive device., without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

13. Reaffirmation by nuclear weapon States Parties to the Treaty 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.
14. Reaffirmation by non-nuclear weapon States Parties to the Treaty not to receive from any transferor whatsoever of nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, directly or indirectly.
15. Expression of the concern of the States Parties with the cases of non-compliance of the Treaty by two States Parties which demand the close attention and effective response of the States Parties of the NPT.
16. Condemnation of the nuclear test explosions in South Asia in 1998. Note that the 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.
17. Reaffirmation that in accordance with Article IX, States not currently States parties may accede to the Treaty as non-nuclear-weapon States.
18. Reiteration of the call on those States which possess the capabilities to produce nuclear weapons and which have not yet acceded to the NPT to reverse clearly and urgently the pursuit of all 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.
19. Reaffirmation that the cessation of all nuclear weapon test explosion or any other nuclear explosion will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the further enhancement of international peace and security.

#### *Nuclear disarmament*

20. Reaffirmation of the commitment to fulfil with determination the obligations under article VI. Reaffirmation, in this context, by all States, especially the nuclear-weapon States, of their unequivocal commitment to the ultimate elimination of nuclear weapons, and to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons. Declaration of commitment to the achievement of general and complete disarmament under strict and effective international control. Declaration that the achievement of nuclear disarmament and general and complete disarmament, necessitates the cooperation of all States.
21. Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament.

- Recognition also of the unilateral reduction measures taken by the other nuclear weapon States.
22. Recognition that there are a number of practical steps that the nuclear-weapon States can and should take immediately before the actual elimination of nuclear arsenals and the development of requisite verification regimes take place.
- a) Call upon the United States and the Russian Federation to revitalize the START process by bringing START II into force without delay, and immediately thereafter to proceed with negotiations on START III with a view to its early conclusion.
  - b) Require that in the near future the United States and the Russian Federation should be joined by the other NWS, in a seamless process leading to the total elimination of nuclear weapons.
  - c) Reaffirm the need for the nuclear-weapon States to reduce further their reliance on non-strategic nuclear weapons and to pursue negotiations on their elimination as an integral part of their overall nuclear disarmament activities.
  - d) Invite increased transparency by NWS on the dismantlement of nuclear weapons and ensure the effective management of the resultant fissile materials.
  - e) Proceed with interim measures to prevent accidental or unauthorised launches, such as de-alerting, de-targeting and de-activating their nuclear weapons, and removing nuclear warheads from delivery vehicles.
  - f) Examine further interim measures, including measures to enhance strategic stability and accordingly to review strategic doctrines.
23. Achievement of the following measures is important in the full realisation and effective implementation of Article VI, including the programme of action as reflected below:
- a) Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty unconditionally and without delay. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States (France and the United Kingdom) Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to implement the Treaty's verification regime, including to provide the Preparatory Commission with the necessary financial means.
  - b) Reaffirmation of the need for the immediate commencement and the 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 report of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation. Welcome the establishment in August 1996 of an Ad Hoc Committee in the Conference on Disarmament for this purpose under Item I of its Agenda 'Cessation of Nuclear Arms Race and Nuclear Disarmament', and urge its immediate reestablishment.
  - c) Welcome the announcements made by some NWS that they have ceased the production of fissile material for use in nuclear weapons or other nuclear explosive devices, and call upon all NWS to declare collectively a moratorium on the production of such material for such devices.
  - d) Establishment of a subsidiary body to Main Committee I of Review Conferences, and the provision of specific time at all future meetings of Preparatory Committees, for a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons.
  - e) Urge the conference on Disarmament to establish an ad-hoc Committee under Item I of its agenda with a negotiating mandate to address nuclear disarmament.
24. Welcome the important contribution made by Belarus, Kazakhstan and Ukraine, in the implementation of Article VI of the Treaty through their significant measures in nuclear disarmament, in particular the voluntary decision to withdraw all tactical and strategic nuclear weapons from their territories, and taking note with satisfaction of the current efforts of those States to strengthen the Treaty through enhancing regional and global security.
25. Affirm that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.
- Nuclear-weapon-free zones*
26. Welcome and support of the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognised nuclear-weapon-free zones freely arrived at among the states concerned, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes towards realizing the objectives of nuclear disarmament.
  27. Support of proposals for the establishment of NWFZ where they do not yet exist, such as in the Middle East and South Asia and welcome of the initiative taken by states in Central Asia to establish a nuclear-weapon-free zone in that region.
  28. Welcome the declaration by Mongolia of its nuclear-weapon-free status, as a unilateral measure to ensure the total absence of nuclear weapon. on its territory, bearing in mind its unique conditions, as a concrete contribution to promoting the aims of nuclear non-proliferation.
  29. Welcome the conclusion of the agreement regarding the denuclearisation of the Korean peninsula and urge its rapid implementation.
  30. Recognition of the continuing 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
31. Reaffirmation of the importance of ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as of the continued work by all concerned States to facilitate adherence to the protocols to nuclear-weapon-free zones treaties by all relevant States that have not yet done so.
  32. Welcome the consensus reached in the United Nations 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. Urge all States directly concerned to take the practical and urgent steps required for the establishment of a NWFZ in the Middle East as a first step towards the establishment in the same region of a zone free from all weapons of mass destruction.
  33. Welcome 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 of April 1999.

*The 1995 Resolution on the Middle East*

34. Recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference constituted an integral part of the package of the 1995 outcome, and reaffirmation of the firm commitment to work towards the full implementation of that resolution. Recognition, in this regard, of the special responsibility of the depositary States as cosponsors of this resolution.
35. Reaffirmation of the provisions of the Resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, and reaffirmation of the determination to work diligently towards its speedy implementation.
36. Recognition that since the adoption of the 1995 Resolution on the Middle East, Djibouti, Oman and the UAE have become parties to the Treaty. Expression of deep concern that Israel continues to be the only state in the region which has not yet acceded to the Treaty and refuses to place all its nuclear facilities under the full-scope safeguards of the IAEA.
37. Call upon Israel to accede to the Treaty and to place all its nuclear facilities under the full-scope IAEA safeguards without further delay and without conditions.
38. Recognition of the need for all States Parties to the Treaty, and in particular, the nuclear-weapon States, to extend their cooperation and 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.
39. Affirmation of the importance of full compliance of all States parties to the NPT in the region with their obligations under the Treaty. Note that one State in the Middle East remains in noncompliance with the Treaty and with United Nations Security Council Resolutions concerning weapons of mass destruction, and that this State continues not to allow IAEA inspections.

*Security assurances*

40. Reaffirmation that the total elimination of nuclear weapons is the only genuine guarantee for all

non-nuclear-weapon states against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally-binding negative security assurances regime which will ensure the security on non-nuclear weapon States against the use or threat of use of nuclear weapons must be urgently concluded.

41. Welcome the establishment in March 1998 in the Conference on Disarmament of an Ad Hoc Committee on effective international arrangements to assure non-nuclear weapon states against the use, or threat of use of nuclear weapons, and urge its immediate reestablishment.
42. Reiterate the need for the commitment, without any condition, by all the nuclear weapon States not to be the first to use nuclear weapons, nor use or threaten to use nuclear weapons against non-nuclear-weapon States, and conclude international legal instruments to this effect.

*Safeguards*

43. Reaffirmation that the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with its statute and its safeguards system, compliance with Safeguards Agreements.
44. Urge all States parties which have not yet done so to conclude with the IAEA a full-scope Safeguards Agreement, as required by article III of the Treaty. Urge those States Parties to the IAEA full-scope Safeguards Agreements, which are not in compliance, to implement all obligations under the Agreements fully and unconditionally.
45. Call on all States not parties to the Treaty to accept comprehensive IAEA safeguards.
46. Welcome and support the adoption, in May 1997, of the Model Additional Protocol to existent Safeguards Agreements (laid down in document INFCIRC/540), designed to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system as a contribution to global non-proliferation objectives. Welcome the signature of such agreements by 36 non-nuclear weapon States.
47. Urge all States that have not yet done so to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540. Urge the nuclear-weapon states, which have not yet done so, to include in their Additional Protocols those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Additional Protocol.
48. Placement of nuclear material transferred from military use to peaceful nuclear activities under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States.
49. Reaffirmation that new supply arrangements for the transfer of source or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon states should require as a necessary precondition adherence to the Treaty and acceptance of full-scope IAEA safeguards.
50. Support for the Agency's efforts to strengthen the effectiveness and improve the efficiency of the IAEA safeguards system and to integrate safeguards

measures arising from the Model Additional Protocol with the traditional safeguards measures.

51. Urge all States to implement, to the extent possible, the IAEA recommendations on physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.4 and also urge all States parties to examine ways and means to strengthen the current regime.
52. Underline the importance of the conclusions of the Moscow Summit on Nuclear Safety and Security of 19 and 20 of April 1996, and the initiatives stemming from it.

*Peaceful uses of nuclear energy*

53. Reaffirmation of the commitment to the full implementation of article IV of the Treaty and the commitment to cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty and the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.
54. Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and with due consideration of the needs of the developing areas of the world, call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.
55. Reaffirmation of the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance to ensuring a successful review process under the Nuclear Safety Convention and note the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as another contribution in this area. Urge all States that have not yet done so to accede to these Conventions at the earliest possible date, particularly those States that operate nuclear facilities. Welcome the agreement reached in December 1997 among a group of nine countries on guidelines for the management of plutonium in all peaceful nuclear activities.
56. Affirmation that it is in the interest of all States that the maritime transportation of irradiated nuclear fuel

plutonium and high-level waste be conducted in compliance with international standards of safety, security and environmental protection. Call on those directly engaged in the maritime transportation of such radioactive materials to continue to provide information, consistent with safety and security requirements, about the timing, route and liability arrangements to States in the vicinity of such shipments.

57. Consideration of the potential contributions from new, inherently-safe nuclear-power technologies in enhancing the safety of nuclear power. In this connection, to propose the elaboration, under the auspices of IAEA, of such a project to ensure that energy is obtained safely with minimal risk from the point of view of non-proliferation.
58. Recognition of the obligation of NPT states parties to ensure that their exports of nuclear items do not contribute to the proliferation of nuclear weapons or other nuclear explosive devices; and recognition that co-ordination of national policies to this end can contribute to the non-proliferation objectives of the NPT and facilitate the fullest possible exchange of equipment, materials, and scientific and technical information for the peaceful uses of nuclear energy, in accordance with Article IV.
59. Reaffirm the importance of non-discriminatory and universally binding nuclear control regimes. Welcome for the two International Seminars on the Role of Export Controls in Nuclear Non-Proliferation held in 1997 and 1999, as well as other ongoing efforts by nuclear suppliers to respond to the 1995 NPT Review and Extension Conference's call for the promotion of transparency in nuclear-export controls.
60. Reaffirmation that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the respect 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, particularly those under Chapter VII.
61. Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end, inter alia review of the Convention on the physical protection of nuclear materials at the earliest possible time with the aim of strengthening and broadening its scope.

## **Annex VI — Draft rules of procedure**

### **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\***

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;

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

- (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 so as to provide for a focused consideration of specific issues relevant to the Treaty. As a general rule each State Party to the Treaty participating in the Conference may be represented in the subsidiary bodies unless otherwise decided by consensus.

### ***Representation on the Main Committees***

#### ***Rule 35***

Each State Party to the Treaty participating in the Conference may be represented by one representative on each Main Committee. It may assign to 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 subsidiary bodies may vote in their capacity as representatives of their States;

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

## **VIII. Languages and Records**

### ***Languages of the Conference***

#### ***Rule 38***

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

### ***Interpretation***

#### ***Rule 39***

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

### ***Language of official documents***

#### ***Rule 40***

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

### ***Sound recordings of meetings***

#### ***Rule 41***

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

### ***Summary records***

#### ***Rule 42***

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees shall be prepared by the secretariat in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit 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 (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 — Eds.]

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

\*\* Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974, 3280 (XXIX) of 10 December 1974 and 152/31 of 20 December 1976.

**Annex VII — Provisional agenda**

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

## Annex VIII — Proposed allocation of items to the Main Committees of the Conference

1. The Preparatory Committee agreed to recommend for consideration by the conference the following allocation of items to the three Main Committees, with the understanding that the remaining items would be considered in the plenary.
2. It is understood that all articles, preambular paragraphs and agenda items allocated to the Main Committees shall be reviewed in their interrelationship.
3. The Preparatory Committee recalled that 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.
4. The Preparatory Committee also noted that subsidiary bodies could be established within the Main Committees. Some delegations proposed the establishment of subsidiary bodies under Main Committee I on nuclear disarmament and under Main Committee II on the implementation of the resolution on the Middle East. Some delegations proposed that such decisions should be taken by the Review Conference. The Preparatory Committee decided that the question of the establishment of subsidiary bodies would be considered and resolved by the Review Conference.

### 1. Main Committee I

*Item 16.* Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

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

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear

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

### 2. Main Committee II

*Item 16.* Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

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

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

### 3. Main Committee III

*Item 16.* Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference.

- (d) Implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
  - (i) Articles III(3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III(1), (2) and (4) and preambular paragraphs 4 and 5;
  - (ii) Article V.

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

## Report of the Preparatory Committee on Its Second Session

[Reproduced from NPT/CONF.2000/PC.II/36, 9 June 1998]

### I. INTRODUCTION

1. The Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons held its second session at the Palais des Nations in Geneva from 27 April to 8 May 1998. The session was opened by Mr. Abdelkader Bensmail, Chief, Geneva Branch of the Department for Disarmament Affairs.
2. At its opening meeting, on 27 April, the Committee unanimously elected Mr. Eugeniusz Wyzner (Poland), the representative of the Group of Eastern European States, as Chairman of the second session.
3. The following 97 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the work of the Preparatory Committee at its second session: Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bhutan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Holy See, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Viet Nam, Zambia and Zimbabwe.
4. Pursuant to the Committee's decision taken at its first session, the following States non-parties attended the meeting as observers: Brazil and Israel. Furthermore, representatives of the Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the South Pacific Forum, the League of Arab States, the Organization of the Islamic Conference and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization attended the meetings of the Committee as observers.
5. Pursuant to the Committee's decision, representatives from 76 non-governmental organizations attended the open meetings of the Committee. The Committee also set aside time for presentations by representatives of non-governmental organizations to delegations.

6. The list of the delegations to the Preparatory Committee, including States parties, observer States, specialized agencies and regional intergovernmental and non-governmental organizations, is contained in document NPT/CONF.2000/PC.II/INF.3.
7. The Preparatory Committee held 16 meetings, of which summary records were provided for the opening meeting, the general exchange of views and the closing meeting (NPT/CONF.2000/PC.II/SR.1-4 and SR.16). The summary records are issued separately as an annex to the present report.
8. Mrs. Hannelore Hoppe, Senior Political Affairs Officer of the Department for Disarmament Affairs, served as Secretary of the Committee. Ms. Merle Opelz, Head, International Atomic Energy Agency (IAEA) Office in Geneva; Ms. Jan Priest, Head, Safeguards and Non-Proliferation Policy Section, External Relations Division, IAEA, Vienna; and Mr. Vilmos Cserveny, Safeguards and Non-Proliferation Policy Section, External Relations Division, IAEA, Vienna, represented the Agency.

### II. PROCEDURAL ISSUES

- A. *Organization of work of the Preparatory Committee*
  9. The Committee continued to conduct its work on the basis of the agenda adopted at the first session of the Committee (document NPT/CONF.2000/PC.I/32, para. 8).
- Election of officers*
10. At its 1st meeting, on 27 April, the Committee was informed that the Group of Non-Aligned and other States parties to the Non-Proliferation Treaty had nominated Mr. Andelfo Garcia Gonzalez (Colombia), to serve as Chairman of the third session. The Committee decided to elect Mr. Garcia as Chairman of the third session. Recalling its decision that the persons elected, when not serving as chairmen, would serve as vice-chairmen, Mr. Garcia was also elected Vice-Chairman of the second session. Furthermore, Mr. Markku Reimaa (Finland) was also elected Vice-Chairman of the Committee.
- Dates and venue of the third session*
11. At its 1st meeting, the Committee reaffirmed its decision to hold the third session from 12 to 23 April 1999 in New York.
  12. The Committee held four meetings on a general exchange of views on issues related to all aspects of the work of the Preparatory Committee, in the course of which 33 statements were made. The statements are reflected in the summary records of those meetings (NPT/CONF.2000/PC.II/SR.1-4).
  13. During the session, the Committee had before it the following documents:

NPT/CONF.2000/PC.II/1

Note by the Secretariat on estimated cost of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/2 and  
Corr.1 (English only)

Working paper on security assurances: A South African perspective, submitted by South Africa

NPT/CONF.2000/PC.II/3

Working paper on input for possible revised Chair's working paper, submitted by Canada

NPT/CONF.2000/PC.II/4 NPT/CONF.2000/PC.II/5 and Corr.1 (English only)	Draft statement on current START standstill, submitted by Canada Letter dated 28 April 1998 from the Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries addressed to the Chairman of the Preparatory Committee, transmitting a working paper by the members of the Movement of Non-Aligned Countries Parties to the Treaty
NPT/CONF.2000/PC.II/6	Working paper on Cluster one: practical aspects of nuclear disarmament, submitted by Japan
NPT/CONF.2000/PC.II/7 NPT/CONF.2000/PC.II/8	Cluster one: nuclear disarmament, submitted by Switzerland Letter dated 29 April 1998 from the Head of the Delegation of the United Kingdom of Great Britain and Northern Ireland addressed to the Chairman of the Preparatory Committee, transmitting a statement by the delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America
NPT/CONF.2000/PC.II/9	Working paper on Cluster one: some additional elements to be incorporated in the recommendations to the 2000 Review Conference, submitted by Japan
NPT/CONF.2000/PC.II/10	Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada
NPT/CONF.2000/PC.II/11 NPT/CONF.2000/PC.II/12	Text on nuclear disarmament for the rolling text, submitted by Australia Working paper on Cluster one issues: article VI of the Nuclear Non-Proliferation Treaty, submitted by South Africa
NPT/CONF.2000/PC.II/13	Nuclear-weapon-free zones (to replace New Zealand text in annex II, paragraph 4, of NPT/CONF.2000/PC.I/32), submitted by New Zealand
NPT/CONF.2000/PC.II/14	Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada
NPT/CONF.2000/PC.II/15 NPT/CONF.2000/PC.II/16	Working paper on Cluster one: nuclear disarmament, submitted by Finland Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada
NPT/CONF.2000/PC.II/17	Possible products of the Non-Proliferation Treaty's strengthened review process: (a) the Preparatory Committee; (b) the 2000 Review Conference, working paper submitted by South Africa
NPT/CONF.2000/PC.II/18	Letter dated 4 May 1998 from the Head of the Delegation of Uzbekistan addressed to the Chairman of the Preparatory Committee, transmitting a working paper by the delegations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
NPT/CONF.2000/PC.II/19	Letter dated 4 May 1998 from the Alternate Leader of the Delegation of Myanmar addressed to the Chairman of the Preparatory Committee, transmitting a statement by the ASEAN countries on the South East Asia Nuclear-Weapon-Free Zone Treaty
NPT/CONF.2000/PC.II/20	Cluster Three: Peaceful uses of nuclear energy, working paper submitted by the Islamic Republic of Iran
NPT/CONF.2000/PC.II/21	Cluster Three: Peaceful uses of nuclear energy, working paper submitted by the Islamic Republic of Iran
NPT/CONF.2000/PC.II/22 NPT/CONF.2000/PC.II/23	The resolution on the Middle East, working paper submitted by Egypt The 1995 resolution on the Middle East, working paper submitted by Bahrain on behalf of the Arab States
NPT/CONF.2000/PC.II/24 and Corr.1	Letter dated 4 May 1998 from the Deputy Head of the Delegation of Poland addressed to the Chairman of the Preparatory Committee, transmitting a statement by the delegations of Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia, Slovenia, and the Former Yugoslav Republic of Macedonia
NPT/CONF.2000/PC.II/25	Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada
NPT/CONF.2000/PC.II/26	Proposals for inclusion in the Chairman's working paper at the second session of the Preparatory Committee for the 2000 NPT Review Conference, submitted by China
NPT/CONF.2000/PC.II/27 NPT/CONF.2000/PC.II/28	Summary of Canadian proposals, submitted by Canada Language to be included in the Chairman's working paper, submitted by Sweden
NPT/CONF.2000/PC.II/29 NPT/CONF.2000/PC.II/30	Cluster Two: article III, submitted by Turkey Updated draft recommendations for the report of the second session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the European Union
NPT/CONF.2000/PC.II/31	Letter dated 7 May 1998 from the Permanent Mission of Argentina in Geneva addressed to the Secretariat of the Preparatory Committee, transmitting, on behalf of Argentina and Chile, the Joint Declaration by Argentina, Brazil, Chile and Uruguay on the transport of radioactive waste, the Declaration of OPANAL

	on the transport of radioactive waste and paragraph 23 of the Declaration of San Salvador adopted by the Organization of American States on confidence- and security-building measures
NPT/CONF.2000/PC.II/32	Letters dated 7 May 1998 from the Permanent Mission of the Islamic Republic of Iran and the Permanent Mission of Qatar, in Geneva, addressed to the Secretariat of the Preparatory Committee, transmitting the communiqué of the Eighth Summit of the Organization of the Islamic Conference and the communiqué and resolutions of the twenty-fifth session of the Islamic Conference of Foreign Ministers
NPT/CONF.2000/PC.II/33	Letter dated 8 May 1998 from the Permanent Mission of the Republic of Korea in Geneva addressed to the Secretariat of the Preparatory Committee, transmitting the Joint Declaration on the Denuclearization of the Korean Peninsula
NPT/CONF.2000/PC.II/34	Proposals for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada
NPT/CONF.2000/PC.II/35	Chairman's working paper
NPT/CONF.2000/PC.II/CRP.1	Draft rules of procedure for the 2000 Review Conference
NPT/CONF.2000/PC.II/CRP.1/Add.1	Schedule of division of costs
NPT/CONF.2000/PC.II/CRP.2	Draft report of the Preparatory Committee on its second session
NPT/CONF.2000/PC.II/CRP.3 (English only)	Chairman's working paper
NPT/CONF.2000/PC.II/INF.3	List of participants
NPT/CONF.2000/PC.II/SR. 1-4 and SR.16	Summary records

*B. Organization of the 2000 Review Conference*

14. The Preparatory Committee, in conformity with its task of preparing for the 2000 Review Conference, considered issues contained in agenda item 7. It took the following actions:

- (a) Dates and venue of the Conference. At its 1st meeting, on 27 April, the Committee reaffirmed its agreement to convene the 2000 Review Conference from 24 April to 19 May 2000 in New York;
- (b) Draft rules of procedure of the Review Conference.  
The Committee considered the draft rules of procedure for the 2000 Review Conference (NPT/CONF.2000/PC.II/CRP.1), and decided to defer a decision on the draft rules of procedure to the third session;
- (c) Financing of the Review Conference, including its Preparatory Committee. In accordance with the Committee's request made at its first session, the Secretariat provided an estimate of the costs of the

2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including its Preparatory Committee (NPT/CONF.2000/PC.II/1). The Committee took note of the cost estimates. It also agreed to the schedule of division of costs contained in document NPT/CONF.2000/PC.II/CRP.1/Add.1;

- (d) Other procedural matters. During the second session of the Preparatory Committee, discussions were held with regard to procedural preparations for the next Review Conference, pursuant to paragraph 4 of the 1995 Decision on "Strengthening the review process for the Treaty". In that context certain recommendations were put forward concerning such procedural preparations, in particular, proposals pursuant to paragraph 6 of the 1995 Decision. At the current stage no decision was taken with regard to those proposals, which the Committee decided to refer to the third session of the Preparatory Committee for further consideration.

### Chairman's Working Paper

[Reproduced from NPT/CONF.2000/PC.II/35, 9 June 1998]

1. At the second session of the Preparatory Committee, there was agreement, subject to review, additions and updating at subsequent sessions of the Preparatory Committee, and pending final agreement on all draft recommendations at the last session, on the following points:

1. Reaffirmation of commitment to the preamble and the articles of the Treaty.
2. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as 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.

(i) *Universality*

3. Urgency and importance of achieving the universality of the Treaty; welcome for the eight new accessions to the Treaty since 1995, bringing the number of States parties to 186. They also urged all States not yet party to the Treaty to accede to the Treaty at the earliest possible date, particularly those States that operate unsafeguarded nuclear facilities.
4. The States parties undertake to make determined efforts towards the achievement of the goal of universality of the Treaty, particularly by the accession to the Treaty, at the earliest possible date, of States that operate unsafeguarded nuclear facilities. Their determined efforts to achieve this goal might include the enhancement of regional security.

(ii) *Main Committee I issues*

*Non-proliferation*

5. Reaffirmation that 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.
6. Among their commitments to the Treaty in its entirety, the States parties once again emphasize the particular importance they attach to the strict observance of articles I and II.

*Nuclear disarmament*

7. All States parties reaffirm their commitment to fulfil with determination their obligations under article VI. In this context, the nuclear-weapon States parties declare their commitment to the ultimate elimination of nuclear weapons and to that end agree to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally. All States parties declare their commitment to the achievement of general and complete disarmament under strict and effective international control. All States parties further declare that general and complete disarmament, especially including nuclear disarmament, necessitates the cooperation of all States.
8. The importance of all States to make every effort to promote the earliest entry into force of the

Comprehensive Nuclear-Test-Ban Treaty, in accordance with article XIV of that Treaty.

9. They welcome the ratifications that have taken place so far, including those by two nuclear-weapon States, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty. The States parties call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. They also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to establish the Treaty's verification regime.
10. Reaffirmation of the need for the immediate commencement and the 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. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation.
11. Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament; as well as the reaffirmation of the commitment by the nuclear-weapon States to the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons and of the commitment by all States to the achievement of general and complete disarmament under strict and effective international control.

*Nuclear-weapon-free zones*

12. Welcome for the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995 and reaffirm the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned enhances global and regional peace and security.
13. The States parties express support for measures taken by States to establish internationally recognized nuclear-weapon-free zones. They also support proposals for these zones in parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among the States of the region concerned as a measure towards the strengthening of the nuclear non-proliferation regime and realizing the objectives of nuclear disarmament. States parties welcome the initiative taken by States in Central Asia freely arrived at among themselves to establish a nuclear-weapon-free zone in that region.
14. Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies.

*Security assurances*

15. Reaffirmation of the view that further steps, which could take the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons.

*(iii) Main Committee II issues**Safeguards*

16. Welcome for the conclusion of negotiations on the International Atomic Energy Agency (IAEA) 93+2 programme to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system and expect that IAEA will endorse that outcome at its special session in May; reaffirm that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its Safeguards Agreements.
17. The States parties support the efforts made to strengthen the effectiveness and improve the efficiency of the IAEA safeguards system and express their support for the Agency's efforts to integrate safeguards measures arising from the Model Protocol Additional to existing Safeguards Agreements.
18. The States parties urge all States parties required by article III of the Treaty which have not yet done so to conclude with the International Atomic Energy Agency a comprehensive Safeguards Agreement pursuant to article III of the Treaty.
19. The States parties call on all States not parties to the Treaty to accept IAEA comprehensive safeguards.
20. They also urge all States that have Safeguards Agreements with IAEA to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540.
21. The States parties urge the nuclear-weapon States to include in Additional Protocols to their voluntary safeguards agreements those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Protocol.
22. The States parties urge all States to implement, to the extent possible, IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.3 and also urge all States parties to examine ways and means to strengthen the current regime.

*(iv) Main Committee III issues**Peaceful uses of nuclear energy*

23. Reaffirmation of commitment to continue to take further steps for the full realization of the relevant provisions of the Treaty, taking into account the undertakings in the principles and objectives on the peaceful use of nuclear energy.
24. Reaffirmation that 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.
25. The States parties reaffirm their commitment to the full implementation of article IV of the Treaty and reaffirm their commitment to cooperation in the field of nuclear energy for peaceful purposes without discrimination

and in conformity with articles I, II and III of the Treaty and the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament. They further reaffirm the importance they attach to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and they reiterate their call for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.

26. States parties also reaffirm the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance to ensuring a successful review process under the Nuclear Safety Convention and note the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as another contribution in this area.
27. The States parties express their determination to prevent and combat illicit trafficking in nuclear materials and stated their readiness to cooperate with each other, and support multilateral efforts to this end.

2. The following is a list of the specific proposals put forward by delegations for consideration by the Preparatory Committee on the understanding that the proposals are without commitment by the Preparatory Committee and without prejudice to the position of any delegation, and that the list is not exclusive and delegations are free to submit new proposals or modify or withdraw old ones at any further session of the Preparatory Committee:

*Chapeau*

1. Reaffirmation of the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.
2. Reaffirmation that the integrity of the Treaty is essential to international peace and security.
3. Reaffirmation of the necessity for full compliance with the Treaty.
4. The States parties believe that the Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons and they will work towards a fair balance between the mutual obligations and responsibilities of the nuclear-weapon States and the non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.
5. The States parties undertake 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 and they shall fulfil their commitments on the unimpeded and non-discriminatory transfer of materials, equipment, scientific and technological information for peaceful uses of nuclear energy to all States parties without exception.
6. The decisions and resolution of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons constitute a single integral undertaking. This integrality should be maintained and respected.
7. The States parties will continue their endeavours to strengthen the review process of the operation of the Treaty with a view to assuring that the purposes of the

Preamble and the provisions of the Treaty in their entirety are being realized.

8. The States parties reaffirm their commitment to the Treaty as well as efforts designed to promote the full realization and effective and indiscriminate implementation of all the provisions of the Treaty and the decisions and resolution adopted by the 1995 Review and Extension Conference.
9. The States parties once again reaffirm their recognition of the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy, and their commitment to the full realization and effective implementation of the Preamble and the articles of the Treaty.

*The resolution on the Middle East*

1. Recognition of the value of the universality of the Treaty on the Non-Proliferation of Nuclear Weapons.
2. Recognition of the value of nuclear-weapon-free zones in other regions and the value of lessons in achieving them for progress towards universality of the Non-Proliferation Treaty.
3. Emphasize the vital importance of all States parties in the region implementing all obligations under the Treaty.
4. Emphasize the importance of renewed progress on the Middle East peace process and recognize that the Arms Control and Regional Security process is a useful forum for the discussion of a nuclear-weapon-free zone in the Middle East.
5. Call upon States in the region to place all unsafeguarded nuclear facilities under full-scope IAEA safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security. They recognize that confidence-building measures taken by States in the Middle East could be important steps towards the establishment of a nuclear-weapon-free zone in that region; examples of confidence-building measures include: mutual visits to safeguarded facilities, information sharing and cooperative technical evaluations of a regional verification regime, regional cooperation on nuclear safety and/or nuclear waste management issues as a step towards the establishment of a nuclear-weapon-free zone in the Middle East.
6. Encourage the creation of a laboratory for safeguards purposes in the Middle East as a step towards the creation of a regional verification system.
7. The States parties reaffirm the importance of the early realization of universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and strongly urge Israel, the only State in the region which has not accepted any international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and not accepted full scope safeguards on all its nuclear facilities, to accede to the Treaty as soon as possible.
8. The States parties note with concern the continued existence in the Middle East of unsafeguarded nuclear facilities in Israel, and strongly urge Israel to accept forthwith the application of full-scope IAEA safeguards on all its nuclear facilities.
9. The States parties, and in particular the depositories of the Treaty on the Non-Proliferation of Nuclear Weapons, reaffirm their commitment to extend their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East

nuclear-weapon-free zone as a step towards a Middle East zone free of all weapons of mass destruction and their means of delivery.

10. The States parties recommend that, in order to facilitate the establishment of a nuclear-weapon-free zone in the Middle East or of a zone free of weapons of mass destruction, agreement must be reached among the States of the region on an agenda containing various items, including: the study of the nuclear status of the region; the elimination of all weapons of mass destruction, including nuclear, chemical and biological; and other items related to arms control and disarmament as well as agreement on the lowest level of armaments.
11. The States parties also recommend that such efforts include, *inter alia*, workshops, seminars, conferences, etc., which are attended by the States of the region and which deal with relevant political as well as technical issues. These should result in agreement on a process of informal deliberations along the lines of the proposed agenda.
12. The States parties consider that "practical steps ... 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" (operative paragraph 5 of the resolution on the Middle East) include the early conclusion of the text of a treaty on a nuclear-weapon-free zone as a step towards the establishment of a zone free of weapons of mass destruction in the Middle East as well as a request for assistance from international organizations such as the United Nations and the International Atomic Energy Agency. Such assistance could include, *inter alia*, the dispatching of a special envoy to the Middle East with the task of assisting the States of the region in their endeavours to reach the objective of a nuclear-weapon free Middle East.
13. The States parties, and in particular the nuclear-weapon States, agree to indicate at every Preparatory Committee and at the 2000 Review Conference in what ways they were able "to extend their cooperation and to exert their utmost efforts with a view to ensuring the establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems" (operative paragraph 6 of the resolution on the Middle East).
14. The States parties agree to keep under review and make available specific time for discussions on the resolution on the Middle East at upcoming Preparatory Committees as well as at the 2000 Review Conference.
15. The States parties recommend that the 2000 Review Conference decide that future Review Conferences as well as their Preparatory Committees shall, pending the establishment of a nuclear-weapon-free zone in the Middle East, continue to allocate specific time for discussion on progress reports on the implementation of the resolution on the Middle East and to provide structured deliberations on practical steps for the establishment of the zone.
16. The States parties recall that the adoption of the resolution on the Middle East by the 1995 Review and Extension Conference on 11 May 1995 constituted an integral part of the package of the 1995 outcome comprising three decisions and a Resolution, and as such they reaffirm their firm commitment to work

towards the full implementation of that resolution. In this regard, the States parties recognize the special responsibility of the depository States, as cosponsors of the 1995 resolution on the Middle East.

17. The States parties note that since the adoption of the 1995 resolution on the Middle East all States in the region have become parties to the Treaty, with the exception of Israel. The States parties stress the urgent need for Israel to accede to the Treaty without further delay and to place all its nuclear facilities under full-scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.
18. The nuclear-weapon States, in conformity with their obligations under article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel, and further undertake not in any way to assist, encourage or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or to exercise control over such weapons or explosive devices under any circumstances whatsoever.
19. All States parties, in conformity with the seventh preambular paragraph and article IV of the Treaty, hereby declare their commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.
20. The States parties reaffirm once again their determination to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East of a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.
21. All States parties to the Treaty, and in particular the nuclear-weapon States, have to shoulder their responsibilities, extend their cooperation and exert their utmost efforts to achieve the full implementation of the said resolution. The role of the three depository States in fulfilling their primary responsibilities as cosponsors of the 1995 resolution on the Middle East is crucial in implementing faithfully and achieving the goals of the resolution on the Middle East. They are requested to indicate at every Preparatory Committee and the 2000 Review Conference what measures they have taken to ensure the full implementation of the resolution and the realization of its objectives.
22. All States parties to the Treaty, and in particular the nuclear-weapon States, have to extend their cooperation to achieve the full implementation of the resolution on the Middle East. The Preparatory Committee should include in its report a solemn declaration to the 2000 Review Conference urging Israel to accede to the Treaty without delay and to place all its nuclear facilities under IAEA safeguards.

(i) *Universality*

1. The States parties welcome the eight recent accessions to the Treaty. Universal adherence to the Treaty remains an urgent priority. All States not yet party to the Treaty are called upon to accede to it at the earliest

date. The States parties will make determined efforts to achieve this objective.

2. The States parties call upon Israel to adhere immediately to the Treaty and to subject all its nuclear facilities to full-scope IAEA safeguards, and also call upon the States of the Middle East to enter into negotiations on the establishment of a Middle East nuclear-weapon-free zone as an important step towards the establishment in the same region of a zone free of weapons of mass destruction and their means of delivery.
3. The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasize the urgency and importance of achieving the universality of the Treaty.
4. The Preparatory Committee meetings and the Review Conference should consider ways and means to achieve the universality of the Treaty, in particular by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities.
5. The States parties re-emphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities. They will make determined efforts to achieve this goal.
6. It would be useful to promote dialogue and confidence-building among the countries concerned so as to improve their regional security environment.
7. Recognizing that universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent requirement, the States parties recommend that all States parties should make every effort to achieve this objective, and call upon all States not yet party to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded facilities.
8. The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should redouble their efforts to achieve the universality of the Treaty because the non-proliferation of nuclear weapons and nuclear disarmament are one of the cornerstones of international peace and security.
9. Supporting efforts already made to achieve universality, the States parties call for further measures to enhance opportunities to achieve universality, and insist upon a balance in the treatment of the universality issue.
10. Welcome for Brazil's declared intention to accede to the Treaty.

(ii) *Main Committee I issues*

*Non-proliferation*

1. Any concern related to nuclear proliferation should be resolved according to the procedures spelt out in relevant international legal instruments, including through dialogue and cooperation. No country should impose its own law and interests on any other country or the international community at large.
2. The States parties recognize that articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons allow for no exceptions and that the Treaty is binding on States parties at all times.
3. The States parties are convinced that, in order to safeguard the integrity of the Treaty, the nuclear-weapon States must work towards decreasing the role of nuclear weapons in their national security

- policies and must refrain from any actions which may result in an enhanced role for nuclear weapons. Nuclear weapons have no role to play in international relations.
4. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preserving the non-proliferation of nuclear weapons in all its aspects. The international community should make all possible efforts 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.
  5. The States parties agree that the strict observance of the terms of article I 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 nuclear-weapon States parties to the Non-Proliferation Treaty reaffirm their commitments to the fullest implementation of this article and to refrain from, among themselves, with non-nuclear-weapon States and with States not party to the Treaty, nuclear sharing for military purposes under any kind of security arrangements.
  7. The States parties remain concerned about the ability of certain States not party to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.
  8. Non-nuclear-weapon States parties to the Treaty reaffirm their commitments to the fullest implementation of article II and to refrain from nuclear sharing with nuclear-weapon States, non-nuclear-weapon States and States not party to the Treaty for military purposes under any kind of security arrangements.
  9. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preserving the non-proliferation of nuclear weapons in all its aspects. The States parties should pursue and agree upon all possible and necessary measures and efforts to prevent the proliferation of nuclear weapons and other nuclear explosive devices.
  10. The States parties should continue to promote the full implementation of the non-proliferation obligations of the nuclear-weapon States and of the non-nuclear-weapon States.
  11. The States parties should continue to take active measures to prevent the proliferation of nuclear weapons and the technologies, material and equipment that are used to produce those weapons, without hampering the peaceful uses of nuclear energy, especially by developing countries.
  12. The States parties stress the importance of effective measures to prevent the proliferation of nuclear weapons and the misuse for that purpose of technology, materials and equipment, without hampering the peaceful uses of nuclear energy, especially by developing countries, in accordance with article IV of the Treaty.
  13. The States parties welcome the implementation of the Agreed Framework between the United States of America and the Democratic People's Republic of Korea and support the full and effective implementation of Security Council resolutions and cooperation from Iraq and the Democratic People's Republic of Korea.
- Nuclear disarmament*
14. The nuclear-weapon States reaffirm their commitment to fulfil with determination their obligations under article VI and undertake 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. In this context, the nuclear-weapon States parties declare unequivocally their commitment to the ultimate elimination of nuclear weapons and to that end agree to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally.
  15. Reaffirmation of the commitment by the nuclear-weapon States to systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.
  16. Reaffirmation of support for progress made in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the START process, as steps towards nuclear disarmament.
  17. Confirmation by States parties of their expectation that the START process as currently defined by the United States of America and the Russian Federation will be pursued energetically and diligently, beginning with the earliest possible ratification and entry into force of START II.
  18. Recognition of the importance of progress in measures related to tactical nuclear weapons and nuclear-armed sea-launched cruise missiles (SLCMs), including confidence-building and transparency measures, as called for by the United States of America and the Russian Federation in the Helsinki Joint Statement on Parameters on Future Reductions in Nuclear Forces.
  19. Affirmation of the necessity for the current bilateral nuclear-weapon reductions process, as it progresses beyond START II, to be expanded to engage the other three nuclear-weapon States parties to the Treaty.
  20. Recognition of the desirability of actively pursuing steps towards greater transparency in nuclear weapons and weapon-usable material matters.
  21. Reaffirmation by the nuclear-weapon States that the cessation of all nuclear-weapons test explosions and all other nuclear explosions constrains the development and qualitative improvement of nuclear weapons and ends the development of advanced new types of weapons, thereby constituting an effective measure of nuclear disarmament and non-proliferation in all its aspects.
  22. Urging the nuclear-weapon States, as a confidence-building measure, to report individually and on a regular basis to the Conference on Disarmament and the Preparatory Committee for the 2000 Review Conference on the steps they have taken towards fulfilling their article VI commitments.
  23. Affirmation of support for the proposal in the Conference on Disarmament of an ad hoc committee on nuclear disarmament for the substantive discussion of nuclear disarmament issues with a view to

- identifying if and when one or more such issues might be negotiated multilaterally.
24. The nuclear-weapon States concerned should abandon their policy of nuclear deterrence; the States with large nuclear arsenals should further reduce drastically their nuclear stockpiles, and should destroy the removed nuclear warheads rather than simply transfer them from deployment to storage.
  25. All nuclear-weapon States should undertake not to be the first to use nuclear weapons at any time and under any circumstances, and to conclude a legally binding international instrument to that effect.
  26. No country should develop and deploy space weapon systems or missile defence systems that undermine strategic security and stability.
  27. States with nuclear weapons deployed outside their borders should bring all these weapons home.
  28. An international convention on the complete prohibition and thorough destruction of nuclear weapons under effective international supervision should be concluded through negotiations with the participation of all States.
  29. The States parties reaffirm the importance of ongoing unilateral and bilateral efforts in the nuclear field and stress the importance of the early commencement of multilateral negotiations on nuclear disarmament in the Conference on Disarmament involving all nuclear-weapon States as well as non-nuclear-weapon States.
  30. The States parties:
    - (a) Underline the vital importance of the announcements by the United States of America and the Russian Federation that they would unilaterally implement reductions in their non-strategic nuclear weapons, and of the follow-on to these announcements, which contributes to a positive international climate and the increased security of all States parties;
    - (b) Welcome, in this context, the joint statement on parameters on future reductions in nuclear forces issued in Helsinki on 21 March 1997;
    - (c) Recognize the value of increased openness achieved through the information provided by the nuclear-weapon States in the course of the NPT review process on steps they have taken or are taking in nuclear disarmament;
    - (d) Support the objective of increased transparency regarding the withdrawal from operational use and dismantlement of short-range nuclear weapons in the context of the Preparatory Committee recommendations on nuclear weapons.
  31. The States parties note with regret that, despite the conclusion of limited agreements, the provisions of article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. In this regard, the States parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving this objective.
  32. The States parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. In this context, the goal is the complete elimination of nuclear weapons. In the task of achieving the goal of nuclear disarmament, all States parties bear responsibility, in particular those nuclear-weapon States which possess the most important nuclear arsenals.
  33. The States parties reaffirm that priority in disarmament negotiations shall be nuclear weapons in accordance with the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament.
  34. The States parties reaffirm their commitment to fulfil with determination their obligations under article VI, in particular those of nuclear-weapon States 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.
  35. The States parties, in particular the nuclear-weapon States, shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.
  36. The States parties call upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament, taking into account all proposals which have been submitted by members of the Group of 21, and to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear-weapons convention prohibiting the development, production, testing, employment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.
  37. The States parties regret the continuing lack of progress on items relevant to nuclear issues on the agenda of the Conference on Disarmament.
  38. Nuclear disarmament is further substantially facilitated by the continued 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 the Non-Proliferation of Nuclear Weapons and the principles and objectives adopted by the 1995 Review and Extension Conference should thus be fulfilled with determination and without further delay. 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 as well as their commitment to the principles and objectives adopted by the Conference.
  39. The States parties reaffirm their commitment to pursue negotiations on a phased programme of nuclear disarmament aimed at the complete elimination of nuclear weapons and to continue to identify, negotiate and implement further steps necessary to achieve this objective within the shortest possible framework of time.
  40. In the context of the "systematic and progressive efforts" which they have agreed to pursue, the nuclear-weapon States should set out their perspective on the future steps they will take to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.

41. Systematic and progressive efforts pursued by the nuclear-weapon States to reduce nuclear weapons globally are an important element in the full realization and effective implementation of article VI. The commitment made by the President of the United States of America and the President of the Russian Federation at the Helsinki summit meeting to further reduce, in the context of the START process, their strategic nuclear arms by the year 2007, is most welcome.
42. Efforts should be made for the early commencement, upon entry into force of the START II agreement, and the early conclusion of negotiations for the START III agreement.
43. In conjunction with the START process, the other nuclear-weapon States should commit themselves, at very least, to not increasing their existing nuclear arsenals and to further intensifying their current efforts in reducing them.
44. Concrete nuclear disarmament steps by each nuclear-weapon State are further encouraged. In the light of General Assembly resolution 51/45 G of 10 December 1996, entitled "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons", every nuclear-weapon State is invited to inform the international community of the activities and progress in the area of nuclear disarmament. These efforts would contribute to transparency and confidence-building.
45. The efforts of the international community to promote and assist in the dismantlement of nuclear weapons and the management and disposal of fissile materials derived from dismantled nuclear weapons should be further encouraged.
46. The nuclear-weapon States are invited to keep the international community informed of practical issues that the implementation of nuclear disarmament measures entails.
47. Nuclear disarmament measures are often costly, both in terms of nuclear weapons dismantlement and disposal, and in terms of ensuring the chain of custody which includes safe and secure transport and storage of fissile material as well as its control and accounting. Nuclear disarmament measures may also pose various technical challenges. For example, the management of surplus weapons plutonium may require the modification of existing technologies and perhaps also the development of new ones. Institutionally, there is a need, for example, for national, regional and international coordination among national authorities to prevent the illicit trafficking of nuclear material. Furthermore, nuclear disarmament has a social dimension. It is necessary, for example, to accommodate the economic and intellectual needs of displaced scientists and engineers who had worked for nuclear weapons-related industries.
48. Bearing in mind the need to prevent disclosure of sensitive information in relation to the provisions of the Non-Proliferation Treaty, appropriate measures could be considered that would promote the transparency in fissile materials for nuclear weapons or other nuclear explosive devices, with a view to enhancing the irreversibility of nuclear disarmament. As a first step towards that objective, measures should be pursued that would enhance the transparency in surplus fissile material for nuclear weapons and other nuclear explosive devices in parallel with a fissile material cut-off treaty.
49. The nuclear-weapon States are invited to consider further steps such as gradually taking nuclear forces off alert and/or removing nuclear warheads from delivery vehicles.
50. The nuclear-weapon States are invited to consider possible measures to increase transparency of their non-strategic (tactical) nuclear weapons.
51. These nuclear-weapon States are invited to explain the operational measures they have taken such as de-targeting their nuclear warheads and taking their nuclear forces off alert, including the removal of nuclear warheads from delivery vehicles. These measures may enhance confidence, especially among the nuclear-weapon States themselves.
52. The advisory opinion tendered by the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* should be recalled, by which the Court recognized that all members of the international community have 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. All States concerned, in particular the nuclear-weapon States, are urged to engage seriously in meaningful negotiations with a view to achieving early, further significant reductions of nuclear stockpiles as a step towards the ultimate elimination of nuclear weapons.
53. Constructive engagement with the nuclear Powers towards the goal of a world free of nuclear weapons is therefore needed. All delegations should take note of the significant and encouraging statements coming from the recent Helsinki summit meeting.
54. The need to assess current verification procedures with a view to making them more stringent and effective must be further examined.
55. Negotiations, as a matter of some urgency, on a nuclear-weapons convention should commence. Such a convention would take us closer to the goal of the total elimination of nuclear weapons under international verification and control. This could be assisted through the establishment of an inter-sessional working group.
56. The Decision on Principles and Objectives to be adopted by the 2000 Review Conference should include commitment of all States to the objective of the total elimination of nuclear weapons.
57. The 2000 Review Conference should call upon the Conference on Disarmament to negotiate, as a first step, a universal and legally binding instrument committing all States to the objective of the total elimination of nuclear weapons. Basically this is the next logical step of putting the above-mentioned commitment into an elaborate form of a treaty or a legal instrument; and should also call upon the Conference on Disarmament to commence without further delay multilateral negotiations on a phased programme of reduction of nuclear weapons and for their total elimination.
58. The nuclear-weapon States parties reaffirm their commitment to fulfil with determination their obligations under article VI and undertake 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. In this context, the nuclear-weapon States parties declare

- unequivocally their commitment to the elimination of nuclear weapons and agree to start immediately on the practical first steps and negotiations required for its achievement.
59. The nuclear-weapon States agree to pursue with determination the elimination of nuclear weapons through all available channels, including in bilateral negotiations and in negotiations among all five nuclear-weapon States.
  60. The States parties agree that the Conference on Disarmament, the international community's standing body for disarmament negotiations, is mandated to pursue all items on its agenda, including nuclear disarmament. The Conference on Disarmament is the appropriate forum for multilateral dialogue and the negotiation of further steps, as appropriate, which contribute to the goal of the elimination of nuclear weapons.
  61. An exchange of views and negotiations should be begun on a treaty on nuclear security and strategic stability, with the participation of all nuclear-weapon States, taking into account the specific nature of their nuclear arsenals and possibly with a certain asymmetry of commitments.
  62. The nuclear weapons of all the nuclear-weapon States should be stationed only within their own territories.
  63. The nuclear-weapon States reaffirm their commitment to fulfil with determination their obligations under article VI and undertake 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. In this context, the nuclear-weapon States parties declare unequivocally their commitment to the ultimate elimination of nuclear weapons and to that end agree to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally.
  64. The States parties express their expectation that the Russian Federation and the United States of America will pursue their current bilateral nuclear weapons reduction progress energetically and diligently and that, to begin with, they will bring START II into force as soon as possible. States parties affirm the need to engage the other three nuclear-weapon States as the bilateral process progresses beyond START III. The States parties also recognize the importance of progress in measures related to tactical nuclear weapons.
  65. The nuclear-weapon States, and in particular the Russian Federation and the United States of America, should be called upon to continue in the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally and to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective control. The other nuclear-weapon States should join in the process of structured and verified nuclear disarmament as soon as possible.
  66. The States parties call upon the Conference on Disarmament to establish an ad hoc committee to deliberate and agree upon the practical steps and negotiations required for a programme of systematic and progressive efforts to eliminate totally nuclear weapons.
  67. This Preparatory Committee agrees that at its third session, specific time will be made available for article VI (nuclear disarmament and general and complete disarmament) issues, so as to provide a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons which were envisaged in the Principles and Objectives decision adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The purpose of these deliberations would be to provide:
    - (a) The nuclear-weapon States with an opportunity to brief the Treaty parties on the steps which they have undertaken and are undertaking in this regard;
    - (b) The non-nuclear-weapon States with an opportunity to engage the nuclear-weapon States as to "the practical steps and systematic and progressive efforts" which have been identified and which could be undertaken unilaterally, as a result of bilateral or plurilateral negotiations, or multilaterally;
    - (c) The opportunity for the international community, as represented by the parties to the Non-Proliferation Treaty, to jointly support or assist initiatives undertaken or agreements achieved; and
    - (d) Thereby to allow each of the States Parties to the Non-Proliferation Treaty, non-nuclear-weapon States and nuclear-weapon States alike to fulfil article VI's provision that its obligations apply to each of the parties to the Treaty.
  68. It is recommended that the 2000 Review Conference should decide to establish a subsidiary body to Committee 1 at the 2000 Review Conference for article VI (nuclear disarmament and general and complete disarmament) issues, so as to provide a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons which were envisaged in the Principles and Objectives decision adopted at the 1995 Review and Extension Conference. Future Review Conferences should decide to establish the same subsidiary body pending the full realization of article VI of the Treaty. The purpose of these deliberations would be to provide:
    - (a) The nuclear-weapon States with an opportunity to brief the Treaty parties on the steps which they have undertaken and are undertaking in this regard;
    - (b) The non-nuclear-weapon States with an opportunity to engage the nuclear-weapon States as to "the practical steps and systematic and progressive efforts" which have been identified and which could be undertaken unilaterally, as a result of bilateral or plurilateral negotiations, or multilaterally;
    - (c) The opportunity for the international community, as represented by the parties to the Non-Proliferation Treaty, to jointly support or assist initiatives undertaken or agreements achieved; and
    - (d) Thereby to allow each of the States parties to the Non-Proliferation Treaty, non-nuclear-weapon States and nuclear-weapon States alike to fulfil article VI's provision that its obligations apply to each of the parties to the Treaty.
  69. It is recommended that the 2000 Review Conference should decide that Preparatory Committees for future

- Review Conferences shall make specific time available for article VI (nuclear disarmament and general and complete disarmament) issues pending the full realization of article VI, so as to provide a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons which were envisaged in the Principles and Objectives decision adopted at the 1995 Review and Extension Conference. The purpose of these deliberations would be to provide:
- (a) The nuclear-weapon States with an opportunity to brief the Treaty parties on the steps which they have undertaken and are undertaking in this regard;
  - (b) The non-nuclear-weapon States with an opportunity to engage the nuclear-weapon States as to “the practical steps and systematic and progressive efforts” which have been identified and which could be undertaken unilaterally, as a result of bilateral or plurilateral negotiations, or multilaterally;
  - (c) The opportunity for the international community, as represented by the parties to the Non-Proliferation Treaty, to jointly support or assist initiatives undertaken or agreements achieved; and
  - (d) Thereby to allow each of the States Parties to the Non-Proliferation Treaty, non-nuclear-weapon States and nuclear-weapon States alike to fulfil article VI’s provision that its obligations apply to each of the parties to the Treaty.
70. The States parties take note of the advisory opinion of the International Court of Justice of 8 July 1996 and in particular the unanimous conclusion by the Court 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”.
  71. The States parties welcome the reaffirmation by the nuclear-weapon States in their joint statement of 8 April 1997 to the Preparatory Committee at its first session that they would continue to pursue, with determination, systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating those weapons. The States parties underline the importance that the specific steps to be taken by the nuclear-weapon States in accordance with their commitment be identified and fully implemented.
  72. The States parties welcome the report of the Canberra Commission, which proposes a series of concrete measures towards a nuclear-weapon-free world, and commend the report for consideration in international disarmament forums with a view to exploring the possibilities of implementing the steps set out in the report.
  73. The States parties agree that the nuclear-weapon States should unequivocally reaffirm their commitment to the elimination of nuclear weapons and agree to start work immediately on the practical steps and negotiations required for its achievement.
  74. The States parties stress the importance of de-alerting and de-activating nuclear weapons. These measures would help prevent inadvertent, accidental or unauthorized launches and create beneficial conditions for continued disarmament efforts.
  75. If they are to be truly effective and meaningful, practical measures taken in the field of nuclear disarmament must be irreversible.
  76. This means that the reductions, whether embarked upon through unilateral initiatives or under bilateral agreements, should not be restricted to removing warheads from missiles, but should also include destruction of the missiles, destruction of the warheads and the placing of fissile material under IAEA safeguards.
  77. The parties to the Non-Proliferation Treaty should therefore encourage all the States that possess tactical nuclear weapons to ensure that the same transparency prevails and the same confidence-building measures are accepted as in the case of strategic weapons.
  78. In our view, there are no compelling reasons for linking the start of negotiations on tactical nuclear weapons to ratification of the START II treaty or the initiation of negotiations on START III.
  79. Urgency and importance of ratification of START II, and of the immediate opening of negotiations on a START III treaty. Recognition of the value of increased openness through the information provided by the nuclear-weapon States in the course of the review process for the Non-Proliferation Treaty on steps they have taken or are taking in nuclear disarmament.
  80. Welcome for efforts by the group of seven major industrialized countries and the Russian Federation to address the issue of the management of plutonium from dismantled nuclear weapons.
  81. Universal adherence to existing Conventions and regimes of non-proliferation would greatly enhance international peace and security and contribute to further progress in the field of disarmament.
  82. Urgency and importance of achieving the universality of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. Urgency for all States not yet party to the Convention to accede at the earliest possible date.
  83. Urgency and importance of the Ad Hoc Group of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to complete negotiations on a legally binding verification and compliance regime for the Treaty by the end of 1998, and of achieving the universality of the Convention through accession to the Convention by all States not yet party at the earliest possible date.
  84. Importance that all regions make major reductions in their levels of conventional arms, as has been done in Europe on the basis of the Treaty on Conventional Armed Forces in Europe.
  85. The States parties recognize that the nuclear arms race between the United States of America and the Russian Federation has ended and that this aspect of article VI has been fulfilled.
  86. The States parties endorse the effectiveness of the step-by-step process of nuclear disarmament and recognize that nuclear disarmament can only take place in a stable international security environment.
  87. Welcoming the establishment of additional nuclear-weapon-free zones, States parties support the regional or nuclear-weapon-free-zone approach to the

- provision of legally binding security assurances, as opposed to a global convention.
88. It is the responsibility and obligation of all States to contribute to the relaxation of international tension and to the strengthening of international peace and security. The nuclear-weapon States underscore the important and tangible progress achieved in the area of nuclear disarmament and reaffirm our determination to continue the 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.
89. In this context we welcome the recent understanding reached by the Presidents of the Russian Federation and the United States of America at Helsinki on further reductions of nuclear weapons, building on progress already achieved.
90. In connection with our determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, we welcome:
- (a) The agreements reached in New York in September 1997 between the Russian Federation and the United States of America with a view to facilitating the entry into force of the second Strategic Arms Reduction Treaty and the subsequent negotiation of a third Strategic Arms Reduction Treaty;
  - (b) Related steps to place under IAEA verification as soon as practicable fissile material withdrawn from weapons programmes by the nuclear-weapon States concerned in the process of nuclear weapons reductions and designated by those States as no longer required for their defence purposes and to identify appropriate strategies for the management of such material, with a view to making the process of nuclear reduction irreversible; and, in this context, the trilateral initiative involving the Russian Federation, the United States and IAEA, to address technical, financial and legal aspects of the application of IAEA verification to weapons-origin fissile material;
  - (c) The other steps being taken by us in this area.
91. We also welcome the removal of all nuclear weapons of the former Union of Soviet Socialist Republics from the territories of Belarus, Kazakhstan and Ukraine.
92. We also welcome and encourage overall progress towards general and complete disarmament, as provided for in article VI of the Non-Proliferation Treaty, for which all States parties share responsibility.
- Comprehensive Nuclear-Test-Ban Treaty*
93. All States parties to the Treaty agree that the achievement of the following measures are important practical and immediate steps towards the achievement of the goal of the full realization and effective implementation of article VI:
- The early signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty by all States. Pending the entry into force of a comprehensive test-ban treaty, all States should act so as not to defeat the objects and purpose of the Treaty, and States signatories should continue with vigour their efforts to build up the Treaty's institutional fabric at its headquarters in Vienna.
94. Reaffirmation of the vital importance of all States signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty as soon as possible.
95. The States that have not yet signed the Comprehensive Nuclear-Test-Ban Treaty are urged to do so at an early date, and all signatory States should strive to achieve the early entry into force of the Treaty.
96. The States parties call upon the nuclear-weapon States to refrain from conducting all types of tests in conformity with the objectives of the Comprehensive Nuclear-Test-Ban Treaty. They also call upon nuclear-weapon States to provide transparency on-site and other measures to build confidence on the full implementation of the provisions of the Treaty in order to meet international concerns.
97. The States parties call upon all of the States which have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty. Pending the entry into force of the Treaty, the States parties called upon the nuclear-weapon States to comply with the letter and spirit of the Comprehensive Nuclear-Test-Ban Treaty.
98. The States parties emphasize the importance of making every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, in accordance with article XIV of the Treaty, despite its shortcomings and to prepare the Treaty for implementation in a manner that prevents, to the maximum extent possible, further qualitative development of nuclear weapons.
99. The Comprehensive Nuclear-Test-Ban Treaty is a major step in nuclear non-proliferation and disarmament, especially as a means of constraining the development and qualitative improvement of nuclear weapons and of preventing the development of advanced new types of nuclear weapons. It is thus necessary for all States signatories, by contributing to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Organization, to make steady efforts to establish the Treaty regime, including verification systems. All signatories should strive to achieve the early entry into force of the Treaty. Those States which have not yet signed and ratified the Treaty are urged to do so at the earliest possible date.
100. The States parties welcome the adoption and signature by more than 140 countries of the Comprehensive Nuclear-Test-Ban Treaty and underline their commitment to strictly observe its provisions pending entry into force. The States parties not yet party to the Comprehensive Nuclear-Test-Ban Treaty undertake to join this Treaty. The States parties further agree to pursue all possible measures consistent with international law to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.
101. The adoption of the Comprehensive Nuclear-Test-Ban Treaty should be recorded as one of the goals of the States parties that has been accomplished. Paragraph 4 (a) of the principles and objectives for nuclear non-proliferation and disarmament should be replaced by a call on the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to work for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and for its signature and ratification by all the members of the Treaty on the Non-Proliferation of Nuclear Weapons.

102. The States parties reaffirm the importance that all States exercise utmost restraint regarding any activity that could undermine the fundamental objectives of the Comprehensive Nuclear-Test-Ban Treaty.
103. States parties agree that the conclusion of a non-discriminatory, effectively verifiable and universally applicable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, in accordance with the 1995 report of the Special Coordinator and taking into account views relating to the scope of the treaty, would be an essential measure of nuclear disarmament as well as of non-proliferation. States parties express the hope that the Conference on Disarmament will take the steps necessary for negotiations on a Treaty to start as soon as possible, in accordance with paragraph 4 (b) of the programme of action in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.
104. Meanwhile, States parties agree that nuclear-weapon States should adopt means to provide greater transparency of fissile material stockpiles dedicated to military use, and reduce these stockpiles progressively.
105. The nuclear-weapon States should reaffirm that the ending of all nuclear-weapon explosions and all other nuclear explosions, as provided for under the Comprehensive Nuclear-Test-Ban Treaty, restricts the development and qualitative improvement of nuclear weapons, thus putting a stop to the development of new types of arms and constituting an effective measure of disarmament and non-proliferation in all its aspects.
106. Importance of signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty by all States, in particular those States upon whose adherence entry into force of the Treaty depends.
107. The importance of all States to support efforts to establish the Comprehensive Nuclear-Test-Ban Treaty's verification regime in a timely and effective manner.
108. We strongly support the earliest ratification of the Treaty by all States, in particular by those whose ratification ensures its entry into force. To this end France and the United Kingdom of Great Britain and Northern Ireland have already ratified the Treaty. In addition, we are all fully supporting the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. We call upon all States to contribute to the success of this Treaty.
- Fissile material cut-off treaty*
109. All States parties to the Treaty agree that the achievement of the following measures are important practical and immediate steps towards the achievement of the goal of the full realization and effective implementation of article VI:
- The immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, as an essential measure of nuclear disarmament as well as non-proliferation of nuclear weapons in accordance with the 1995 report of the Special Coordinator on that item and taking into account views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.
110. The conclusion of a first treaty codifying a ban on the production of fissile material for use in nuclear weapons should be followed by a second agreement providing for greater transparency over fissile material inventories and gradually bringing material stocks under strict and effective international control.
111. Recognition of the fissile material cut-off treaty obligation in the Principles and Objectives document.
112. Affirmation by the nuclear-weapon States of a moratorium on the production of fissile material for nuclear weapons on other nuclear explosive devices, pending conclusion of a fissile material cut-off treaty.
113. Recognition by the nuclear-weapon States that greater transparency of, and continuing steps to reduce, their nuclear-weapons-usable fissile material stockpiles should be pursued energetically.
114. Welcoming any steps which could move the fissile material cut-off treaty negotiation forward, including the establishment of a committee to discuss technical questions related to such a treaty, including, but not limited to, verification, implementation and existing stocks.
115. Urging the nuclear-weapon States to take further steps to increase transparency of activities related to military stockpiles of fissile materials. We urge the nuclear-weapon States to take the following steps:
- Increase the amount of military fissile material declared excess, and put this material under permanent safeguards;
  - Declare the amount of fissile material dedicated to military (weapon or naval propulsion) use, and the amount declared excess;
  - Declare the forms in which military fissile materials are held, and their manner of storage; and
  - Provide information about status and location of facilities involved in HEU production and Pu separation.
116. Urging the nuclear-weapon States to ascertain their total holdings of fissile material for nuclear explosive and naval propulsion purposes.
117. Affirmation that all production of fissile material for nuclear weapons purposes has ceased, and commitment to declare all facilities related to fissile material production for nuclear-weapon purposes.
118. All States should work for the immediate commencement and early conclusion of the negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable 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.
119. The States parties agree that:
- A ban on the production of weapons-usable fissile materials represents an important measure within the overall scope of efforts aimed at achieving nuclear non-proliferation and nuclear disarmament;
  - Any negotiations on an effective ban on the production of weapons-usable fissile materials must take into account both the non-proliferation and the disarmament dimension of the issue or, stated otherwise, future production and existing stockpiles of weapons-usable fissile materials;

- (c) A ban on future production of weapons-usable fissile materials represents only one step towards achieving the total elimination of all such materials, or their conversion to non-military purposes, and cannot be divorced or seen in isolation from this objective;
  - (d) For a ban on future production of weapons-usable fissile materials to be effective, it must be verifiable. Verification of such a ban necessarily entails the drawing up of a global inventory detailing existing amounts of weapons-usable fissile materials;
  - (e) Universal adherence to a fissile material ban is essential for its success;
  - (f) The Conference on Disarmament is the sole appropriate forum for negotiations on an international instrument to ban fissile materials;
  - (g) The expertise available at IAEA must be made use of in any negotiations on this issue.
120. The States parties renew their call for the immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a Treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices, as an essential measure of nuclear disarmament as well as non-proliferation of nuclear weapons, taking into account the 1995 report of the Special Coordinator on that item and the views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.
121. The States parties emphasize the need to pursue 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.
122. Now that the Comprehensive Nuclear-Test-Ban Treaty has been concluded, a fissile material cut-off treaty is the next step in nuclear disarmament. It is regrettable that negotiations on such a treaty have not yet commenced in the Conference on Disarmament. All means should be explored to realize the early commencement of negotiations on a fissile material cut-off treaty.
123. Accelerated work on a cut-off treaty on fissile materials is required.
124. The States parties continue to attach high priority to 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. The States parties agree to consider what further steps might be taken to enable these negotiations to begin promptly.
125. There would be merit in voluntary measures to increase transparency on holdings of weapons-grade fissile material, plutonium and highly enriched uranium (HEU). Transparency as a confidence-building measure should apply to all States with a nuclear capability, but for obvious reasons the primary burden would fall on the nuclear-weapon States.
126. A fundamental prerequisite for transparency would be the application of consistent and strict standards of accounting and secure handling and storage procedures for fissile material at the national level.
127. Voluntary transparency measures of this character would facilitate negotiations on a "cut-off" treaty as well as any future talks on nuclear disarmament.
128. The following measures could be considered for successive implementation:
- (a) All nuclear-capable States would submit information on their stocks, if any, of weapons-grade fissile material;
  - (b) Cooperative international measures would be put into place in order to clarify and confirm these declarations;
  - (c) The nuclear-weapon States, or any State that submits information on holdings of weapons-grade fissile material, could permit inspection of such holdings. The aim would be to ensure that the inventory in storage can only be withdrawn for non-weapons purposes;
  - (d) Agreed monitored net reductions from stockpiles could be envisaged.
129. (a) The States parties should welcome progress made in the negotiation of a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other explosive devices in accordance with the Shannon report and the mandate contained therein.
- OR
- (b) The States parties should renew the call contained in the Principles and Objectives for nuclear non-proliferation and disarmament for the Conference on Disarmament to commence immediately negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other explosive devices in accordance with the Shannon report and the mandate contained therein. All States parties that are members of the Conference should work actively to achieve that goal.
130. For a fissile material cut-off treaty to be a genuine disarmament measure, and not purely one of non-proliferation, it is necessary that the treaty should include provisions on existing stockpiles of fissile material. While we would commend the Russian Federation and the United States of America for the progress and accomplishments of their trilateral discussions with IAEA, in terms of which they are seeking to reach agreement on placing surplus nuclear-weapon fissile material under IAEA supervision, South Africa would also call upon:
- (a) The other nuclear-weapon States (China, France, United Kingdom) to as soon as possible reach agreements with IAEA on this issue in accordance with their undertakings under paragraph 13 of the Principles and Objectives;
  - (b) All of the nuclear-weapon States (China, France, Russian Federation, United Kingdom, United States) to unequivocally commit themselves to the negotiations on a fissile material cut-off treaty as a genuine nuclear disarmament and non-proliferation measure which would as a minimum include provisions on fissile material which are not components of nuclear weapons.

131. The States parties support the initiation of negotiations on a fissile material cut-off treaty as an important step for multilateral action and recognize both the disarmament and the non-proliferation aspects of a fissile material cut-off convention.
132. We also reaffirm our readiness for the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, a goal contained in the decision on principles and objectives for nuclear non-proliferation and disarmament and as its second step, following the completion of the negotiations on the Comprehensive Nuclear-Test-Ban Treaty.
133. We encourage all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fulfil this shared commitment set forth in the decision on principles and objectives for nuclear non-proliferation and disarmament. We also stress the importance for the States which are not yet parties to the Treaty to join the negotiations on a fissile material cut-off treaty in accordance with the 1995 statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

*Peaceful nuclear explosions*

134. Reaffirmation that the provisions of article V of the Treaty with regard to peaceful applications of nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty, and in particular of article VII of that Treaty.

*Nuclear-weapon-free zones*

135. All existing zones should come into force as soon as possible, and the process of ratification of their Protocols by relevant States completed.
136. The States of the regions concerned, and in particular those in regions of tension, should engage in discussions on possible arrangements for additional nuclear-weapon-free zones by 2000. This includes the Central Asian region, for which there is now a proposal on the table under the Almaty Declaration.
137. Work on the establishment of a nuclear-weapon-free zone in the Middle East should be intensified as a contribution to peace and stability in the region and internationally.
138. Cooperation and coordination between States parties and signatories of existing zones under the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba should be actively pursued to promote the common goals of those treaties.
139. The States parties are encouraged by the historic events of the past few years that enhanced the atmosphere of trust, mutual respect and partnership among European States as well as the prerequisites for practical implementation of the idea to free the world of nuclear weapons, in particular the withdrawal of tactical and strategic nuclear weapons from the territories of Belarus, Kazakhstan and Ukraine and thus from the entire Central and Eastern European region, ranging from the Baltic Sea to the Black Sea.
140. The States parties acknowledge the important contribution made by Belarus, Kazakhstan and Ukraine to the implementation of article VI of the Treaty through their effective efforts in nuclear disarmament and consistent fulfilment of their

obligations under the Strategic Arms Reduction Talks and the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Nuclear Missiles, and note with satisfaction the significant contribution of those States to the strengthening of the Treaty through enhancing regional and global security.

141. Thus, the creation of a nuclear-weapon-free zone in Central and Eastern Europe could reaffirm the intention of the European States to move towards the final goal of the achievement of general and complete nuclear disarmament under effective international control.
142. All States should support the efforts of the non-nuclear-weapon States to establish nuclear-weapon-free zones on the basis of arrangements freely arrived at and in the light of the actual conditions of the regions concerned. All nuclear-weapon States should pledge their support for the establishment of nuclear-weapon-free zones, respect their status and undertake corresponding obligations.
143. The States parties express support on measures taken by a State party or group of States parties to conclude nuclear-weapon-free-zone treaties. They also support proposals to these zones in other parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among States of the region concerned as a measure towards the strengthening of nuclear non-proliferation regimes and realizing the objectives of nuclear disarmament. States parties welcome the initiative taken by States in Central Asia freely arrived at among themselves to establish a nuclear-weapon-free zone in that region.
144. The States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the NPT reaffirm their commitment to promote the common goals envisaged in those treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas.
145. The States parties and signatory to the Treaty express their desire to see the Protocol to the South-East Asian Nuclear-Weapon-Free Zone Treaty accepted and ratified by the nuclear-weapon States and its entry into force at the earliest possible date. To this end, the States parties and signatory to the Treaty urge the nuclear-weapon States to show firm resolve and maximum flexibility and to work together with them in a spirit of amity and cooperation with a view to finding solutions to the remaining issues in the shortest possible time.
146. The States parties reaffirm their conviction that the establishment of 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.
147. The States parties welcome the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995 and express their support for the establishment of a mechanism for cooperation among the agencies of the treaties of Tlatelolco, Bangkok, Rarotonga and Pelindaba. The States parties decide to follow all actions required for the early establishment of the nuclear-weapon-free zone in the Middle East.

148. All nuclear States express their commitment to respect and support the relevant protocols necessary for the maximum effectiveness of the established nuclear-weapon-free zones.
149. In the light of recent encouraging developments, it is important to reaffirm 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.
150. Significant progress has been made since 1995 in the establishment of nuclear-weapon-free zones in Africa and South-East Asia and in the growth of support for nuclear-weapon-free zones in other regions.
151. In realization of the recommendations contained in the principles and objectives for nuclear non-proliferation and disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are especially pleased to note that on 28 February 1997 they formally endorsed, in the Almaty Declaration, the creation of a nuclear-weapon-free zone in Central Asia. This joint action, following earlier initiatives by several countries of the region, is indicative of the importance the States of Central Asia attach to article VII of the Treaty and paragraphs V to VII of the principles and objectives for nuclear non-proliferation and disarmament.
152. As the States parties to the Treaty prepare for the next Review Conference in the year 2000, the Preparatory Committee takes positive note of this development.
153. Creation of nuclear-weapon-free zones within the boundaries of individual States complements the obligations undertaken by the States under the Treaty on the Non-Proliferation of Nuclear Weapons and, by prohibiting within such zones deployment of nuclear weapons or nuclear explosive devices, the dumping of radioactive wastes, etc., they expand the geographical scope of nuclear-weapon-free zones.
154. Mongolia's declaration of its territory as a nuclear-weapon-free zone in 1992, which has been welcomed and supported by all nuclear-weapon and non-nuclear-weapon States alike, has demonstrated that the creation of such zones within the boundaries of single States (single-State zones) is, in general, politically acceptable. For nuclear-weapon-free zones to be effective, irrespective of their geographical scope, they should be based on international agreement(s), have clearly defined rights and obligations of parties to such agreement(s), a system of verification and control to guarantee compliance with the obligations derived from such status, the assurances from parties to the agreements, etc. Therefore, in order for single-State zones to have equal legal basis with other zones, the objectives, purposes and principles, as well as the status of the zones, should be clearly defined in international agreement(s), taking duly into account the experience of other nuclear-weapon-free zones, as well as the specifics of single-State zones. The interests of neighbouring States should also be duly taken into account.
155. Bearing in mind the important role that single-State zones could play as concrete disarmament and confidence-building measures in widening the geographical scope of nuclear-weapon-free zones, and thus contributing to the objectives of non-proliferation of nuclear weapons, Mongolia believes that the Preparatory Committee should focus specifically on this question and contribute to developing practical procedures in institutionalizing such forms of nuclear-weapon-free zones on the basis of arrangements freely arrived at between the States concerned with their neighbours as well as the nuclear-weapon States.
156. Bulgaria, Croatia, the Czech Republic, the former Yugoslav Republic of Macedonia, Hungary, Poland, Romania, Slovakia and Slovenia strongly believe that the establishment of nuclear-free zones must not interfere with existing — or evolving — security arrangements to the detriment of regional and international security, or otherwise adversely affect the inalienable right to individual or collective self-defence guaranteed under the Charter of the United Nations. In this connection, we consider that, while interesting in itself, the concept of a nuclear-weapon-free zone in Central and Eastern Europe promoted by Belarus is incompatible with our sovereign resolve to contribute to, and benefit from, the new European security architecture, one that is based, *inter alia*, upon the principles of democracy, civilian control over the military, good-neighbourly relations as well as cooperation with and accession to the Euro-Atlantic structures, including the North Atlantic Treaty Organization (NATO) and the European Union (EU). For our respective peoples and Governments their efforts to promote European security and stability are inherently associated with the ongoing, complex and lengthy process of political and military integration with these structures. In view of the foregoing and pending the achievement of this process, we do not consider the idea of a nuclear-weapon-free zone/space in Central and Eastern Europe timely and deem its practical consideration premature. Without prejudice to the possible future relevance of the proposal, we consider that the most appropriate way to enhance stability and security in Central and Eastern Europe at the close of the twentieth century is to build a new security architecture based on cooperation and shared values and without creating new dividing lines.
157. The States parties welcome the considerable progress in the establishment of nuclear-weapon-free zones since the 1995 Conference, and especially the establishment of the zones created by the treaties of Pelindaba and Bangkok. The States parties furthermore renew their call for the establishment of further nuclear-weapon-free zones on the basis of arrangements freely arrived at among the regions concerned, especially in regions where they do not exist, such as the Middle East, Central Asia and South Asia.
158. The States parties reaffirm their conviction that nuclear-weapon-free zones are important disarmament measures which enhance regional and global peace and security, greatly strengthen the international non-proliferation regime in all its aspects and contribute to the objective of securing a world entirely free of nuclear weapons.
159. The States parties welcome the conclusion since 1995 of two further nuclear-weapon-free-zone treaties (the treaties of Pelindaba and Bangkok).

160. The States parties reaffirm the importance of the cooperation of all the nuclear-weapon States and their support for the relevant protocols to the treaties. In this context they welcome the signature by all nuclear-weapon States of the Protocols to the Treaty of Rarotonga and the fact that the Protocols have now been ratified by four nuclear-weapon States. The States parties look forward to the timely ratification of these Protocols by the fifth nuclear-weapon State.
161. The States parties welcome the consultation which is currently under way between the nuclear-weapon States and the South-East Asian States in relation to the Protocols to the Treaty of Bangkok and urge those States to make every effort to resolve the remaining differences in order to facilitate adherence to the Protocols.
162. The States parties welcome the intention of States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote the common goals envisaged in those treaties, and to explore and implement further ways and means of cooperation.
163. The States parties support initiatives being taken by States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to explore and implement further ways and means of cooperation, in order to promote the common goals of those treaties.
164. Importance of establishment of a zone free from all weapons of mass destruction in the Middle East involving all States in the region. Importance that all States in the Middle East which have not yet done so should accede to the Non-Proliferation Treaty and the Chemical and Biological Weapons Conventions.
165. We emphasize the importance of the faithful adherence of all States parties to their respective non-proliferation obligations under the Non-Proliferation Treaty and nuclear-weapon-free zone treaties. We reaffirm our conviction that the establishment of 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. We recall the security assurances we have provided to the parties to these treaties, which now number nearly 100 countries. Moreover, we are working with the signatories to the South-East Asian Nuclear-Weapon-Free Zone Treaty to remove those obstacles currently preventing the nuclear-weapon States from signing the Protocol to that Treaty. We supported the re-establishment of an Ad Hoc Committee on "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" in the Conference on Disarmament, as part of the decision adopted by the Conference on 26 March 1998.
- Security assurances*
166. All nuclear-weapon States should commit themselves unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and conclude, at an early date, legally binding international instruments to that effect.
167. The States parties reaffirm that the total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally binding negative security assurances regime which will ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons must be urgently concluded. Hence, the States parties should agree to negotiate, in the meetings of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on a legal instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons to be finally adopted by the 2000 Review Conference as a protocol annexed to the Treaty on the Non-Proliferation of Nuclear Weapons. They note the Ad hoc Committee on nuclear security assurances established by the Conference on Disarmament in 1998 to conclude an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of such weapons.
168. The States parties agree to commence negotiations and conclude in the shortest possible time a treaty banning the use or threat of use of nuclear weapons under any circumstances pursuant to the successful conclusion of the legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
169. The importance of security assurances to non-nuclear-weapon States of the Treaty on the Non-Proliferation of Nuclear Weapons regime is fully recognized. Bearing in mind Security Council resolution 984 (1995) of 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 parties to the Treaty against the use or threat of use of nuclear weapons as envisaged in paragraph 8 of the principles and objectives.
170. These States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe that international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons should cover both negative and positive security assurances.
171. They consider that, by renouncing voluntarily their nuclear option, non-nuclear-weapon States parties to the Treaty have a legitimate right to receive legally binding assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against them.
172. In this context, these States parties consider that the unilateral declarations made by the four nuclear-weapon States, and Security Council resolutions 255 (1968) of 19 June 1968 and 984 (1995) of 11 April 1995 on security assurances have not fulfilled the requirements of non-nuclear-weapon States.
173. Accordingly, the delegations of Myanmar, Nigeria and the Sudan consider that the time is now opportune to negotiate and conclude a protocol to the Treaty, providing comprehensive and unconditional security assurances for non-nuclear-weapon States.
174. These States parties, therefore, propose a draft protocol to the Treaty on security assurances for non-nuclear-weapon States. The text of the protocol is annexed hereto.
175. These States parties are of the view that all States parties to the Treaty must take effective measures for nuclear disarmament, a ban on fissile materials,

- conclusion of an international legally binding instrument providing comprehensive and unconditional security assurances for non-nuclear-weapon States, promotion of the peaceful uses of nuclear energy and universal adherence to the Treaty. With regard to the question of security assurances for non-nuclear-weapon States, these States parties urge the Preparatory Committee to address this issue in a substantive manner with a view to concluding a protocol to the Treaty, no later than the time of the convening of the 2000 Review Conference. The draft protocol, proposed by the States parties, will provide a basis for negotiations at the Conference or at the Preparatory Committee meetings.
176. These States parties firmly believe that conclusion of such a protocol on security assurances constitutes an essential element of an effective regime of the Treaty, will strengthen the Treaty and will contribute to the success of the 2000 Review Conference.
177. The need for an international legally binding, comprehensive and unconditional arrangement to assure the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has remained primordial and must be pursued. Nuclear-weapon-free-zone treaty-based security assurances, some of which precede the Treaty, and which are regional, cannot take the place of a global one because being party to a nuclear-weapon-free-zone treaty does not relieve a State from fulfilling the obligations that it has undertaken by its accession to the Treaty on the Non-Proliferation of Nuclear Weapons. Indeed, the status makes it imperative for a State to comply with the Treaty, and thereby strengthen the Treaty — which is the main axis of the global non-proliferation regime. This should also be the relationship between a global legal instrument on security assurances and nuclear-weapon-free-zone treaty-based security assurances.
178. It is necessary therefore for the instrument to be negotiated multilaterally. It needs to have as its starting point the obligation of “no use, no first use” of nuclear weapons by the nuclear-weapon States against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons. In other words, there must be a clear commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the Treaty. For just as the non-nuclear-weapon States accepted treaty provisions not to develop or acquire nuclear weapons, they should equally be assured in treaty form that they would not be victims of the use or threat of use of nuclear weapons. The comprehensive assurances to be given must be such that States would be unable to withdraw from fulfilling them, especially during hostilities, because of what may be claimed to be national interest, and the assurances should not be vulnerable to the veto. It is also necessary for it to be noted somewhere in the instrument that the best assurances against the use or threat of use of nuclear weapons is the complete elimination of those weapons, and that measures to that effect are highly desirable.
179. The Preparatory Committee recommends that time be allocated at its second session for further debate and consideration of proposals that have been made on the issue of security assurances.
180. The States parties recommend that the 2000 Review Conference endorse an instrument on legally binding security assurances for the non-nuclear-weapon States parties to the Treaty for signature and ratification.
181. An internationally legally binding instrument would, *inter alia*, need to include the following elements:
- (a) A general statement of the security assurances which are the subject of the instrument;
  - (b) The identification of the States providing the security assurances;
  - (c) The identification of the States beneficiary of the security assurances;
  - (d) Any qualifications to the security assurances provided for in the instrument;
  - (e) Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances is the subject of a threat of use or use of nuclear weapons;
  - (f) Provisions for assistance to be provided to a beneficiary of the security assurances attacked or threatened by the use of nuclear weapons.
182. The States parties agree that legally binding security assurances within the framework of the Non-Proliferation Treaty would strengthen the nuclear non-proliferation regime. Pending the achievement of an international legally binding agreement on negative security assurances, it is imperative that the nuclear-weapon States scrupulously observe their unilateral commitments in this field.
183. Recognition that treaty-based security assurances are available to parties to nuclear-weapon-free zones through the signature of the relevant protocols to such zones by the nuclear-weapon States. Importance of concerned States that have not yet signed and ratified these treaties doing so as soon as possible, thus bringing into effect those security assurances.
184. Importance of the recent decision by the Conference on Disarmament to establish an Ad Hoc Committee to consider effective international arrangements to assure non-nuclear-weapon States against the threat or use of nuclear weapons.
- (iii) *Main Committee II issues*
- Safeguards*
1. The conclusion of negotiations on the “93+2” Model Protocol and its expected adoption by the special meeting of the Board of Governors of the International Atomic Energy Agency in May is welcomed as a significant contribution to strengthening safeguards. Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should conclude and ratify agreements with IAEA and implement the 93+2 package of safeguards as soon as possible to help ensure that safeguards are effectively strengthened and in a cost-efficient manner. These strengthened safeguards should become the new norm for comprehensive safeguards to maximize the potential of the Treaty to provide solid non-proliferation assurances.
  2. All States that do not have comprehensive Safeguards Agreements in place, and especially the nuclear-weapon States parties to the Treaty, should adopt the maximum number of measures identified in the Model Protocol that would help contribute to the effectiveness and the efficiency of safeguards. The

- undertakings by a number of such States to work towards that goal is welcomed.
3. All non-nuclear-weapon States parties to the Treaty should now ensure that their commitment to the full-scope safeguards standard for new supply through practical trading arrangements is fully observed.
  4. States not parties to the Treaty that continue to have unsafeguarded nuclear facilities should enter into comprehensive Safeguards Agreements with IAEA without delay.
  5. Nuclear-weapon States should place permanently under IAEA safeguards all of the nuclear fissile material transferred from military use to peaceful nuclear activities.
  6. The Safeguards Agreement of the Democratic People's Republic of Korea with IAEA, which remains binding and in force, should be implemented without delay. The full implementation of the Agreed Framework between the Democratic People's Republic of Korea and the United States of America will be an important contribution to international peace and security.
  7. Urge every State party to the Treaty on the Non-Proliferation of Nuclear Weapons which has not already done so to bring into force a comprehensive Safeguards Agreement with the International Atomic Energy Agency pursuant to article III of the Treaty. Also urge States not party to the Treaty to enter into comprehensive Safeguards Agreements with IAEA.
  8. States strongly support the development and implementation of the Safeguards System so as to strengthen the safeguards regime by improving its effectiveness and efficiency and also strongly support ongoing efforts to meaningfully integrate the new safeguards measures arising from Part I of Programme 93+2 and the Model Protocol with elements of the existing system.
  9. Applaud the May 1997 decision of the IAEA Board of Governors to approve the text of the Model Protocol to existing Safeguards Agreements (93+2 Programme, part II).
  10. Urge all States with Safeguards Agreements with IAEA to conclude as quickly as possible an Additional Protocol to their respective Safeguards Agreement(s), pursuant to INFCIRC/540.
  11. Calls upon the nuclear-weapon States to make arrangements within the framework of the voluntary Safeguards Agreements to place permanently under IAEA safeguards nuclear material transferred from military uses to peaceful activities.
  12. In order to facilitate the Treaty's function in preventing nuclear weapons proliferation, the States parties should continue to support the safeguards of the International Atomic Energy Agency.
  13. All States parties should support the IAEA programme for strengthening the effectiveness and improving the efficiency of the Safeguards System. The nuclear-weapon States should apply those measures provided for in the Model Protocol that each of them identifies as capable of contributing to the nuclear non-proliferation objectives.
  14. The States parties stress the importance of applying IAEA's enhanced safeguards regime both to full-scope as well as to partial Safeguards Agreements concluded with the Agency.
  15. The States parties also urge those States which have only partial Safeguards Agreements with IAEA to expeditiously conclude full-scope Safeguards Agreements with the Agency.
  16. The States parties believe that the International Atomic Energy Agency is the competent authority to verify the compliance of the States parties to the Non-Proliferation Treaty and reaffirm that IAEA safeguards are an essential element in guaranteeing compliance with their article III undertakings. In this regard, all States parties which have not yet done so should sign without delay the Safeguards Agreements required by article III of the Treaty.
  17. The States parties call upon the nuclear-weapon States and all States not party to the Treaty to place their nuclear facilities under full-scope safeguards of IAEA.
  18. The States parties that have concerns regarding non-compliance with the Safeguards Agreements of the Treaty by any State party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all State parties under the provisions of the preamble and articles of the Treaty are fully protected and that no State party is limited in the exercise of this right based on allegations of non-compliance not verified by IAEA.
  19. The States parties support the principles that new supply arrangements for the transfer of source or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of a special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance by all States parties of full-scope safeguards; and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.
  20. Every effort should be made to ensure that 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.
  21. The International Atomic Energy Agency is the competent responsible body to verify compliance of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The 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 Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States parties under the provisions of the preamble and articles of the Treaty are fully protected and that no State party is limited in the exercise of these rights based on allegations of non-compliance which are not verified by IAEA.
  22. 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 further delay.
  23. A report should be furnished by the Secretariat on the fulfilment of requirements related to the transfer of nuclear material to non-nuclear States for evaluation

- of the issue by the States parties (principles and objectives, para. 13).
24. Information needs to be provided by the Secretariat on actual placing under Agency safeguards of material transferred from military to peaceful uses for evaluation by the States parties.
  25. The Preparatory Committee may also wish to welcome the adoption at the special session of the Agency's Board meeting in May last year of the additional Model Protocol of the Programme 93+2. The next step should be to ensure the universal implementation of the Protocol.
  26. The States parties reaffirm that the Safeguards Agreement of the Democratic People's Republic of Korea with IAEA remains binding and in force, and should be fully implemented without delay.
  27. They also [stress the importance of] [support] the full implementation of the Agreed Framework between the Democratic People's Republic of Korea and the United States of America.
  28. We recommend that, as soon as the Board of Governors of IAEA has approved the text, all States parties should be encouraged to begin negotiating their individual agreements with IAEA as soon as practicable; this will enable early implementation of the strengthened safeguards on a global basis.
  29. At the same time, we would sincerely welcome an indication on the part of the States that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons with limited Safeguards Agreements, some of which are observing the Preparatory Committee (and, of course, we welcome their interest very much) that they too were considering the possible application of the Model Protocol to their own situations.
  30. An important element of the strengthened safeguards is that they should not place an undue burden on members; it is therefore encouraging that the IAEA secretariat has assured members that in the medium to long term the process will be cost-neutral.
  31. Reaffirmation that 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.
  32. Welcome for the adoption by the Board of Governors of the International Atomic Energy Agency of a Model Protocol containing measures which, when implemented, will strengthen the effectiveness and improve the efficiency of the Agency's safeguards system.
  33. Importance of early conclusions of Additional Protocols to relevant Safeguards Agreements as soon as possible, including by States with voluntary offer Safeguards Agreements and with INFCIRC/66-type Safeguards Agreements.
  34. Importance of cost-effective and efficient implementation of integrated safeguards system by IAEA as a matter of highest priority.
  35. Importance for all States to comply fully with their Safeguards Agreements, and with relevant obligations under United Nations Security Council resolutions.
  36. Reaffirmation that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its Safeguards Agreements.
  37. Welcome for the commitment by nuclear-weapon States that 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.
  38. The States parties urge all States that have not done so to conclude and bring into force the Safeguards Agreements required by the Treaty on the Non-Proliferation of Nuclear Weapons.
  39. The States parties further urge those with comprehensive Safeguards Agreements to implement those safeguards-strengthening measures already approved by the Board of Governors of IAEA, and conclude and bring into force a protocol to their Safeguards Agreements incorporating 93+2 safeguards-strengthening measures at an early time.
  40. The States parties reiterate that IAEA should take full advantage of its rights under special inspections.
  41. Taking note of the United States of America/Russian Federation/IAEA trilateral fissile material initiative, the States parties welcome unilateral decisions to accept safeguards on nuclear material no longer needed for defence purposes, and endorse plans for the safe and effective disposition of plutonium and highly enriched uranium no longer needed for defence requirements in a manner that renders it unavailable for use in nuclear explosives.
  42. The States parties call upon parties to provide political, technical and financial support so that IAEA can meet all of its obligations.
  43. States parties call upon the nuclear-weapon States to make arrangements within the framework of the voluntary Safeguards Agreements to place permanently under IAEA safeguards nuclear material transferred from military uses to peaceful activities.
  44. We welcome the adoption on 15 May 1997 by the Board of Governors of the International Atomic Energy Agency of a Model Additional Protocol containing measures which, when implemented, will strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.
  45. We urge all States which have not yet done so to start early negotiations with IAEA and to conclude their Additional Protocol negotiations in accordance with this model as soon as possible. We also note that at the IAEA Board of Governors meeting in May 1997 all of us made commitments to negotiate Additional Protocols or other legally binding agreements incorporating those measures provided for in the Model Protocol that each of us has identified as capable of contributing to the non-proliferation and efficiency aims of the protocol and as consistent with our obligations under article I of the Non-Proliferation Treaty.
- Physical protection of nuclear materials*
46. Urge all States to adopt IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC.225/Rev.3.
  47. Urge all States parties that are parties to the Convention on the Physical Protection of Nuclear Materials to undertake a review of the Convention at the earliest possible time, with the goal of determining the adequacy of the current regime and extending the Convention if required.
  48. Welcome proposals for the international community, through IAEA, to review international standards for

the physical protection of nuclear material, both during international transit and while under national jurisdiction.

49. The States parties urge all States with nuclear materials on its territory to adopt strict physical protection arrangements and adhere to the Convention on the Physical Protection of Nuclear Material.
50. All States should work for the immediate commencement and early conclusion of negotiations on a new internationally legally binding instrument controlling the illicit trafficking of nuclear materials. Such an instrument would commit the parties to ensure the control and security of nuclear materials and radiation sources and to report any loss or theft of such materials to IAEA or to other international organizations.
51. Importance that each State party with nuclear materials on its territory maintain and improve its own arrangements for nuclear materials accountancy, safety and physical protection, applying the appropriate internationally agreed standards.
52. Welcome steps taken by G8 to increase cooperation on and implementation of the Programme for Preventing and Combating Illicit Trafficking in Nuclear Material. Importance of expanded participation in the Programme.

#### *Export controls*

53. Nuclear supplier regimes should not restrict access for developing countries to advanced technology. This would be contrary to the range of undertakings on peaceful nuclear cooperation reaffirmed most recently at the 1995 Review and Extension Conference.
54. The fulfilment of nuclear supplier obligations to promote the peaceful uses of nuclear energy is facilitated by an effective non-proliferation regime, of which strict and transparent nuclear supply policies are an integral part.
55. The international Seminar on the Role of Export Controls in Nuclear Non-Proliferation, to be held at Vienna on 6 and 7 October 1997 following the forty-first session of the General Conference of the International Atomic Energy Agency, is welcomed as a first step to improve further transparency in the operation of nuclear export control regimes. All States are encouraged to attend and participate actively in this seminar.
56. Adherence by all States to the Nuclear Suppliers' Group Guidelines would be consistent with the Treaty and nuclear-weapon-free zone treaty objectives of preventing the proliferation of nuclear weapons and facilitating cooperation in the peaceful uses of nuclear energy. Non-member States should receive assistance and advice about the practical and legal aspects of implementing the Guidelines from members of nuclear supplier regimes.
57. Recognition that national nuclear export controls are an essential element of an effective national nuclear non-proliferation regime and are a means for States parties to seek to ensure that their nuclear exports do not contribute to nuclear proliferation and thereby fulfil their obligations under the Treaty. By so doing, they contribute to a climate of confidence in the trade in nuclear items that encourages and facilitates international nuclear cooperation in pursuit of economic and technological development.
58. Urge transparency in nuclear-related export controls within the framework of dialogue and cooperation among interested States party to the Non-Proliferation Treaty. The 7-8 October 1997 International Seminar on the Role of Export Controls in Nuclear Non-Proliferation in Vienna was a positive step in this regard. Express support for the development of other initiatives aimed at furthering this objective.
59. The States parties note with concern that application of the unilaterally enforced export control regime has hampered access of the developing countries to nuclear materials, equipment and technology for peaceful purposes. They fully recognize the right of all States parties, particularly the developing countries, to enjoy unrestricted access to nuclear materials and equipment for peaceful purposes.
60. The States parties recognize that effective transfer guidelines should be developed through multilateral negotiations, which could take place in IAEA, with the participation of all concerned States, suppliers and recipients. In the meantime they reaffirm that transparency in the proceedings and decision-making of the nuclear-related export control regimes should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty. The States parties therefore call upon countries members of the Nuclear Suppliers' Group to take practical steps to fulfil this task.
61. Efforts should be strengthened to increase the effectiveness and transparency of export control systems through the Nuclear Suppliers' Group and the Zangger Committee.
62. States parties recognize that nuclear supplier States consider national controls on their nuclear exports as an essential element of an effective national nuclear non-proliferation regime and a means for States to ensure that their nuclear exports do not contribute to nuclear proliferation. They urge greater transparency in the adoption and implementation of such controls through dialogue and cooperation among all interested States party to the Treaty. The International Seminar on the Role of Export Controls in Nuclear Non-Proliferation that was held in October 1997 was seen as a first useful step in this regard, which should be followed up by other initiatives to further transparency.
63. Importance that exporting States take measures to ensure that exports of sensitive materials, equipment and technologies are subject to an appropriate system of surveillance and control, facilitating cooperative technological development by providing confidence of suppliers that goods, technology and materials will only be used for peaceful purposes.
64. Importance of all parties that have not yet done so to adhere to the Nuclear Suppliers' Group Guidelines.
65. Importance of transparency in export control regimes. Welcome for transparency activities of the Nuclear Suppliers' Group.
66. Recognizing the right and obligation of States not to transfer nuclear-related items and technology if they believe such transfer will contribute to proliferation, the States parties call for continued efforts to improve nuclear-related export controls so that such controls can continue to promote the objectives of the Treaty by reducing the risks of proliferation and by contributing to the peaceful uses of nuclear energy.

67. The States parties urge all States to ensure that nuclear material is subject to a system of accountancy and control at the State and facility level that meets the latest international standards.
68. The States parties reaffirm the view, expressed in the principles and objectives decision, that new supply arrangements of nuclear material and equipment controlled pursuant to article III, paragraph 2, of the Treaty should require, as a necessary precondition, acceptance of IAEA full-scope safeguards.

(iv) *Main Committee III issues*

*Peaceful uses of nuclear energy*

1. The States parties reaffirm the importance they attach to ensuring the exercise of the inalienable rights 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.
2. The States parties also reaffirm the importance they attach to the work of the International Atomic Energy Agency as the principal agent for multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and reiterate their call for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.
3. The States parties welcome the progress made since the 1995 Review and Extension Conference in developing and strengthening the international legal and institutional framework within which the development of research, production and use of nuclear energy for peaceful purposes takes place.
4. Recognition that nuclear energy can be a safe, environmentally sound and cost-effective source of energy for those States that choose to include it in their mix of energy sources.
5. Recognition that bilateral nuclear cooperation agreements can be effective instruments for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.
6. Continued support for the International Atomic Energy Agency's Technical Cooperation Fund and strong support for broadening the bases of contributors.
7. Support for the technical cooperation efforts undertaken by IAEA and its member States and, in particular, support for the new IAEA strategic goal to promote tangible socio-economic impact by contributing directly in a cost-effective manner to the achievement of the major sustainable development objectives of each country.
8. Urges all Member States to contribute to the IAEA Technical Cooperation Fund as a means of ensuring that resources are available for those IAEA technical cooperation activities financed through the Fund.
9. All States parties should make every effort to facilitate international cooperation in the peaceful uses of nuclear energy. States that are in a position to do so should assist the developing countries in mastering technologies for the peaceful uses of nuclear energy.
10. All States parties should ensure that measures taken by them to prevent nuclear weapons proliferation would facilitate rather than hamper the exercise of the legitimate rights of the developing countries for the peaceful uses of nuclear energy. Those restrictions on the transfer of technologies for the peaceful uses of nuclear energy that are beyond safeguards required under the Treaty should be removed.
11. The States parties recognize the important role of the Technical Cooperation Fund of the International Atomic Energy Agency in fulfilling obligations set forth in article IV of the Treaty. The States parties emphasize that every effort should be made to ensure that IAEA has necessary financial and human resources to meet its responsibilities in the area of technical cooperation. The States parties express their concern about the decrease of the pledges and contributions to the Technical Cooperation Fund and urge the States parties that are also IAEA members to make full and timely payments to the Fund.
12. The States parties recognize the important role of IAEA in assisting the development of nuclear power, as well as in assisting the applications of nuclear technology in developing countries, especially in the field of agriculture, human health and environmental protection. The States parties encourage IAEA to further strengthen technical cooperation in the area of nuclear power and nuclear technology applications.
13. The States parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that the free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States parties should be fully ensured.
14. The States parties reaffirm that beyond safeguards required under the Treaty, unilaterally enforced restrictive measures which prevent peaceful nuclear development should be removed.
15. The States parties reaffirm the responsibility of nuclear supplier States parties to the Treaty to promote the legitimate needs of nuclear energy of the States parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to participate to the fullest in the possible transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.
16. The States parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2, paragraph 4, of the Charter of the United Nations in considering that any attacks or threat of attack on nuclear facilities devoted to the peaceful uses of nuclear energy would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks, on nuclear facilities devoted to the peaceful uses of nuclear energy.
17. The States parties encourage the adoption of appropriate measures to regulate the international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within IAEA to adopt and improve international regulations in that regard.
18. The States parties recognize the shortcomings in the realization of the provisions of the preamble and

- articles of the Treaty and those of the principles and objectives decision related to the peaceful uses of nuclear energy and decide to take further steps to ensure full, unrestricted and indiscriminate implementation of all these provisions.
19. 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 and III of the Treaty.
  20. 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.
  21. 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 into account particularly the needs of developing countries.
  22. 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. All States parties remain committed to pursue such actions, particularly in relation to facilities that are under IAEA safeguards.
  23. In the area of the conversion of nuclear materials to peaceful uses, increased attention should be paid to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear-weapon programmes, including, where appropriate, the safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas. In this regard, a special responsibility exists towards the people of former United Nations Trust Territories who have been adversely affected as a result of the nuclear-weapon tests conducted during the period of trusteeship. Furthermore, consideration should be given by all Governments and international organizations that have expertise in the clean-up and disposal of radioactive contaminants to providing appropriate assistance as may be requested for remedial purposes in adversely affected areas. This decision was endorsed by the Economic and Social Council and the General Assembly.
  24. Welcome for the decision by a number of States to adopt a set of Guidelines for the Management of Plutonium in all peaceful nuclear activities as published in INFCIRC/549.
  25. Importance of ensuring the exercise of 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, II and III of the Treaty.
  26. Reaffirmation that new supply arrangements should require, as a necessary precondition, acceptance of IAEA's full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.
  27. Importance that IAEA continues to have financial and human resources necessary to carry out its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. Importance of improved delivery of technical cooperation by IAEA.
  28. We welcome the development and emphasize the importance of the peaceful uses of nuclear energy, which is used increasingly in many sectors of the economy, not just for the production of electricity but also for the improvement of the health and welfare of mankind.
  29. Nuclear security is a fundamental issue. The acceptance by States of safeguards under article III, paragraph 1, of the Non-Proliferation Treaty is a key requirement. The work of the Zangger Committee in setting guidelines for the implementation of article III, paragraph 2, of the Non-Proliferation Treaty is also important. Moreover, both support the peaceful development of nuclear energy.
  30. We attach importance to the full implementation of article IV of the Non-Proliferation Treaty. In this context we reaffirm our commitment towards cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty and following up the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.
  31. Every effort should be made to ensure that 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 Agency should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.
- Nuclear safety*
32. The States parties stress the importance they attach to efforts at the national, regional and global levels to promote and maintain the highest standards of nuclear safety, waste management and radiation protection. They welcome the initiatives that have been taken to this end since the 1995 Review and Extension Conference, including the Summit on Nuclear Safety and Security held in Moscow on 19 and 20 April 1996, and the Tokyo Conference on Nuclear Safety in Asia, held at Tokyo in 1996.
  33. The States parties note that it is in the interests of all States that the transportation of irradiated nuclear fuel, plutonium and high-level waste be conducted in accordance with strict international standards of safety and security. They note that the transportation of such materials by sea is a matter of particular concern to small island developing States and other coastal States. A number of States in this category call upon those directly engaged in the maritime transportation of radioactive materials to continue to provide information, consistent with safety and security requirements, about the timing, route and liability arrangements to States in the vicinity of such shipments.
  34. In this context, the States parties welcome the entry into force in 1996 of the Convention on Nuclear Safety and call upon countries that have not already done so, particularly those with nuclear installations that fall within the scope of the Convention, to sign and ratify the Convention. States parties also welcome the conclusion of the negotiations on the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. States

- parties note the progress that has been made towards the development of a comprehensive international nuclear liability regime and express the hope for an early conclusion to these negotiations.
35. Recognition of the importance of signing, ratifying and implementing the Convention on Nuclear Safety. Call upon all States to participate actively in the implementation of the Convention. States also look forward to the first meeting of the Conference of the Contracting Parties in 1999, and the peer review of National Reports, as an essential element of that process.
  36. Recognition of the importance of working actively to implement the provisions of the International Maritime Organization (IMO) Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (the INF Code).
  37. Welcome the adoption by IAEA of the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management and call upon States to ratify the Convention in the near future.
  38. All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear safety, including in waste management, and should observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials.
  39. Every effort should be made to ensure that the International Atomic Energy Agency has the financial and human resources necessary to meet its responsibilities effectively in the areas of technical cooperation, safeguards and nuclear safety. The Agency should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.
  40. The entry into force, in October 1996, of the Convention on Nuclear Safety is a welcome development. The Group of Experts is to be commended for its tireless efforts to finalize the draft text of a Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. The Group's recommendation that a diplomatic conference be convened with a view to adopting the Convention is also worthy of support.
  41. It is important that the transport of nuclear materials should be conducted in a safe and secure manner and in compliance with the safety standards of IAEA and the International Maritime Organization (IMO), while navigational rights and freedoms as provided for in the applicable rules of international law should not be impaired.
  42. As noted in the report of Main Committee III of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was adopted by consensus, 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. The Preparatory Committee reiterates the 1995 Conference's call upon all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in those affected areas.
  43. The disarmament process requires strict procedures for safe handling, storage and disposal of sensitive nuclear materials as well as safe management of radioactive contaminants in compliance with high standards of environmental protection and nuclear safety.
  44. Continued international attention needs to be directed at the problems of safety and contamination related to former nuclear operations, *inter alia*, associated with discontinued nuclear weapons programmes.
  45. We would reiterate the call made in an agreed draft document of Main Committee III of the 1995 Review and Extension Conference addressed to all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving assistance as may be requested in affected areas, taking into account efforts that have been made or that are planned to be implemented at the regional and national levels in this regard.
  46. Importance that States that have not yet done so sign and ratify the 1994 Convention on Nuclear Safety at the earliest possible date.
  47. Importance of continuing commitment worldwide to improvements in nuclear safety, including in the fields of radiation protection and waste management. Welcome for conclusion of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. Call on all States to sign and ratify it as soon as possible.
  48. The States parties note that radioactive material has been successfully transported by sea for more than 30 years in accordance with internationally agreed standards of safety and security.
  49. The States parties also note that it is in the interests of all States that the transport of radioactive material should continue to be conducted in a safe and secure manner in accordance with relevant INF and IAEA codes. We urge early conclusion of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which provides the basis for a possible future framework for the transboundary movement of such material.
  50. The States parties conclude that, while navigational rights and freedoms as provided for by the applicable rules of international law should not be impaired, the States concerned should maintain a dialogue on the transport by sea of the material in question.
  51. We reaffirm the absolute necessity of nuclear safety and the need to pursue research to ensure ever greater safety in the future, including in the field of waste management, in order to ensure that nuclear waste does not become a burden for future generations.
  52. We emphasize the importance of transparency in the development of nuclear energy, particularly regarding safety.
  53. We remain determined to increase nuclear security and reinforce our joint efforts to prevent and combat illicit trafficking in nuclear materials. In this regard, we evaluate positively the implementation of the relevant decisions of the 1996 Moscow Summit.

## Report of the Preparatory Committee on Its First Session

[Reproduced from NPT/CONF.2000/PC.I/32]

### I. INTRODUCTION

1. At its fifty-first session, the General Assembly, in its resolution 51/45 A of 10 December 1996, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first meeting of the Preparatory Committee in New York from 7 to 18 April 1997.
2. Accordingly, the first session of the Preparatory Committee was opened on 7 April, by Mr. Evgeniy Gorkovskiy, Officer-in-Charge and Deputy Director of the Centre for Disarmament Affairs of the Department of Political Affairs of the United Nations Secretariat.
3. The following 149 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the work of the Preparatory Committee at its first session: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia and Zimbabwe.
4. The Preparatory Committee held 15 meetings, of which summary records were provided for the opening meeting (NPT/CONF.2000/PC.I/SR.1), the general debate (NPT/CONF.2000/PC.I/SR.2-3) and the closing meetings (NPT/CONF.2000/PC.I/SR.13, 15) in accordance with the Committee's decision. The summary records are issued separately as annex I to the present report.
5. Mrs. Hannelore Hoppe, Senior Political Affairs Officer of the Centre for Disarmament Affairs, served as Secretary of the Committee. Mr. Mohamed Elbaradei, Assistant Director General for External Relations, International Atomic Energy Agency (IAEA), Vienna; Mr. Berhanykun Andemicael, Representative of the Director General of IAEA to the United Nations in New York; Ms. Merle Opelz, Head, IAEA Office at Geneva; and Ms. Jan Priest, Head, Safeguards and Non-Proliferation Policy Section, Division of External Relations, IAEA, Vienna, represented the Agency.

### II. SUBSTANTIVE AND PROCEDURAL ISSUES

- A. *Organization of work of the Preparatory Committee*
6. With regard to the chairmanship of the various sessions of the Preparatory Committee and the presidency of the 2000 Review Conference, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and other States parties to the Treaty should be proposed for the presidency of the 2000 Review Conference. All groups were encouraged to propose the representatives for the chairmanship of the various sessions of the Preparatory Committee and for the presidency of the 2000 Review Conference at their earliest possible convenience.
7. Pursuant to the understanding, Mr. Pasi Patokallio (Finland), the representative of the Western Group, was proposed to chair the first session. At its first meeting, on 7 April, the Committee unanimously elected Mr. Patokallio to serve as Chairman of the first session. At its 15th meeting, on 18 April, the Committee also decided that Mr. Tadeusz Strulak (Poland), the representative of the Group of Eastern European States, would be the Chairman of its second session. It was also decided that when not serving as Chairman, the Chairmen of the first and second sessions of the Preparatory Committee would serve as Vice-Chairmen of the Committee. It was further decided that a representative of the Group of Non-Aligned and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to serve as Vice Chairmen of the second session.
8. At its first meeting, on 7 April, the Committee adopted the following agenda (NPT/CONF.2000/PC.I/1/Rev.1):
  1. Opening of the session.
  2. Election of the Chairman.
  3. Adoption of the Agenda.
  4. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and

- the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
5. Organization of work of the Preparatory Committee:
    - (a) Election of officers;
    - (b) Dates and venues for further sessions;
    - (c) Methods of work:
      - (i) Decision-making;
      - (ii) Participation;
      - (iii) Working languages;
      - (iv) Records and documents;
      - (v) Consideration of ways and means.
  6. Reports on substantive and procedural issues, recommendations to the next session of the Preparatory Committee and draft recommendations to the Review Conference.
  7. Organization of the 2000 Review Conference:
    - (a) Dates and venue;
    - (b) Draft rules of procedure;
    - (c) Election of the President and other officers;
    - (d) Appointment of the Secretary-General;
    - (e) Provisional agenda;
    - (f) Financing of the Review Conference, including its Preparatory Committee;
    - (g) Background documentation;
    - (h) Final document(s).
  8. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
  9. Any other matters.
9. In the course of the discussion of agenda item 5 on the organization of work of the Preparatory Committee, the following decisions were taken:
- (a) *Dates and venues of further sessions*  
At its 15th meeting, the Committee provisionally agreed, subject to further consultations by the Chairman, that the second session would be held from 27 April to 8 May 1998 in Geneva and that the third session would take place from 12 to 23 April 1999 in New York.
  - (b) *Methods of work*
    - (i) *Decision-making*  
At its first meeting, on 7 April, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 1995 Review and Extension Conference, which would be applied *mutatis mutandis*.
    - (ii) *Participation*  
At its first meeting, on 7 April, the Committee decided that:
      - Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' designated nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. Accordingly, representatives of the following States not parties to the Treaty attended the meetings of the Committee as Observers: Brazil, Cuba, Israel and Pakistan.
      - Representatives of specialized agencies and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. Accordingly, the following regional intergovernmental organization was represented as an observer at the meetings of the Committee: South Pacific Forum.
      - Representatives of non-governmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the public gallery, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee would also make time available at each session, during which the non-governmental organizations could make presentations. Accordingly, representatives of 113 non-governmental organizations attended the meetings of the Committee.
- (iii) *Working languages*  
Also at its first meeting, the Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.
  - (iv) *Records and documents*  
At its 6th meeting, on 10 April, the Committee decided that summary records would be provided at each session of the Committee's opening meeting, the general debate and the closing meetings. There would be records of decisions taken at the other meetings.
10. The Committee set aside two meetings for a general debate on issues related to all aspects of the work of the Preparatory Committee, in the course of which 38 statements were made. The statements are reflected in the summary records of those meetings (NPT/CONF.2000/PC.I/SR.2-3).
  11. The Committee held a total of 9 meetings for a substantive discussion under agenda item 4 entitled 'Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons'. In doing so, the Committee used as a basis for a structured discussion the three sets of issues (clusters) contained in annex V to the Final Report of the Preparatory Committee to the 1995 Review and Extension Conference (NPT/CONF.1995/1).
  12. During the session, the Committee had before it the following documents:

NPT/CONF.2000/PC.I/1 and Rev.1	Agenda
NPT/CONF.2000/PC.I/2	Statement by the delegations of France, China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on nuclear non-proliferation and disarmament at the Preparatory Committee for the Review Conference
NPT/CONF.2000/PC.I/3	Cluster one: article VI, submitted by New Zealand
NPT/CONF.2000/PC.I/4	Cluster one, submitted by Canada
NPT/CONF.2000/PC.I/5	Resolution on the Middle East adopted by the 1995 Review and Extension Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by Egypt on behalf of the States members of the League of Arab States that are parties to the Treaty
NPT/CONF.2000/PC.I/6	Letter received on 10 April 1997 from the Russian Federation and the United States of America addressed to the Chairman of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, transmitting the joint statements from the March 1997 Summit Meeting between the Presidents of the United States of America and the Russian Federation, held in Helsinki
NPT/CONF.2000/PC.I/7	Cluster two, submitted by Canada
NPT/CONF.2000/PC.I/8	Cluster two: article VII, submitted by New Zealand
NPT/CONF.2000/PC.I/9	Some possible elements to be taken into account in the review process, submitted by Japan
NPT/CONF.2000/PC.I/10	Letter dated 10 April 1997 from the Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries addressed to the Chairman of the Preparatory Committee
NPT/CONF.2000/PC.I/11	General considerations to be taken into account by parties in the review process, submitted by the Marshall Islands
NPT/CONF.2000/PC.I/12	Cluster two: nuclear-weapon-free zones, submitted by Mongolia
NPT/CONF.2000/PC.I/13	Cluster one: transparency measures, submitted by Norway
NPT/CONF.2000/PC.I/14	Cluster two: article VII, submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
NPT/CONF.2000/PC.I/15	Proposals for inclusion in the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by China
NPT/CONF.2000/PC.I/16 and Corr.1	Draft protocol to the Treaty on the Non-Proliferation of Nuclear Weapons to assure non-nuclear-weapon States parties against the use or threat of use of nuclear weapons, submitted by Myanmar, Nigeria and the Sudan
NPT/CONF.2000/PC.I/17	Cluster one: nuclear disarmament, submitted by Ireland
NPT/CONF.2000/PC.I/18	Cluster three, submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
NPT/CONF.2000/PC.I/19	Cluster two: nuclear-weapon-free zones, submitted by Belarus
NPT/CONF.2000/PC.I/20	Cluster one: nuclear disarmament, submitted by Sweden
NPT/CONF.2000/PC.I/21	Proposals for inclusion in the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the Russian Federation
NPT/CONF.2000/PC.I/22	Proposals for inclusion in the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by South Africa
NPT/CONF.2000/PC.I/23	Draft recommendations for the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the European Union
NPT/CONF.2000/PC.I/24	Non-proliferation and International Atomic Energy Agency safeguards: statement by France
NPT/CONF.2000/PC.I/25	Cluster three, submitted by Canada
NPT/CONF.2000/PC.I/26	Nuclear disarmament: statement by France
NPT/CONF.2000/PC.I/27	Implementation of article IV: statement by France
NPT/CONF.2000/PC.I/28	Cluster three: conversion of nuclear materials to peaceful uses, submitted by Norway
NPT/CONF.2000/PC.I/29	Views on a 'rolling document' for the strengthened Treaty review process, submitted by Canada
NPT/CONF.2000/PC.I/30	Clusters one, two and three, submitted by Australia
NPT/CONF.2000/PC.I/31	Chairman's statement
NPT/CONF.2000/PC.I/CRP.1	Draft report of the Preparatory Committee on its first session
NPT/CONF.2000/PC.I/DEC.1	Record of decision
NPT/CONF.2000/PC.I/INF.3	List of participants
NPT/CONF.2000/PC.I/SR.1-3, 13, 15	Summary records

13. A list of the delegations to the Preparatory Committee, including States parties, observer States, specialized agencies and regional intergovernmental and non-governmental organizations, is contained in document NPT/CONF.2000/PC.I/INF.3.

B. *Organization of the 2000 Review Conference*

14. The Preparatory Committee, in conformity with its task to prepare for the 2000 Review Conference, considered issues contained in agenda item 7. It took the following actions:

(a) *Dates and venue of the Conference*

At its 15th meeting on 18 April, the Committee provisionally agreed, subject to further consultations by the Chairman, that the Review Conference would be held from 24 April to 19 May 2000 in New York.

(b) *Appointment of the Secretary-General*

The Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, a nomination which would later be confirmed by the Conference itself.

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

The Committee decided to request the Secretariat to provide for its second session an estimate of the costs of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its preparation.

### III. RECOMMENDATIONS TO THE NEXT SESSION OF THE PREPARATORY COMMITTEE

15. During the course of the session, the Chairman held a number of informal consultations in the process of which delegations put forward their views and proposals on recommendations to the next session of the Preparatory Committee and on draft recommendations to the 2000 Review Conference. As a result of those consultations, the Chairman put forward a working paper which is annexed to the present report (annex II). The Committee recommended that at its second session the official documents and other proposals submitted by delegations during the first session of the Preparatory Committee as contained in annex II (para 4. and the appendix) will be taken into account during further work on draft recommendations to the Review Conference and also the working paper submitted by the Chairman which will be interpreted in the light of the official documents and other proposals made by delegations as contained in annex II (para 4. and the appendix).
16. The Committee recommended that at its second session, it should continue the consideration of all aspects of the Treaty in a structured and balanced manner, in accordance with agenda item 4 entitled 'Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension

Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons'.

17. Following approval of paragraph 16, the Chairman made a formal statement which is contained in document NPT/CONF.2000/PC.I/31.

#### CHAIRMAN'S STATEMENT

[Text reproduced from NPT/CONF.2000/PC.I/31]

It is understood that within the existing agenda and in accordance with the methods of work adopted at the first session, the Committee also recommended that time should be allocated at the second session for the discussion on and the consideration of any proposals on the following subject areas, without prejudice to the importance of other issues:

- Security assurances for parties to the Treaty on the Non-Proliferation of Nuclear Weapons;
- The resolution on the Middle East;
- The provision in paragraph 4(b) of the principles and objectives on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

It is noted that there was no objection to my making this statement.

#### ANNEX I

##### SUMMARY RECORDS OF THE FIRST SESSION OF THE PREPARATORY COMMITTEE

[To be distributed individually as NPT/CONF.2000/PC.I/SR.1-3 and SR.13, 15]

#### ANNEX II

##### CHAIRMAN'S WORKING PAPER

1. The first session of the Preparatory Committee began the process of reviewing the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by 1995 Review and Extension Conference.
2. In the course of this process, the specific proposals listed in paragraph 4 below were put forward by delegations as a basis for recommendations to be made by the Preparatory Committee to the Review Conference to be held in 2000.
3. At this stage, there was general agreement, subject to review and updating at subsequent sessions of the Preparatory Committee, and pending final agreement on all draft recommendations at the last session, on the following points:
  - Reaffirmation of commitment to the preamble and the articles of the Treaty,
  - Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as 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;

(i) *Universality*

Urgency and importance of achieving the universality of the Treaty; welcome for the eight new accessions to the Treaty since 1995, bringing the number of States parties to 186; urgency for all States not yet party to the Treaty to accede to the Treaty at the earliest possible date, particularly those States that operate unsafeguarded nuclear facilities.

(ii) *Main Committee I issues**Non-Proliferation*

Reaffirmation that 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*

The importance of all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban-Treaty, in accordance with article XIV of that Treaty.

Reaffirmation of the need for 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.

Recognition of the progress in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the START process, as steps towards nuclear disarmament; reaffirmation of the commitment by the nuclear-weapon States to the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons and of the commitment by all States to the achievement of general and complete disarmament under strict and effective international control.

*Nuclear-weapon-free zones*

Welcome for the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995 and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned enhances global and regional peace and security.

Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies.

*Security assurances*

Reaffirmation of the view that further steps, which could take the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons.

(iii) *Main Committee II issues**Safeguards*

Welcome for the conclusion of negotiations on the IAEA 93+2 programme to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system and expectation that IAEA will endorse that outcome at its special session in May; reaffirmation that IAEA is the competent authority responsible for

verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements.

(iv) *Main Committee III issues**Peaceful uses of nuclear energy*

Reaffirmation of commitment to continue to take further steps for the full realization of the relevant provisions of the Treaty, taking into account the undertakings in the principles and objectives on the peaceful use of nuclear energy.

Reaffirmation that 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.

4. The following is a list of the specific proposals put forward by delegations for consideration by the Preparatory Committee on the understanding that the proposals are without commitment by the Preparatory Committee and without prejudice to the position of any delegation, and that the list is not exclusive and delegations are free to submit new proposals or modify or withdraw old ones at any further sessions of the Preparatory Committee.

## (chapeau)

- The Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons. The international community should work towards a fair balance between the mutual obligations and responsibilities of the nuclear-weapon States and the non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.
- It is important for the States parties to reconfirm the crucial role of the Treaty on the Non-Proliferation of Nuclear Weapons in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy. The States parties should reconfirm that the stability of the Treaty regime is essential to the maintenance of world peace and security.
- The decisions and resolution of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons constitute a single integral undertaking. This integrality should be maintained and respected.
- The States parties reaffirm their commitment to the Treaty as well as efforts designed to promote the full realization and effective and indiscriminate implementation of all the provisions of the Treaty and the decisions and resolution adopted by the 1995 Review and Extension Conference.
- The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons attending the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirm the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference. The States parties reaffirm the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference.

- *The resolution on the Middle East*

It should be noted that no progress has been achieved in the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference. The Preparatory Committee meetings should follow up on the implementation of the provisions of the resolution with a view to reporting to the Review Conference on the progress achieved in this regard.

Since the adoption of the resolution, new realities have emerged in the Middle East pertaining to adherence to the Treaty on the Non-Proliferation of Nuclear Weapons. With the latest accession of the United Arab Emirates, Djibouti and Oman, it is now a reality that all States of the Middle East have become parties to the Treaty, with the exception of Israel.

The Movement of Non-Aligned Countries are convinced that the implementation of this resolution should proceed as soon as possible with a view to enhancing the universality of the Treaty and the non-proliferation regime as a whole. In this regard, the meetings of the Preparatory Committee should welcome the latest accessions to the Treaty and call upon Israel to accede to it without further delay as well as to place its nuclear facilities under full-scope IAEA safeguards.

Furthermore, the Preparatory Committee should recommend ways and means to get all parties directly concerned to engage seriously in undertaking practical and urgent steps required for the establishment of a nuclear-weapon-free zone in the Middle East, a zone which should be freely arrived at among regional States.

The depository States of the Treaty on the Non-Proliferation of Nuclear Weapons have a special responsibility in this regard, as co-sponsors of the draft resolution submitted for adoption by the 1995 Review and Extension Conference, and as the resolution constitutes part and parcel of the package of the outcome composed of three decisions and the resolution.

- (i) *Universality*

- The States parties welcome the eight recent accessions to the Treaty. Universal adherence to the Treaty remains an urgent priority. All States not yet party to the Treaty are called upon to accede to it at the earliest date. The States parties will make determined efforts to achieve this objective.

- We welcome the recent accessions to the Treaty on the Non-Proliferation of Nuclear Weapons which strengthen it and reaffirm the urgency of universal adherence.

We invite all States not yet party to the Treaty to review and revisit their positions, especially in view of the now near universal adherence to the Treaty.

- All States parties should strive for the achievement of the universality of the Treaty.
- The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasize the urgency and importance of achieving the universality of the Treaty.

The Preparatory Committee meetings and the Review Conference should consider ways and means to achieve the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities.

- To be updated and further developed at the second session of the Preparatory Committee.
- Great progress has been made towards the ultimate goal of the universality of the Treaty on the Non-Proliferation of Nuclear Weapons. The States parties should unite their efforts to encourage States not yet party to the Treaty to accede to it as soon as possible. It would be useful to promote dialogue and confidence-building among the countries concerned so as to improve their regional security environment.
- Recognizing that universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent requirement, the States parties recommend that all States parties should make every effort to achieve this objective, and call on all States not yet party to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded facilities.
- The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should redouble their efforts to achieve the universality of the Treaty because the non-proliferation of nuclear weapons and nuclear disarmament are one of the cornerstones of international peace and security.
- Supporting efforts already made to achieve universality, the States parties call for further measures to enhance opportunities to achieve universality, and insist on a balance in the treatment of the universality issue.

- (ii) *Main Committee I issues*

- Non-Proliferation*

- The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preserving the non-proliferation of nuclear weapons in all its aspects. The international community should make all possible efforts 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 Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preserving the non-proliferation of nuclear weapons in all its aspects. The States parties should pursue and agree on all possible and necessary measures and efforts to prevent the proliferation of nuclear weapons and other nuclear explosive devices.
- The States parties should continue to promote the full implementation of the non-proliferation obligations of the nuclear-weapon States and of the non-nuclear-weapon States.
- The States parties should continue to take active measures to prevent the proliferation of nuclear weapons and the technologies, material and equipment that are used to produce those weapons, without hampering the peaceful uses of nuclear energy, especially by developing countries.
- The States parties welcome the implementation of the Agreed Framework between the United States of America and the Democratic People's Republic of Korea, and support the full and effective implementation of Security Council resolutions and cooperation from Iraq and the Democratic People's Republic of Korea.

- Nuclear disarmament*

- The States parties welcome the adoption and opening for signature of the Comprehensive Nuclear-Test-Ban

Treaty as an indispensable step forward on the path to nuclear disarmament, and as the fulfilment of a principal component of the decision of the 1995 Conference on principles and objectives. The Treaty establishes a norm against nuclear testing, which is reflected in its signature by more than 140 States. All States parties aim to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty at the earliest possible date, as a demonstration of the strength of international support for the Treaty and in order to facilitate its entry into force at the earliest possible time.

The States parties renew their 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, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

- We welcome the joint statement by presidents Clinton and Yeltsin in Helsinki on 21 March 1997 committing to the commencement of negotiations on a START III agreement, immediately once START II enters into force, which would establish, by 31 December 2007, lower aggregate levels of 2,000 to 2,500 strategic nuclear warheads, possible reductions in tactical nuclear systems and other measures to promote the irreversibility of these deep reductions.

The States parties to the Treaty on the Non-proliferation of Nuclear Weapons expect these commitments to be realized as soon as possible.

We call upon other nuclear-weapon States to commit immediately to not increasing their inventories and to engage in nuclear disarmament negotiations among the five, in parallel with START III.

We call on all States to make the utmost efforts to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, through all means possible up to and including the Conference of the States Parties to be held in 1999.

We emphasize that article 5 of the Treaty on the Non-Proliferation of Nuclear Weapons, referring to peaceful nuclear explosions, has been redefined and overtaken under the terms of the Comprehensive Nuclear-Test-Ban Treaty.

We recognize the decisive role that the Comprehensive Nuclear-Test-Ban Treaty plays in preventing the development of new nuclear weapons and the modernization of existing ones. We look to the nuclear-weapon States to signal their unequivocal support for the Comprehensive Nuclear-Test-Ban Treaty, pending its entry into force, by declaring their intention never again to conduct nuclear explosions.

We look to the earliest possible commencement of negotiations in the Conference on Disarmament towards a fissile material cut-off convention, on the basis of the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

Pending conclusion of such a convention, we urge the nuclear-weapon States to affirm or reaffirm, as the case may be, their commitment to forever cease production of fissile material for nuclear weapons or other nuclear explosive devices.

Determined efforts should be made by the nuclear-weapon States to reduce weapons-usable fissile material stockpiles and to place more of such

material under the safeguards of the International Atomic Energy Agency.

- The nuclear-weapon States concerned should abandon their policy of nuclear deterrence; the States with large nuclear arsenals should further reduce drastically their nuclear stockpiles, and should destroy the removed nuclear warheads rather than simply transfer them from deployment to storage.

All nuclear-weapon States should undertake not to be the first to use nuclear weapons at any time and under any circumstances, and to conclude a legally binding international instrument to that effect.

No country should develop and deploy space weapon systems or missile defence systems that undermine strategic security and stability.

States with nuclear weapons deployed outside their borders should bring all these weapons home.

The States that have not yet signed the Comprehensive Nuclear-Test-Ban Treaty are urged to do so at an early date, and all signatory States should strive to achieve the early entry into force of the Treaty.

All States should work for the immediate commencement and early conclusion of the negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable 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.

An international convention on the complete prohibition and thorough destruction of nuclear weapons under effective international supervision should be concluded through negotiations with the participation of all States.

- The States parties would support the objective of increased transparency regarding short-range nuclear weapons in the context of its recommendations on nuclear disarmament.

- The States parties should agree on a recommendation to the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons within a specified framework of time, including a nuclear-weapons convention. A universal and legally binding multilateral agreement should be concluded committing all States to the complete elimination of nuclear weapons and to commence negotiations on a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices. The ad hoc committee on nuclear disarmament would take into account the proposal for a programme of action for the elimination of nuclear weapons submitted by 28 members of the Conference belonging to the Group of 21 (CD/1419) as well as any other existing proposals and future initiatives in this regard. In this context, the nuclear-weapon States should adopt a flexible approach, taking into account their commitment, as stated in article VI of the Treaty, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

The nuclear-weapon States should express their commitment to undertake a step-by-step reduction of

the nuclear threat and a phased programme of progressive and deep reductions of nuclear weapons, and to carry out effective nuclear disarmament measures with a view to the total elimination of these weapons.

The States parties support the establishment of a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices in the Conference on Disarmament. It would be a significant contribution to nuclear disarmament and non-proliferation provided that such a treaty is non-discriminatory, effectively verifiable and universally applicable.

- Nuclear disarmament is further substantially facilitated by the continued 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 the Non-Proliferation of Nuclear Weapons and the principles and objectives adopted by the 1995 Review and Extension Conference should thus be fulfilled with determination and without further delay. 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 as well as their commitment to the principles and objectives adopted by the Conference.

The States parties emphasize the importance of making every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, in accordance with article XIV of the Treaty, despite its shortcomings and to prepare the Treaty for implementation in a manner that prevents, to the maximum extent possible, further qualitative development of nuclear weapons.

The States parties emphasize the need to pursue 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.

The States parties reaffirm their commitment to pursue negotiations on a phased programme of nuclear disarmament aimed at the complete elimination of nuclear weapons and to continue to identify, negotiate and implement further steps necessary to achieve this objective within the shortest possible framework of time.

- In the context of the 'systematic and progressive efforts' which they have agreed to pursue, the nuclear-weapon States should set out their perspective on the future steps they will take to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.
- The Comprehensive Nuclear-Test-Ban Treaty is a major step in nuclear non-proliferation and disarmament, especially as a means of constraining the development and qualitative improvement of nuclear weapons and of preventing the development of advanced new types of nuclear weapons. It is thus necessary for all States signatories, by contributing to the work of the CTBT Preparatory Committee, to make steady efforts to establish the CTBT regime, including verification systems. All signatories should strive to

achieve the early entry into force of the Treaty. Those States which have not yet signed and ratified the Treaty are urged to do so at the earliest possible date.

Now that the CTBT has been concluded, a fissile material cut-off treaty (FMCT) is the next step in nuclear disarmament. It is regrettable that negotiations on FMCT have not yet commenced in the Conference on Disarmament. All means should be explored to realize the early commencement of negotiations on FMCT.

Systematic and progressive efforts pursued by the nuclear-weapon States to reduce nuclear weapons globally are an important element in the full realization and effective implementation of article VI. The commitment made by the President of the United States of America and the President of the Russian Federation at the Helsinki summit meeting to further reduce, in the context of the START process, their strategic nuclear arms by the year 2007, is most welcome.

Concrete nuclear disarmament steps by each nuclear-weapon State are further encouraged. In the light of General Assembly resolution 51/45 G of 10 December 1996, entitled 'Nuclear disarmament with a view to the ultimate elimination of nuclear weapons', every nuclear-weapon State is invited to inform the international community of the activities and progress in the area of nuclear disarmament. These efforts would contribute to transparency and confidence-building.

The efforts of the international community to promote and assist in the dismantlement of nuclear weapons and the management and disposal of fissile materials derived from dismantled nuclear weapons should be further encouraged.

The nuclear-weapon States are invited to consider further steps such as gradually taking nuclear forces off alert and/or removing nuclear warheads from delivery vehicles.

- The States parties welcome the conclusion of the Comprehensive Nuclear-Test-Ban Treaty in 1996, and call on all States which have not yet done so to sign and ratify the Treaty at the earliest possible date [If the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force:]

, in particular those States upon whose adherence entry into force of the Treaty depends.

The States parties call on all States to sign and ratify a non-discriminatory and universally applicable convention, negotiated in the Conference on Disarmament, 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 of 24 March 1995 (CD/1299) and the mandate contained therein.

Welcoming the progress towards nuclear disarmament made by the nuclear-weapon States, including that made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, the States parties call for further progress towards global reductions of nuclear arsenals. The States parties urge the nuclear-weapon States to continue the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and all States to continue the determined

pursuit of general and complete disarmament under strict and effective control.

[If START II has not been ratified:]

The States parties call for the START II Treaty to be ratified as soon as possible and for an early start to negotiations on a START III treaty.

[If START III has not been concluded:]

The States parties call for an early conclusion to negotiations on a START III treaty.

The States parties welcome efforts by the group of seven major industrialized countries and the Russian Federation to address the issue of management of plutonium from dismantled nuclear weapons.

[If the Chemical Weapons Convention is not universal:]

The States parties urge all States that have not yet done so to adhere to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

[If negotiation on a Biological Weapons Convention verification protocol is not completed:]

The States parties urge the Ad Hoc Group of the States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to complete as soon as possible a legally binding verification and compliance regime for the Treaty.

The States parties recommend that all regions make major reductions in their level of conventional arms, as has been done in Europe on the basis of the Treaty on Conventional Armed Forces in Europe.

- The States parties welcome the adoption and signature by more than 140 countries of the Comprehensive Nuclear-Test-Ban Treaty and underline their commitment to strictly observe its provisions pending entry into force. The States parties not yet party to the Comprehensive Nuclear-Test-Ban Treaty undertake to join this Treaty. The States parties further agree to pursue all possible measures consistent with international law to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

The States parties continue to attach high priority to 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. The States parties agree to consider what further steps might be taken to enable these negotiations to begin promptly.

The nuclear-weapon States parties reaffirm their commitment to fulfil with determination their obligations under article VI, and undertake 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. In this context, the nuclear-weapon States parties declare unequivocally their commitment to the elimination of nuclear weapons and agree to start immediately on the practical first steps and negotiations required for its achievement.

The nuclear-weapon States agree to pursue with determination the elimination of nuclear weapons through all available channels, including in bilateral

negotiations and in negotiations among all five nuclear-weapon States.

The States parties agree that the Conference on Disarmament, the international community's standing body for disarmament negotiations, is mandated to pursue all items on its agenda, including nuclear disarmament. The Conference on Disarmament is the appropriate forum for multilateral dialogue and the negotiation of further steps, as appropriate, which contribute to the goal of the elimination of nuclear weapons.

- There would be merit in voluntary measures to increase transparency on holdings of weapons-grade fissile material, plutonium and highly enriched uranium (HEU). Transparency as a confidence-building measure should apply to all States with a nuclear capability, but for obvious reasons the primary burden would fall on the nuclear-weapon States.

A fundamental prerequisite for transparency would be the application of consistent and strict standards of accounting and secure handling and storage procedures for fissile material at the national level.

Voluntary transparency measures of this character would facilitate negotiations on a 'cut-off' treaty as well as any future talks on nuclear disarmament.

The following measures could be considered for successive implementation:

- (a) All nuclear-capable States would submit information on their stocks, if any, of weapons-grade fissile material;
  - (b) Cooperative international measures would be put into place in order to clarify and confirm these declarations;
  - (c) The nuclear-weapon States, or any State that submits information on holdings of weapons-grade fissile material, could permit inspection of such holdings. The aim would be to ensure that the inventory in storage can only be withdrawn for non-weapons purposes;
  - (d) Agreed monitored net reductions from stockpiles could be envisaged.
- An exchange of views and negotiations should be begun on a treaty on nuclear security and strategic stability, with the participation of all nuclear-weapon States, taking into account the specific nature of their nuclear arsenals and possibly with a certain asymmetry of commitments.

The nuclear weapons of all the nuclear-weapon States should be stationed only within their own territories.

- The adoption of the Comprehensive Nuclear-Test-Ban Treaty should be recorded as one of the goals of the States parties that has been accomplished. Paragraph 4 (a) of the principles and objectives for nuclear non-proliferation and disarmament should be replaced by a call on the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to work for the early entry into force of the Comprehensive Nuclear Test-Ban Treaty and for its signature and ratification by all the members of the Treaty on the Non-Proliferation of Nuclear Weapons.

The nuclear-weapon States, and in particular the Russian Federation and the United States of America, should be called upon to continue in the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally and to pursue in good faith and bring to a conclusion negotiations leading to

nuclear disarmament in all its aspects under strict and effective control. The other nuclear-weapon States should join in the process of structured and verified nuclear disarmament as soon as possible.

- (a) The States parties should welcome progress made in the negotiation of a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other explosive devices in accordance with the Shannon report and the mandate contained therein.

OR

- (b) The States parties should renew the call contained in the principles and objectives for nuclear non-proliferation and disarmament for the Conference on Disarmament to commence immediately negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other explosive devices in accordance with the Shannon report and the mandate contained therein. All States parties that are members of the Conference should work actively to achieve that goal.

The States parties call upon the Conference on Disarmament to establish an ad hoc committee to deliberate and agree upon the practical steps and negotiations required for a programme of systematic and progressive efforts to eliminate totally nuclear weapons.

- The States parties take note of the advisory opinion of the International Court of Justice of 8 July 1996 and in particular the unanimous conclusion by the Court 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'.

The States parties welcome the reaffirmation by the nuclear-weapon States in their joint statement of 8 April 1997 to the Preparatory Committee at its first session that they would continue to pursue, with determination, systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating those weapons. The States parties underline the importance that the specific steps to be taken by the nuclear-weapon States in accordance with their commitment be identified and fully implemented.

The States parties welcome the report of the Canberra Commission, which proposes a series of concrete measures towards a nuclear-weapon-free world, and commend the report for consideration in international disarmament forums with a view to exploring the possibilities of implementing the steps set out in the report.

- The States parties recognize that the nuclear arms race between the United States of America and the Russian Federation has ended and that this aspect of article VI has been fulfilled.

The States parties endorse the effectiveness of the step-by-step process of nuclear disarmament and recognize that nuclear disarmament can only take place in a stable international security environment.

The States parties support the initiation of negotiations on a fissile material cut-off treaty as an important step for multilateral action and recognize

both the disarmament and non-proliferation aspects of a fissile material cut-off convention.

Welcoming the establishment of additional nuclear-weapon-free zones, States parties support the regional or nuclear-weapon-free-zone approach to the provision of legally binding security assurances, as opposed to a global convention.

- We stress the importance of early signature and ratification of the Treaty by all States, which would facilitate its early entry into force; this is an objective we fully share.

We also reaffirm our readiness for the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, a goal contained in the decision on principles and objectives for nuclear non-proliferation and disarmament and as its second step, following the completion of the negotiations on the Comprehensive Nuclear-Test-Ban Treaty.

We encourage all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fulfil this shared commitment set forth in the decision on principles and objectives for nuclear non-proliferation and disarmament. We also stress the importance for the States which are not yet parties to the Treaty to join the negotiations on a fissile material cut-off treaty in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

It is the responsibility and obligation of all States to contribute to the relaxation of international tension and to the strengthening of international peace and security. The nuclear-weapon States underscore the important and tangible progress achieved in the area of nuclear disarmament and reaffirm our determination to continue the 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.

In this context we welcome the recent understanding reached by the Presidents of the Russian Federation and the United States of America at Helsinki on further reductions of nuclear weapons building on progress already achieved.

The other steps being taken by us in this area are also to be welcomed.

We also welcome the removal of all nuclear weapons of the former union of Soviet Socialist Republics from the territories of Belarus, Kazakstan and Ukraine.

#### *Nuclear-weapon-free zones*

- All existing zones should come into force as soon as possible, and the process of ratification of their Protocols by relevant States completed.

The States of the regions concerned, and in particular those in regions of tension, should engage in discussions on possible arrangements for additional nuclear-weapon-free zones by 2000. This includes the Central Asian region, for which there is now a proposal on the table under the Almaty Declaration.

Work on the establishment of a nuclear-weapon-free zone in the Middle East should be intensified as a

contribution to peace and stability in the region and internationally.

Cooperation and coordination between States parties and signatories of existing zones under the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba should be actively pursued to promote the common goals of those Treaties.

- The States parties are encouraged by the historic events of the past few years that enhanced the atmosphere of trust, mutual respect and partnership among European States as well as the prerequisites for practical implementation of the idea to free the world of nuclear weapons, in particular the withdrawal of tactical and strategic nuclear weapons from the territories of Belarus, Kazakstan and Ukraine and thus from the entire Central and Eastern European region, ranging from the Baltic Sea to the Black Sea.

The States parties acknowledge the important contribution made by Belarus, Kazakstan and Ukraine to the implementation of article VI of the Treaty through their effective efforts in nuclear disarmament and consistent fulfilment of their obligations under the Strategic Arms Reduction Talks and the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Nuclear Missiles, and note with satisfaction the significant contribution of those States to the strengthening of the Treaty through enhancing regional and global security.

Thus, the creation of a nuclear-weapon-free zone in Central and Eastern Europe could reaffirm the intention of the European States to move towards the final goal of the achievement of general and complete nuclear disarmament under effective international control.

- The establishment of additional nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States concerned, particularly in regions afflicted with conflicts, enhances regional and global peace and security and contributes to non-proliferation and disarmament.
- All States should support the efforts of the non-nuclear-weapon States to establish nuclear-weapon-free zones on the basis of arrangements freely arrived at and in the light of the actual conditions of the regions concerned. All nuclear-weapon States should pledge their support for the establishment of nuclear-weapon-free zones, respect their status and undertake corresponding obligations.
- Taking into account article VII of the Treaty on the Non-Proliferation of Nuclear Weapons and the decision of the 1995 Review and Extension Conference relating to the establishment of such zones, States parties should express support of measures taken by a State party or group of States parties to establish nuclear-weapon-free-zone treaties and support proposals to establish these zones in other parts of the world where they do not exist on the basis of arrangements freely arrived at among the States of the region concerned as a measure towards the strengthening of nuclear non-proliferation regimes and realizing the objectives of nuclear disarmament. States parties should welcome the initiative taken by States in Central Asia freely arrived at among

themselves to establish a nuclear-weapon-free zone in that region.

The States parties and signatories to the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba should promote the common goals envisaged in those Treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas.

- The States parties reaffirm their conviction that the establishment of 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.

The States parties welcome the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995 and express their support for the establishment of a mechanism for cooperation among the agencies of the Treaties of Tlatelolco, Bangkok, Rarotonga and Pelindaba. The States parties decide to follow all actions required for the early establishment of the nuclear-weapon-free zone in the Middle East.

All nuclear States express their commitment to respect and support the relevant protocols necessary for the maximum effectiveness of the established nuclear-weapon-free zones.

- In the light of recent encouraging developments, it is important to reaffirm 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.

- Significant progress has been made since 1995 in the establishment of nuclear-weapon-free zones in Africa and South-East Asia and in the growth of support for nuclear-weapon-free zones in other regions.

In realization of the recommendations contained in the principles and objectives for nuclear non-proliferation and disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are especially pleased to note that on 28 February 1997 they formally endorsed, in the Almaty Declaration, the creation of a nuclear-weapon-free zone in Central Asia. This joint action, following earlier initiatives by several countries of the region, is indicative of the importance the States of Central Asia attach to article VII of the Treaty and paragraphs V to VII of the principles and objectives for nuclear non-proliferation and disarmament.

As the States parties to the Treaty prepare for the next Review Conference in the year 2000, the Preparatory Committee takes positive note of this development.

- Creation of nuclear-weapon-free zones within the boundaries of individual States complements the obligations undertaken by the States under the Treaty on the Non-Proliferation of Nuclear Weapons and, by prohibiting within such zones deployment of nuclear weapons or nuclear explosive devices, the dumping of radioactive wastes, etc., they expand the geographical scope of nuclear-weapon-free zones.

Mongolia's declaration of its territory as a nuclear-weapon-free zone in 1992, which has been welcomed and supported by all nuclear-weapon and non-nuclear-weapon States alike, has demonstrated

that the creation of such zones within the boundaries of single States (single-State zones) is, in general, politically acceptable. For nuclear-weapon-free zones to be effective, irrespective of their geographical scope, they should be based on international agreement(s), have clearly defined rights and obligations of parties to such agreement(s), a system of verification and control to guarantee compliance with the obligations derived from such status, the assurances from parties to the agreements, etc. Therefore, in order for single-State zones to have equal legal basis with other zones, the objectives, purposes and principles, as well as the status of the zones, should be clearly defined in international agreement(s), taking duly into account the experience of other nuclear-weapon-free zones, as well as the specifics of single-State zones. The interests of neighbouring States should also be duly taken into account.

Bearing in mind the important role that single-State zones could play as concrete disarmament and confidence-building measures in widening the geographical scope of nuclear-weapon-free zones, and thus contributing to the objectives of non-proliferation of nuclear weapons, Mongolia believes that the Preparatory Committee should focus specifically on this question and contribute to developing practical procedures in institutionalizing such forms of nuclear-weapon-free zones on the basis of arrangements freely arrived at between the States concerned with their neighbours as well as the nuclear-weapon States.

- The States parties welcome the considerable progress in the establishment of nuclear-weapon-free zones since the 1995 Conference, and especially the establishment of the zones created by the Treaties of Pelindaba and Bangkok. The States parties furthermore renew their call for the establishment of further nuclear-weapon-free zones on the basis of arrangements freely arrived at among the regions concerned, especially in regions where they do not exist, such as the Middle East, Central Asia and South Asia.
- Considering nuclear-weapon-free zones to be important complementary instruments to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties welcome advances made in this field, on the basis of arrangements freely arrived at among the States of the regions concerned.
- The States parties reaffirm their conviction that nuclear-weapon-free zones are important disarmament measures which enhance regional and global peace and security, greatly strengthen the international non-proliferation regime in all its aspects and contribute to the objective of securing a world entirely free of nuclear weapons.

The States parties welcome the conclusion of two further nuclear-weapon-free-zone treaties (the treaties of Pelindaba and Bangkok) and the recent entry into force of the latter.

The States parties reaffirm the importance of the cooperation of all the nuclear-weapon States and their support for the relevant protocols to the treaties. In this context they welcome the signature by all nuclear-weapon States of the Protocols to the Treaty of Rarotonga. They look forward to the signature and

ratification of the relevant protocols by those nuclear-weapon States which have not yet done so.

The States parties welcome the consultation which is currently under way between the nuclear-weapon States and the South-East Asian States in relation to the protocols to the Treaty of Bangkok and urge those States to make every effort to resolve the remaining differences in order to facilitate adherence to the Protocols.

The States parties welcome the intention of States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote the common goals envisaged in those Treaties, and to explore and implement further ways and means of cooperation.

- China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm our conviction that the establishment of 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.

We consider that the signature by all the nuclear-weapon States of the protocols to the Treaty of Rarotonga and the Treaty of Pelindaba, establishing nuclear-weapon-free zones in the South Pacific and in Africa, was a significant development. By signing these protocols, all the nuclear-weapon States are giving security assurances in treaty form to the very large number of States concerned.

Moreover, we remain ready to work with the signatories of the Treaty on the Southeast Asian Nuclear-Weapon-Free Zone to remove those obstacles currently preventing the nuclear-weapon States from signing the Protocol to that Treaty.

#### *Security assurances*

- Further steps should be taken to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. We welcome and will actively explore ideas in this respect, including those aimed at an internationally legally binding instrument.
- All nuclear-weapon States should commit themselves unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and conclude, at an early date, legally binding international instruments to that effect.
- The total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally binding negative security assurances regime which will ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons must be urgently concluded. In this regard, there is no objection, in principle, in the Conference on Disarmament and the General Assembly, to the idea of an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Hence, the States parties should agree to negotiate, in the Preparatory Committee meetings for the 2000 Review Conference on a legal instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons to be finally adopted by the 2000 Review

Conference as a protocol annexed to the Treaty on the Non-Proliferation of Nuclear Weapons.

- The States parties agree to commence negotiations and conclude in the shortest possible time a treaty banning the use or threat of use of nuclear weapons under any circumstances pursuant to the successful conclusion of the legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
- The importance of security assurances to non-nuclear-weapon States of the Treaty on the Non-Proliferation of Nuclear Weapons regime is fully recognized. Bearing in mind Security Council resolution 984 (1995) of 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 parties to the Treaty against the use or threat of use of nuclear weapons as envisaged in paragraph 8 of the principles and objectives.
- These States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe that international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons should cover both negative and positive security assurances.

They consider that, by renouncing voluntarily their nuclear option, non-nuclear-weapon States parties to the Treaty have a legitimate right to receive legally binding assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against them.

In this context, these States parties consider that the unilateral declarations made by the four nuclear-weapon States, and Security Council resolutions 255 (1969) of 19 June 1968 and 984 (1995) of 4 November 1995 on security assurances have not fulfilled the requirements of non-nuclear-weapon States.

Accordingly, the delegations of Kenya, Myanmar, Nigeria and the Sudan consider that the time is now opportune to negotiate and conclude a protocol to the Treaty, providing comprehensive and unconditional security assurances for non-nuclear-weapon States.

These States parties, therefore, propose a draft protocol to the Treaty on security assurances for non-nuclear-weapon States. The text of the protocol is annexed hereto.

These States parties are of the view that all States parties to the Treaty must take effective measures for nuclear disarmament, a ban on fissile materials, conclusion of an international legally binding instrument providing comprehensive and unconditional security assurances for non-nuclear-weapon States, promotion of the peaceful uses of nuclear energy and universal adherence to the Treaty. With regard to the question of security assurances for non-nuclear-weapon States, these States parties urge the Preparatory Committee to address this issue in a substantive manner with a view to concluding a protocol to the Treaty, not later than the time of the convening of the 2000 Review Conference. The draft protocol, proposed by the States parties, will provide a basis for negotiations at the Conference or at the Preparatory Committee meetings.

These States parties firmly believe that conclusions of such a protocol on security assurances constitute an essential element of an effective regime of the Treaty, will strengthen the Treaty and will contribute to the success of the 2000 Review Conference.

- The States parties welcome the adoption of Security Council resolution 984 (1995) of 4 November 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances as important developments in this field. The States parties recommend that further steps be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons, which could take the form of an international legally binding instrument. The States parties recognize that treaty-based security assurances are available to parties to nuclear-weapon-free zones through the signature of the relevant protocols to such zones by the nuclear-weapon States. The States parties recommend that concerned States that have not yet signed and ratified these treaties do so as soon as possible and thus bring into effect those security assurances.
- The need for an international legally binding, comprehensive and unconditional arrangement to assure the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has remained primordial and must be pursued. Nuclear-weapon-free-zone treaty-based security assurances, some of which precede the Treaty, and which are regional, cannot take the place of a global one because, being party to a nuclear-weapon-free-zone treaty does not relieve a State from fulfilling the obligations that it has undertaken by its accession to the Treaty on the Non-Proliferation of Nuclear Weapons. Indeed, the status makes it imperative for a State to comply with the Treaty, and thereby strengthen the Treaty — which is the main axis of the global non-proliferation regime. This should also be the relationship between a global legal instrument on security assurances and nuclear-weapon-free-zone treaty-based security assurances.

It is necessary therefore for the instrument to be negotiated multilaterally. It needs to have as its starting point the obligation of 'no use, no first use' of nuclear weapons by the nuclear-weapon States against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons. In other words, there must be a clear commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the Treaty. For just as the non-nuclear-weapon States accepted treaty provisions not to develop or acquire nuclear weapons, they should equally be assured in treaty form that they would not be victims' of use or threat of use of nuclear weapons. The comprehensive assurances to be given must be such that States would be unable to withdraw from fulfilling them, especially during hostilities, because of what may be claimed to be national interest, and the assurances should not be vulnerable to the veto. It is also necessary for it to be noted somewhere in the instrument that the best assurances against use or threat of use of nuclear weapons is the complete elimination of those weapons, and that measures to that effect are highly desirable.

- The Preparatory Committee recommends that time be allocated at its second session for further debate and consideration of proposals that have been made on the issue of security assurances.  
The States parties recommend that the 2000 Review Conference endorse an instrument on legally binding security assurances for the non-nuclear-weapon States parties to the Treaty for signature and ratification.
- (iii) Main Committee II issues
- Safeguards*
- The conclusion of negotiations on the '93+2' model protocol and its expected adoption by the special meeting of the Board of Governors of the International Atomic Energy Agency in May is welcomed as a significant contribution to strengthening safeguards. Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should conclude and ratify agreements with IAEA and implement the 93+2 package of safeguards as soon as possible to help ensure that safeguards are effectively strengthened and in a cost-efficient manner. These strengthened safeguards should become the new norm for comprehensive safeguards to maximize the potential of the Treaty to provide solid non-proliferation assurances
- All States that do not have comprehensive safeguards agreements in place, and especially the nuclear-weapon States parties to the Treaty, should adopt the maximum number of measures identified in the model protocol that would help contribute to the effectiveness and the efficiency of safeguards. The undertakings by a number of such States to work towards that goal is welcomed.
- All non-nuclear-weapon States parties to the Treaty should now ensure that their commitment to the full-scope safeguards standard for new supply through practical trading arrangements is fully observed. States not parties to the Treaty that continue to have unsafeguarded nuclear facilities should enter into comprehensive safeguards agreements with IAEA without delay.
- Nuclear-weapon States should place permanently under IAEA safeguards all of the nuclear fissile material transferred from military use to peaceful nuclear activities.
- The safeguards agreement of the Democratic People's Republic of Korea with IAEA, which remains binding and in force, should be implemented without delay. The full implementation of the Agreed Framework between the Democratic People's Republic of Korea and the United States of America will be an important contribution to international peace and security.
- We urge every State party to the Treaty that has not already done so to bring into force a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) pursuant to article III of the Treaty. We also urge States not party to the Treaty to enter into comprehensive safeguards agreements. We look forward to approval by the IAEA Board of Governors of the model protocol to safeguards agreements (part II 93+2). We call upon the nuclear-weapon States to place permanently under safeguards nuclear material transferred from military uses to peaceful activities.
  - In order to facilitate the Treaty's function in preventing nuclear weapons proliferation, the States parties should continue to support the safeguards of the International Atomic Energy Agency. All States parties should support the IAEA programme for strengthening the effectiveness and improving the efficiency of the safeguards system. The nuclear-weapon States should apply those measures provided for in the model protocol that each of them identifies as capable of contributing to the nuclear non-proliferation objectives.
  - International Atomic Energy Agency safeguards are an essential element in providing a guarantee that States are complying with article III undertakings. All States parties that have not yet done so should sign without delay the safeguard agreements required by article III of the Treaty. The Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe that new supply arrangements for the transfer of the source of special fissionable material or equipment or material specially 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 full-scope safeguards. Nuclear material transferred from military uses to peaceful activities should be placed under IAEA safeguards.
  - The International Atomic Energy Agency is the competent responsible body to verify compliance of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The 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 Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States parties under the provisions of the preamble and articles of the Treaty are fully protected and that no State party is limited in the exercise of these rights based on allegations of non-compliance which are not verified by IAEA. 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 further delay. A further position on 93+2 to be developed at the second session of the Preparatory Committee. A report should be furnished by the Secretariat on the fulfilment of requirements related to the transfer of nuclear material to non-nuclear States for evaluation of the issue by the States parties (principles and objectives, para. 13). Information needs to be provided by the Secretariat on actual placing under Agency safeguards of material transferred from military to peaceful uses for evaluation by the States parties.
  - It is noteworthy that a model protocol on measures of the second part of the 93+2 programme was adopted in the Drafting Committee to strengthen the effectiveness and improve the efficiency of the IAEA safeguards. It is strongly hoped that this model protocol will be adopted by the IAEA Special Board of Governors in May.

- The States parties call on all States and other Parties with INFCIRC 153-type agreements with the International Atomic Energy Agency that have not yet done so to conclude with the International Atomic Energy Agency and bring into effect additional safeguards agreements using the model protocol containing the second part of the 93+2 programme measures as a standard text.

The States parties call on States with voluntary offer safeguards agreements with the International Atomic Energy Agency that have not yet done so to conclude additional agreements with the International Atomic Energy Agency incorporating measures that they have identified as capable of contributing to the non-proliferation and efficiency aims of the protocol, when implemented with regard to that party and as consistent with its obligations under article I.

The States parties call upon States with INFCIRC 66-type safeguards agreements to negotiate and bring into effect agreements providing for the implementation of the second part of the 93+2 programme measures.

The States parties recommend that each party with nuclear materials on its territory maintain and improve its own arrangements for nuclear materials accountancy, safety and physical protection, applying the appropriate internationally agreed standards.
- We recommend that, as soon as the Board of Governors of IAEA has approved the text, all States parties should be encouraged to begin negotiating their individual agreements with IAEA as soon as practicable; this will enable early implementation of the strengthened safeguards on a global basis.

At the same time, we would sincerely welcome an indication on the part of the States that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons with limited safeguards agreements, some of which are observing the Preparatory Committee (and, of course, we welcome their interest very much) that they too were considering the possible application of the model protocol to their own situations.

An important element of the strengthened safeguards is that they should not place an undue burden on members; it is therefore encouraging that the IAEA secretariat has assured members that in the medium to long term the process will be cost-neutral.
- The States parties urge all States that have not done so to conclude and bring into force the safeguards agreements required by the Treaty on the Non-Proliferation of Nuclear Weapons.

The States parties further urge those with comprehensive safeguards agreements to implement those safeguards-strengthening measures already approved by the Board of Governors of IAEA, and conclude and bring into force a protocol to their safeguards agreements incorporating 93+2 safeguards-strengthening measures at an early time.

The States parties reiterate that IAEA should take full advantage of its rights under special inspections.

Taking note of the United States of America/Russian Federation/IAEA trilateral fissile material initiative, the States parties welcome unilateral decisions to accept safeguards on nuclear material no longer needed for defence purposes, and endorse plans for the safe and effective disposition of plutonium and high-enriched uranium no longer needed for defence requirements in a manner that renders it unavailable for use in nuclear explosives.

The States parties call upon parties to provide political, technical and financial support so that IAEA can meet all of its obligations.

The States parties urge all States to adopt physical protection arrangements that reflect the latest international standard and adhere to the Convention on the physical protection of Nuclear Material, and request all States to take safeguards and physical protection requirements into account when planning and designing new facilities.
- Nuclear supplier regimes should not restrict access for developing countries to advanced technology. This would be contrary to the range of undertakings on peaceful nuclear cooperation reaffirmed most recently at the 1995 Review and Extension Conference.

The fulfilment of nuclear supplier obligations to promote the peaceful uses of nuclear energy is facilitated by an effective non-proliferation regime, of which strict and transparent nuclear supply policies are an integral part.

The international Seminar on the Role of Export Controls in Nuclear Non-proliferation, to be held in Vienna on 6 and 7 October 1997 following the forty-first session of the General Conference of the International Atomic Energy Agency is welcomed as a first step to improve further transparency in the operation of nuclear export control regimes. All States are encouraged to attend and participate actively in this seminar.

Adherence by all States to the Nuclear Suppliers Group Guidelines would be consistent with the Treaty and nuclear-weapon-free-zone treaty objectives of preventing the proliferation of nuclear weapons and facilitating cooperation in the peaceful uses of nuclear energy. Non-member States should receive assistance and advice about the practical and legal aspects of implementing the Guidelines from members of nuclear supplier regimes.
- We regard effective national nuclear export controls as integral to a strong non-proliferation regime which facilitates international nuclear cooperation in pursuit of economic and technological development.

We support ongoing efforts to enhance transparency in multilaterally agreed nuclear export guidelines and call upon all States to join in this activity.
- The States parties recommend that transparency in nuclear-related export controls should continue to be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty.

All States parties should exercise their responsibility to control nuclear-related exports whatever their destination and give full effect to their commitment that new supply arrangements should require, as a necessary precondition, acceptance of the International Atomic Energy Agency's full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

The States parties call upon parties that have not yet done so to adhere to the Nuclear Suppliers Group Guidelines.
- Efforts should be strengthened to increase the effectiveness and transparency of export control

systems through the Nuclear Suppliers Group and the Zangger Committee.

- The States parties call upon all parties that have not yet done so to adhere to the Programme of Action on Illicit Trafficking as agreed by the group of seven major industrialized countries and the Russian Federation. The States parties that have adhered should continue to work to promote international cooperation between the relevant national agencies with a view to preventing such smuggling.

(iv) Main Committee III issues

*Peaceful uses of nuclear energy*

The States parties reaffirm the importance they attach to ensuring the exercise of the inalienable rights 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 States parties also reaffirm the importance they attach to the work of the International Atomic Energy Agency as the principal agent for multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and reiterate their call for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.

The States parties welcome the progress made since the 1995 Review and Extension Conference in developing and strengthening the international legal and institutional framework within which the development research, production and use of nuclear energy for peaceful purposes takes place.

In this context, the States parties welcome the entry into force in 1996 of the Convention on Nuclear Safety and call on countries that have not already done so — particularly those with nuclear installations that fall within the scope of the Convention — to sign and ratify the Convention. States parties also welcome the conclusion of the negotiations on the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. States parties note the progress that has been made towards the development of a comprehensive international nuclear liability regime and express the hope for an early conclusion to these negotiations.

The States parties stress the importance they attach to efforts at the national, regional and global levels to promote and maintain the highest standards of nuclear safety, waste management and radiation protection. They welcome the initiatives that have been taken to this end since the 1995 Review and Extension Conference, including the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, and the Tokyo Conference on Nuclear Safety in Asia, held at Tokyo in 1996.

The States parties note that it is in the interests of all States that the transportation of irradiated nuclear fuel, plutonium and high-level waste be conducted in accordance with strict international standards of safety and security. They note that the transportation of such materials by sea is a matter of particular concern to small island developing States and other coastal States. A number of States in this category

call on those directly engaged in the maritime transportation of radioactive materials to continue to provide information, consistent with safety and security requirements, about the timing, route and liability arrangements to States in the vicinity of such shipments.

Canada believes in the right, as set out in article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, of all parties to the Treaty to engage in and to benefit from the peaceful uses of nuclear energy — a right to be exercised in conformity with the other provisions of the Treaty.

Through bilateral agreements, Canada is engaged in the full range of cooperation as called for in paragraph 15 of the principles and objectives for nuclear non-proliferation and disarmament, including the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

In accordance with paragraph 16 of the principles and objectives for nuclear non-proliferation and disarmament, Canada is working actively to bring into force in Canada the provisions of three recently agreed international agreements: the International Atomic Energy Agency Convention on Nuclear Safety, the International Maritime organization (IMO) Code for the Safe Carriage of Irradiated Nuclear Fuel Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (the INF Code), and revised IAEA recommendations on transportation of nuclear fuel.

Canada would welcome the approval of the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management.

As a significant donor to the Technical Cooperation Fund, Canada believes that there can be no further growth in the Fund unless the donor base is broadened. It strongly urges all States in a position to contribute their fair share to do so.

All States parties should make every effort to facilitate international cooperation in peaceful uses of nuclear energy. States that are in a position to do so should assist the developing countries to master technologies for peaceful uses of nuclear energy.

All States parties should ensure that measures taken by them to prevent nuclear weapons proliferation would facilitate rather than hamper the exercise of the legitimate rights of the developing countries for peaceful uses of nuclear energy. Those restrictions on the transfer of technologies for peaceful uses of nuclear energy that are beyond safeguards required under the Treaty should be removed.

The inalienable right of all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to engage in research, production and use of nuclear energy for peaceful purposes without discrimination must be reaffirmed by all nuclear and non-nuclear States parties alike. It is also essential that free and unimpeded and nondiscriminatory transfer of nuclear technology for peaceful purposes to all States parties be fully guaranteed. States parties should reaffirm their commitment to the implementation of article IV of the Treaty.

Unilaterally enforced restrictive measures, beyond safeguards required under the Treaty, which prevent peaceful nuclear development should be removed.

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 into account particularly the needs of developing countries.

The States parties recognize the shortcomings in the realization of the provisions of the preamble and articles of the Treaty and those of the principles and objectives decision related to the peaceful uses of nuclear energy and decide to take further steps to ensure full, unrestricted and indiscriminate implementation of all these provisions.

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 and III of the Treaty.

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.

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 into account particularly the needs of developing countries.

Arrangements to control nuclear-related exports for the purpose of non-proliferation should be transparent and balanced in membership to include both supplier and recipient States parties. Their activities and guidelines should under no circumstances and in no way hamper or limit any State party's exercise of the rights and privileges set out in the provisions of the preamble and articles of the Treaty and those of the principles and objectives decision as well as the fulfilment of all related commitments contained therein. Initial efforts towards transparency of existing nuclear-related export controls should be followed by immediate action to ensure full transparency and participation on an equal footing by all interested parties.

All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear safety, including in waste management, and should observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials.

Every effort should be made to ensure that the International Atomic Energy Agency has the financial and human resources necessary to meet its responsibilities effectively in the areas of technical cooperation, safeguards and nuclear safety. The Agency should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

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. All States parties remain committed to pursue such actions, particularly in relation to facilities that are under IAEA safeguard.

- The entry into force, in October 1996, of the Convention on Nuclear Safety is a welcome development. The Group of Experts is to be commended for its tireless efforts to finalize the draft text of a Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. The Group's recommendation that a diplomatic conference be convened with a view to adopting the Convention is also worthy of support. It is important that the transport of nuclear materials should be conducted in a safe and secure manner and in compliance with the safety standards of IAEA and the International Maritime Organization (IMO), while navigational rights and freedoms as provided for in the applicable rules of international law should not be impaired.
- As noted in the report of Main Committee III of the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was adopted by consensus, 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. The Preparatory Committee reiterates the 1995 Conference's call upon all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in those affected areas.
- The States parties recommend continued international cooperation in this field, taking into account, in particular, the needs of developing countries. The States parties call on all States that have not yet done so to sign and ratify the 1994 Convention on Nuclear Safety at the earliest possible date. The States parties urge early conclusion of a convention on the safety of spent fuel management and on the safety of radioactive waste management, and call on all States to sign and ratify that convention at the earliest possible date.
- The disarmament process requires strict procedures for safe handling, storage and disposal of sensitive nuclear materials as well as safe management of radioactive contaminants in compliance with high standards of environmental protection and nuclear safety. Continued international attention needs to be directed at the problems of safety and contamination related to former nuclear operations, *inter alia*, associated with discontinued nuclear weapons programmes. We would reiterate the call made in an agreed draft document of Main Committee III of the 1995 Review and Extension Conference addressed to all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving assistance as may be requested in affected areas, taking into account efforts that have been made or that are planned to be implemented at the regional and national levels in this regard.
- Recognizing the right and obligation of States not to transfer nuclear-related items and technology if they believe such transfer will contribute to proliferation, the States parties call for continued efforts to improve nuclear-related export controls so that such controls can continue to promote the objectives of the Treaty

by reducing the risks of proliferation and by contributing to the peaceful uses of nuclear energy.

The States parties urge all States to ensure that nuclear material is subject to a system of accountancy and control at the State and facility level that meets the latest international standards.

The States parties reaffirm the view, expressed in the principles and objectives decision, that new supply arrangements of nuclear material and equipment controlled pursuant to article III, paragraph 2, of the Treaty should require, as a necessary precondition, acceptance of IAEA full-scope safeguards.

- China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America attach importance to the full implementation of article IV of the Treaty. In this context we reaffirm our commitment towards cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty and following

the decision on the principles and objectives for nuclear non-proliferation and disarmament.

- The States parties note that radioactive material has been successfully transported by sea for more than 30 years in accordance with internationally agreed standards of safety and security.

The States parties also note that it is in the interests of all States that the transport of radioactive material should continue to be conducted in a safe and secure manner in accordance with relevant INF and IAEA codes. We urge early conclusion of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which provides the basis for a possible future framework for transboundary movement of such material.

The States parties conclude that, while navigational rights and freedoms as provided for by the applicable rules of international law should not be impaired, the States concerned should maintain a dialogue on the transport by sea of the material in question.



**Materials from the 1995 NPT Review and Extension Conference**



**Strengthening the Review Process for the Treaty**

[Text 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.

## Allocation of Items to the Main Committees of the 1995 NPT Conference

[Reproduced from Annex V of NPT/CONF.1995/1]

1. The Preparatory Committee agreed to recommend for consideration by the Conference the following allocation of items to the three Main Committees, with the understanding that the remaining items would be considered in the Plenary.

2. It is understood that all articles, preambular paragraphs and agenda items allocated to the Main Committees shall be reviewed in their interrelationship. Main Committee I is entrusted with the task of assessing the extent to which obligations of articles I, II and VI are being met.

### 1. Main Committee I

*Item 16.* Review of the operation of the Treaty as provided for in its article VIII, paragraph 3:

- (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
  - (i) Articles I and II and preambular paragraphs 1 to 3;
  - (ii) Article VI and preambular paragraphs 8 to 12;
  - (iii) Article VII, with specific reference to the main issues considered in this Committee;
- (b) Security assurances;
  - (i) United Nations Security Council resolution 255 (1968);
  - (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

### 2. Main Committee II

*Item 16.* Review of the operation of the Treaty as provided for in its article VIII, paragraph 3:

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

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at promoting wider acceptance of the Treaty.

### 3. Main Committee III

*Item 16.* Review of the operation of the Treaty as provided for in its article VIII, paragraph 3:

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

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at promoting wider acceptance of the Treaty.

**Materials from Earlier NPT Review Conferences**



## Final Declaration of the [First] Review Conference by the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

### Preamble

The States Party to the Treaty on the Non-Proliferation of Nuclear Weapons which met in Geneva in May 1975, in accordance with the Treaty, to review 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.

*Recognizing* the continuing importance of the objectives of the Treaty.

*Affirming* the belief that universal adherence to the Treaty would greatly strengthen international peace and enhance the security of all States.

*Firmly convinced* that, in order to achieve this aim, it is essential to maintain, in the implementation of the Treaty, an acceptable balance of mutual responsibilities and obligations of all States Party to the Treaty, nuclear-weapon and non-nuclear-weapon States.

*Recognizing* that the danger of nuclear warfare remains a grave threat to the survival of mankind.

*Convinced* that the prevention of any further proliferation of nuclear weapons or other nuclear explosive devices remains a vital element in efforts to avert nuclear warfare, and that the promotion of this objective will be furthered by more rapid progress towards the cessation of the nuclear arms race and the limitation and reduction of existing nuclear weapons, with a view to the eventual elimination from national arsenals of nuclear weapons, pursuant to a Treaty on general and complete disarmament under strict and effective international control.

*Recalling* the determination expressed by the Parties to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time.

*Considering* that the trend towards detente in relations between States provides a favourable climate within which more significant progress should be possible towards the cessation of the nuclear arms race.

*Noting* the important role which nuclear energy can, particularly in changing economic circumstances, play in power production and in contributing to the progressive elimination of the economic and technological gap between developing and developed States.

*Recognizing* that the accelerated spread and development of peaceful applications of nuclear energy will, in the absence of effective safeguards, contribute to further proliferation of nuclear explosive capability.

*Recognizing* the continuing necessity of full cooperation in the application and improvement of International Atomic Energy Agency (IAEA) safeguards on peaceful nuclear activities.

*Recalling* that all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes.

*Reaffirming* 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, and

*Recognizing* that all States Parties have a duty to strive for the adoption of tangible and effective measures to attain the objectives of the Treaty.

*Declare as follows:*

### Purposes

The States Party to the Treaty reaffirm their strong common interest in averting the further proliferation of nuclear weapons. They reaffirm their strong support for the Treaty, their continued dedication to its principles and objectives, and their commitment to implement fully and more effectively its provisions.

They reaffirm the vital role of the Treaty in international efforts

- to avert further proliferation of nuclear weapons
- to achieve the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament, and
- to promote cooperation in the peaceful uses of nuclear energy under adequate safeguards.

### Review of Articles I and II

The review undertaken by the Conference confirms that the obligations undertaken under Articles I and II of the Treaty have been faithfully observed by all Parties. The Conference is convinced that the continued strict observance of these Articles remains central to the shared objective of averting the further proliferation of nuclear weapons.

### Review of Article III

The Conference notes that the verification activities of the IAEA under Article III.1, of the Treaty respect the sovereign rights of States and do not hamper the economic, scientific or technological developments of the Parties to the Treaty or international cooperation in peaceful nuclear activities. It urges that this situation be maintained. The Conference attaches considerable importance to the continued application of safeguards under Article III.1, on a non-discriminatory basis, for the equal benefit of all States Party to the Treaty.

The Conference notes the importance of systems of accounting for and control of nuclear material, from the standpoints both of the responsibilities of States Party to the Treaty and of cooperation with the IAEA in order to facilitate the implementation of the safeguards provided for in Article III.1. The Conference expresses the hope that all States having peaceful nuclear activities will establish and maintain effective accounting and control systems and welcomes the readiness of the IAEA to assist States in so doing.

The Conference expresses its strong support for effective IAEA safeguards. In this context it recommends that intensified efforts be made towards the standardization and the universality of application of IAEA safeguards, while ensuring that safeguards agreements with non-nuclear-weapon States not Party to the Treaty are of adequate duration, preclude diversion to any nuclear explosive devices and contain appropriate provisions for the continuance of the application of safeguards upon re-exports.

The Conference recommends that more attention and fuller support be given to the improvement of safeguards

techniques, instrumentation, data-handling and implementation in order, among other things to ensure optimum cost-effectiveness. It notes with satisfaction the establishment by the Director General of the IAEA of a standing advisory group on safeguards implementation.

The Conference emphasises the necessity for the States Party to the Treaty that have not yet done so to conclude as soon as possible safeguards agreements with the IAEA.

With regard to the implementation of Article III.2 of the Treaty, the Conference notes that a number of States suppliers of nuclear material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connexion with their exports of certain such items to non-nuclear-weapon States not Party to the Treaty (IAEA document INFCIRC/209 and Addenda). The Conference attaches particular importance to the condition, established by those States, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements.

The Conference urges that:

- (a) in all achievable ways, common export requirements relating to safeguards be strengthened, in particular by extending the application of safeguards to all peaceful nuclear activities in important States not Party to the Treaty;
- (b) such common requirements be accorded the widest possible measure of acceptance among all suppliers and recipients;
- (c) all Parties to the Treaty should actively pursue their efforts to these ends.

The Conference takes note of:

- (a) the considered view of many Parties to the Treaty that the safeguards required under Article III, 2 should extend to all peaceful nuclear activities in importing States;
- (b) (i) the suggestion that it is desirable to arrange for common safeguards requirements in respect of nuclear material processed, used or produced by the use of scientific and technological information transferred in tangible form to non-nuclear-weapon States not Party to the Treaty;
- (ii) the hope that this aspect of safeguards could be further examined.

The Conference recommends that, during the review of the arrangements relating to the financing of safeguards in the IAEA which is to be undertaken by its Board of Governors at an appropriate time after 1975, the less favourable financial situation of the developing countries be fully taken into account. It recommends further that on that occasion, the Parties to the Treaty concerned seek measures that would restrict within appropriate limits the respective shares of developing countries in safeguards costs.

The Conference attaches considerable importance, so far as safeguards inspectors are concerned, to adherence by the IAEA to Article VII.D of its Statute, prescribing, among other things, that 'due regards shall be paid ... to the importance of recruiting the staff on as wide a geographical basis as possible'; it also recommends that safeguards training be made available to personnel from all geographic regions.

The Conference, convinced that nuclear materials should be effectively protected at all times, urges that action be pursued to elaborate further, within the IAEA, concrete

recommendations for the physical protection of nuclear material in use, storage and transit, including principles relating to the responsibility of States, with a view to ensuring a uniform, minimum level of effective protection for such material.

It calls upon all States engaging in peaceful nuclear activities (i) to enter into such international agreements and arrangements as may be necessary to ensure such protection; and (ii) in the framework of their respective physical protection systems, to give the earliest possible effective application to the IAEA's recommendations.

#### Review of Article IV

The Conference reaffirms, in the framework of Article IV, 1 that nothing in the Treaty shall be interpreted as affecting, and notes with satisfaction that nothing in the Treaty has been identified 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 the Treaty.

The Conference reaffirms, in the framework of Article IV.2, the undertaking by all Parties to the Treaty to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, and the right of all Parties to the Treaty to participate in such exchange and welcomes the efforts made towards that end. Noting that the Treaty constitutes a favourable framework for broadening international cooperation in the peaceful uses of nuclear energy, the Conference is convinced that on this basis, and in conformity with the Treaty, further efforts should be made to ensure that the benefits of peaceful applications of nuclear technology should be available to all Parties to the Treaty.

The Conference recognizes that there continues to be a need for the fullest possible exchange of nuclear materials, equipment and technology, including up-to-date developments, consistent with the objectives and safeguards requirements of the Treaty. The Conference reaffirms the undertaking of the 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 Party to the Treaty, with due consideration for the needs of the developing areas of the world. Recognizing, in the context of Article IV.2, those growing needs of developing States the Conference considers it necessary to continue and increase assistance to them in this field bilaterally and through such multilateral channels as the IAEA and the United Nations Development Programme.

The Conference is of the view that, in order to implement as fully as possible Article IV of the Treaty, developed States Party to the Treaty should consider taking measures, making contributions and establishing programmes, as soon as possible, for the provision of special assistance in the peaceful uses of nuclear energy for developing States Party to the Treaty.

The Conference recommends that, in reaching decisions on the provision of equipment, materials, services and scientific and technological information for the peaceful uses of nuclear energy, on concessional and other

appropriate financial arrangements and on the furnishing of technical assistance in the nuclear field, including cooperation related to the continuous operation of peaceful nuclear facilities, States Party to the Treaty should give weight to adherence to the Treaty by recipient States. The Conference recommends, in this connexion that any special measures of cooperation to meet the growing needs of developing States Party to the Treaty might include increased and supplemental voluntary aid provided bilaterally or through multilateral channels such as the IAEA's facilities for administering funds-in-trust and gifts-in-kind.

The Conference further recommends that States Party to the Treaty in a position to do so, meet, to the fullest extent possible, 'technically sound' requests for technical assistance, submitted to the IAEA by developing States Party to the Treaty, which the IAEA is unable to finance from its own resources, as well as such 'technically sound' requests as may be made by developing States Party to the Treaty which are not Members of the IAEA.

The Conference recognizes that regional or multinational nuclear fuel cycle centres may be an advantageous way to satisfy, safely and economically, the needs of many States in the course of initiating or expanding nuclear power programmes, while at the same time facilitating physical protection and the application of IAEA safeguards, and contributing to the goals of the Treaty.

The Conference welcomes the IAEA's studies in this area, and recommends that they be continued as expeditiously as possible. It considers that such studies should include, among other aspects, identification of the complex practical and organizational difficulties which will need to be dealt with in connexion with such projects.

The Conference urges all Parties to the Treaty in a position to do so to cooperate in these studies, particularly by providing to the IAEA where possible economic data concerning construction and operation of facilities such as chemical reprocessing plants, plutonium fuel fabrication plants, waste management installations and longer-term spent fuel storage, and by assistance to the IAEA to enable it to undertake feasibility studies concerning the establishment of regional nuclear fuel cycle centres in specific geographic regions.

The Conference hopes that, if these studies lead to positive findings, and if the establishment of regional or multinational nuclear fuel cycle centres is undertaken, Parties to the Treaty in a position to do so, will cooperate in, and provide assistance for, the elaboration and realization of such projects.

#### **Review of Article V**

The Conference reaffirms the obligation of Parties to the Treaty to take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to non-nuclear-weapon States Party to the Treaty in full accordance with the provisions of Article V and other applicable international obligations. In this connexion, the Conference also reaffirms that such services should be provided 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 should be as low as possible and exclude any charge for research and development.

The Conference notes that any potential benefits could be made available to non-nuclear-weapon States not Party to the Treaty by way of nuclear explosion services provided by nuclear-weapon States, as defined by the Treaty, and conducted under the appropriate international observation and international procedures called for in Article V and in accordance with other applicable international obligations. The Conference considers it imperative that access to potential benefits of nuclear explosions for peaceful purposes not lead to any proliferation of nuclear explosive capability.

The Conference considers the IAEA to be the appropriate international body, referred to in Article V of the Treaty, through which potential benefits from peaceful applications of nuclear explosions could be made available to any non-nuclear-weapon State. Accordingly, the Conference urges the IAEA to expedite work on identifying and examining the important legal issues involved in, and to commence consideration of, the structure and content of the special international agreement or agreements contemplated in Article V of the Treaty, taking into account the views of the Conference of the Committee on Disarmament (CCD) and the United Nations General Assembly and enabling States Party to the Treaty but not Members of the IAEA which would wish to do so to participate in such work.

The Conference notes that the technology of nuclear explosions for peaceful purposes is still at the stage of development and study and that there are a number of interrelated international legal and other aspects of such explosions which still need to be investigated.

The Conference commends the work in this field that has been carried out within the IAEA and looks forward to the continuance of such work pursuant to United Nations General Assembly resolution 3261 D (XXIX). It emphasizes that the IAEA should play the central role in matters relating to the provision of services for the application of nuclear explosions for peaceful purposes. It believes that the IAEA should broaden its consideration of this subject to encompass, within its area of competence, all aspects and implications of the practical applications of nuclear explosions for peaceful purposes. To this end it urges the IAEA to set up appropriate machinery within which intergovernmental discussion can take place and through which advice can be given on the Agency's work in this field.

The Conference attaches considerable importance to the consideration by the CCD, pursuant to United Nations General Assembly resolution 3261 D (XXIX) and taking due account of the views of the IAEA, of the arms control implications of nuclear explosions for peaceful purposes.

The Conference notes that the thirtieth session of the United Nations General Assembly will receive reports pursuant to United Nations General Assembly resolution 3261 D (XXIX) and will provide an opportunity for States to discuss questions related to the application of nuclear explosions for peaceful purposes. The Conference further notes that the results of discussion in the United Nations General Assembly at its thirtieth session will be available to be taken into account by the IAEA and the CCD for their further consideration.

### Review of Article VI

The Conference recalls the provisions of Article VI of the Treaty under which all Parties undertook to pursue negotiations in good faith on effective measures relating:

- to the cessation of the nuclear arms race at an early date and
- to nuclear disarmament and
- to a treaty on general and complete disarmament under strict and effective international control.

While welcoming the various agreements on arms limitation and disarmament elaborated and concluded over the last few years as steps contributing to the implementation of Article VI of the Treaty, the Conference expresses its serious concern that the arms race, in particular the nuclear arms race, is continuing unabated.

The Conference therefore urges constant and resolute efforts by each of the Parties to the Treaty, in particular by the nuclear-weapon States, to achieve an early and effective implementation of Article VI of the Treaty.

The Conference affirms the determination expressed in the preamble to the 1963 Partial Test Ban Treaty and reiterated in the preamble to the Non-Proliferation Treaty to achieve the discontinuance of all test explosions of nuclear weapons for all time. The Conference expresses the view that the conclusion of a treaty banning all nuclear weapons tests is one of the most important measures to halt the nuclear arms race. It expresses the hope that the nuclear-weapon States Party to the Treaty will take the lead in reaching an early solution to the technical and political difficulties on this issue. It appeals to these States to make every effort to reach agreement on the conclusion of an effective comprehensive test ban. To this end, the desire was expressed by a considerable number of delegations at the Conference that the nuclear-weapon States Party to the Treaty should as soon as possible enter into an agreement, open to all States and containing appropriate provisions to ensure its effectiveness, to halt all nuclear weapons tests of adhering States for a specified time, whereupon the terms of such an agreement would be reviewed in the light of the opportunity, at that time, to achieve a universal and permanent cessation of all nuclear weapon tests. The Conference calls upon the nuclear-weapon States signatories of the Treaty on the Limitation of Underground Nuclear Weapons Tests, meanwhile, to limit the number of their underground nuclear weapons tests to a minimum. The Conference believes that such steps would constitute an incentive of particular value to negotiations for the conclusion of a treaty banning all nuclear weapons test explosions for all time.

The Conference appeals to the nuclear-weapon States parties to the negotiations on the limitation of strategic arms to endeavour to conclude at the earliest possible date the new agreement that was outlined by their leaders in November 1974. The Conference looks forward to the commencement of follow-on negotiations on further limitations of, and significant reductions in, their nuclear weapons systems as soon as possible following the conclusion of such an agreement.

The Conference notes that, notwithstanding earlier progress, the CCD has recently been unable to reach agreement on new substantive measures to advance the objectives of Article VI of the Treaty. It urges, therefore, all members of the CCD Party to the Treaty, in particular the nuclear-weapon States Party, to increase their efforts to

achieve effective disarmament agreements on all subjects on the agenda of the CCD.

The Conference expresses the hope that all States Party to the Treaty, through the United Nations and the CCD and other negotiations in which they participate, will work with determination towards the conclusion of arms limitation and disarmament agreements which will contribute to the goal of general and complete disarmament under strict and effective international control.

The Conference expresses the view that, disarmament being a matter of general concern, the provision of information to all governments and peoples on the situation in the field of the arms race and disarmament is of great importance for the attainment of the aims of Article VI. The Conference therefore invites the United Nations to consider ways and means of improving its existing facilities for the collection, compilation and dissemination of information on disarmament issues, in order to keep all governments as well as world public opinion properly informed on progress achieved in the realization of the provisions of Article VI of the Treaty.

### Review of Article VII and the Security of Non-Nuclear Weapon States

Recognizing that all States have need to ensure their independence, territorial integrity and sovereignty, the Conference emphasizes the particular importance of assuring and strengthening the security of non-nuclear-weapon States Parties which have renounced the acquisition of nuclear weapons. It acknowledges that States Parties find themselves in different security situations and therefore that various appropriate means are necessary to meet the security concerns of States Parties.

The Conference underlines the importance of adherence to the Treaty by non-nuclear-weapon States as the best means of reassuring one another of their renunciation of nuclear weapons and as one of the effective means of strengthening their mutual security.

The Conference takes note of the continued determination of the Depositary States to honour their statements, which were welcomed by the United Nations Security Council in resolution 255(1968), that, to ensure the security of the non-nuclear-weapon States Party to the Treaty, they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty which is a victim of an act or an object of a threat of aggression in which nuclear weapons are used.

The Conference, bearing in mind Article VII of the Treaty, considers that the establishment of internationally recognized nuclear-weapon-free zones on the initiative and with the agreement of the directly concerned States of the zone, represents an effective means of curbing the spread of nuclear weapons, and could contribute significantly to the security of those States. It welcomes the steps which have been taken toward the establishment of such zones.

The Conference recognizes that for the maximum effectiveness of any Treaty arrangements for establishing a nuclear-weapon-free zone the cooperation of the nuclear-weapon States is necessary. At the Conference it was urged by a considerable number of delegations that nuclear-weapon States should provide, in an appropriate manner, binding security assurances to those States which

become fully bound by the provisions of such regional arrangements.

At the Conference it was also urged that determined efforts must be made especially by the nuclear-weapon States Party to the Treaty, to ensure the security of all non-nuclear-weapon States Parties. To this end the Conference urges all States, both nuclear-weapon States and non-nuclear-weapon States to refrain, in accordance with the Charter of the United Nations, from the threat or the use of force in relations between States, involving either nuclear or non-nuclear weapons. Additionally, it stresses the responsibility of all Parties to the Treaty and especially the nuclear-weapon States, to take effective steps to strengthen the security of non-nuclear-weapon States and to promote in all appropriate fora the consideration of all practical means to this end, taking into account the views expressed at this Conference.

#### **Review of Article VIII**

The Conference invites States Party to the Treaty which are Members of the United Nations to request the Secretary-General of the United Nations to include the following items in the provisional agenda of the thirty-first session of the General Assembly: 'Implementation of the conclusions of the first Review Conference of the Parties

to the Treaty on the Non-Proliferation of Nuclear Weapons'.

The States Party to the Treaty participating in the Conference propose to the Depositary Governments that a second Conference to review the operation of the Treaty by convened in 1980.

The Conference accordingly invites States Party to the Treaty which are Members of the United Nations to request the Secretary-General of the United Nations to include the following item in the provisional agenda of the thirty-third session of the General Assembly: 'Implementation of the conclusions of the first Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a preparatory committee for the second Conference'.

#### **Review of Article IX**

The five years that have passed since the entry into force of the Treaty have demonstrated its wide international acceptance. The Conference welcomes the recent progress towards achieving wider adherence. At the same time, the Conference notes with concern that the Treaty has not as yet achieved universal adherence. Therefore, the Conference expresses the hope that States that have not already joined the Treaty should do so at the earliest possible date.

## Final Declaration of the Third Review Conference of the NPT

*The States Party to the Treaty on the Non-Proliferation of Nuclear Weapons Which Met in Geneva From 27 August To 21 September 1985 to Review the Operation of the Treaty Solemnly Declared:*

- their conviction that the Treaty is essential to international peace and security,
- their continued support for the objectives of the Treaty which are:
  - the prevention of proliferation of nuclear weapons or other nuclear explosive devices;
  - the cessation of the nuclear arms race, nuclear disarmament and a Treaty on general and complete disarmament;
  - the promotion of co-operation between States Parties in the field of the peaceful use of nuclear energy,
- the reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Treaty,
- their determination to enhance the implementation of the Treaty and to further strengthen its authority.

### Review of the Operation of the Treaty and Recommendations

#### Articles I and II and preambular paragraphs 1-3

The Conference noted the concerns and convictions expressed in preambular paragraphs 1 to 3 and agreed that they remain valid. The States Party to the Treaty remain resolved in their belief in the need to avoid the devastation that a nuclear war would bring. The Conference remains convinced that any proliferation of nuclear weapons would seriously increase the danger of a nuclear war.

The Conference agreed that the strict observance of the terms of Articles I and II 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, including to the peace and security of non-Parties.

The Conference acknowledged the declarations by nuclear-weapons States Party to the Treaty that they had fulfilled their obligations under Article I. The Conference further acknowledged the declarations that non-nuclear-weapons States Party to the Treaty had fulfilled their obligations under Article II. The Conference was of the view therefore that one of the primary objectives of the Treaty had been achieved in the period under review.

The Conference also expressed deep concern that the national nuclear programmes of some States non-Party to the Treaty may lead them to obtain a nuclear weapon capability. States Party to the Treaty stated that any further detonation of a nuclear explosive device by any non-nuclear-weapon State would constitute a most serious breach of the non-proliferation objective.

The Conference noted the great and serious concerns expressed about the nuclear capability of South Africa and Israel. The Conference further noted the calls on all States for the total and complete prohibition of the transfer of all nuclear facilities, resources or devices to South Africa and Israel and to stop all exploitation of Namibian uranium,

natural or enriched, until the attainment of Namibian independence.

#### Article III and preambular paragraphs 4 and 5

1. The Conference affirms its determination to strengthen further the barriers against the proliferation of nuclear weapons and other nuclear explosive devices to additional States. The spread of nuclear explosive capabilities would add immeasurably to regional and international tensions and suspicions. It would increase the risk of nuclear war and lessen the security of all States. The Parties remain convinced that universal adherence to the Non-Proliferation Treaty is the best way to strengthen the barriers against proliferation and they urge all States not party to the Treaty to accede to it. The Treaty and the regime of non-proliferation it supports play a central role in promoting regional and international peace and security, *inter alia*, by helping to prevent the spread of nuclear explosives. The non-proliferation and safeguards commitments in the Treaty are essential also for peaceful nuclear commerce and co-operation.
2. The Conference expresses the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States in demonstrating this compliance. They thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security. IAEA safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. Unsafeguarded nuclear activities in non-nuclear-weapon States pose serious proliferation dangers.
3. The Conference declares that the commitment to non-proliferation by nuclear-weapon States Party to the Treaty pursuant to Article I, by non-nuclear-weapon States Party to the Treaty pursuant to Article II, and by the acceptance of IAEA safeguards on all peaceful nuclear activities within non-nuclear-weapon States Party to the Treaty pursuant to Article III is a major contribution by those States to regional and international security. The Conference notes with satisfaction that the commitments in Articles I-III have been met and have greatly helped prevent the spread of nuclear explosives.
4. The Conference therefore specifically urges all non-nuclear-weapon States not party to the Treaty to make an international legally-binding commitment not to acquire nuclear weapons or other nuclear explosive devices and to accept IAEA safeguards on all their peaceful nuclear activities, both current and future, to verify that commitment. The Conference further urges all States in their international nuclear co-operation and in their nuclear export policies and, specifically as a necessary basis for the transfer of relevant nuclear supplies to non-nuclear-weapon States, to take effective steps towards achieving such a commitment to non-proliferation and acceptance of such safeguards by those States. The Conference expresses its view that accession to the Non-Proliferation Treaty is the best way to achieve that objective.
5. The Conference expresses its satisfaction that four of the five nuclear-weapon States have voluntarily concluded safeguards agreements with the IAEA,

- covering all or part of their peaceful nuclear activities. The Conference regards those agreements as further strengthening the non-proliferation regime and increasing the authority of IAEA and the effectiveness of its safeguards system. The Conference calls on the nuclear-weapon States to continue to co-operate fully with the IAEA in the implementation of these agreements and calls on IAEA to take full advantage of this co-operation. The Conference urges the People's Republic of China similarly to conclude a safeguards agreement with IAEA. The Conference recommends the continued pursuit of the principle of universal application of IAEA safeguards to all peaceful nuclear activities in all States. To this end, the Conference recognizes the value of voluntary offers and recommends further evaluation of the economic and practical possibility of extending application of safeguards to additional civil facilities in the nuclear-weapon States as and when IAEA resources permit and consideration of separation of the civil and military facilities in the nuclear-weapon States. Such an extending of safeguards will enable the further development and application of an effective regime in both nuclear-weapon States and non-nuclear-weapon States.
6. The Conference also affirms the great value to the non-proliferation regime of commitments by the nuclear-weapon States that nuclear supplies provided for peaceful use will not be used for nuclear weapons or other nuclear explosive purposes. Safeguards in nuclear-weapon States pursuant to their safeguards agreements with IAEA can verify observance of those commitments.
  7. The Conference notes with satisfaction the adherence of further Parties to the Treaty and the conclusion of further safeguards agreements in compliance with the undertaking of the Treaty and recommends that:
    - (a) The non-nuclear-weapon States Party to the Treaty that have not concluded the agreements required under Article III (4) conclude such agreements with IAEA as soon as possible;
    - (b) The Director-General of IAEA intensify his initiative of submitting to States concerned draft agreements to facilitate the conclusion of corresponding safeguards agreements, and that Parties to the Treaty, in particular Depositary Parties, should actively support these initiatives;
    - (c) All States Party to the Treaty make strenuous individual and collective efforts to make the Treaty truly universal.
  8. The Conference notes with satisfaction that IAEA in carrying out its safeguards activities has not detected any diversion of a significant amount of safeguarded material to the production of nuclear weapons, other nuclear explosive devices or to purposes unknown.
  9. The Conference notes that IAEA safeguards activities have not hampered the economic, scientific or technological development of the Parties to the Treaty or international co-operation in peaceful nuclear activities and it urges that this situation be maintained.
  10. The Conference commends IAEA on its implementation of safeguards pursuant to this Treaty and urges it to continue to ensure the maximum technical and cost effectiveness and efficiency of its operations, while maintaining consistency with the economic and safe conduct of nuclear activities.
  11. The Conference notes with satisfaction the improvements of IAEA safeguards which has enabled it to continue to apply safeguards effectively during a period of rapid growth in the number of safeguarded facilities. It also notes that IAEA safeguards approaches are capable of adequately dealing with facilities under safeguards. In this regard, the recent conclusion of the project to design a safeguards regime for centrifuge enrichment plants and its implementation is welcomed. This project allows the application of an effective regime to all plants of this type in the territories both of nuclear-weapon States and non-nuclear-weapon States Parties to the Treaty.
  12. The Conference emphasizes the importance of continued improvements in the effectiveness and efficiency of IAEA safeguards, for example, but not limited to:
    - (a) Uniform and non-discriminatory implementation of safeguards;
    - (b) The expeditious implementation of new instruments and techniques;
    - (c) The further development of methods for evaluation of safeguards effectiveness in combination with safeguards information;
    - (d) Continued increases in the efficiency of the use of human and financial resources and of equipment.
  13. The Conference believes that further improvement of the list of materials and equipment which, in accordance with Article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology.
  14. The Conference recommends that IAEA establish an internationally agreed effective system of international plutonium storage in accordance with Article XII (A) 5 of its statute.
  15. The Conference welcomes the significant contributions made by States Parties in facilitating the application of IAEA safeguards and in supporting research, development and other supports to further the application of effective and efficient safeguards. The Conference urges that such co-operation and support be continued and that other States Parties provide similar support.
  16. The Conference calls upon all States to take IAEA safeguards requirements fully into account while planning, designing and constructing new nuclear fuel cycle facilities and while modifying existing nuclear fuel cycle facilities.
  17. The Conference also calls on States Parties to the Treaty to assist the IAEA in applying its safeguards, *inter alia*, through the efficient operation of State systems of accounting for and control of nuclear material, and including compliance with all notification requirements in accordance with safeguards agreements.
  18. The Conference welcomes the Agency's endeavour to recruit and train staff of the highest professional standards for safeguards implementation with regard to the widest possible geographical distribution, in accordance with Article VII D of the IAEA Statute. It calls upon States to exercise their right regarding proposals of designation of IAEA inspectors in such a way as to facilitate the most effective use of safeguards manpower.
  19. The Conference also commends to all States Parties the merits of establishment of international fuel cycle facilities, including multination participation, as a

positive contribution to reassurance of the peaceful use and non-diversion of nuclear materials. While primarily a national responsibility, the Conference sees advantages in international co-operation concerning spent fuel storage and nuclear waste storage.

20. The Conference calls upon States Parties to continue their political, technical and financial support of the IAEA safeguards system.
21. The Conference underlines the need for IAEA to be provided with the necessary financial and human resources to ensure that the Agency is able to continue to meet effectively its safeguards responsibilities.
22. The Conference urges all States that have not done so to adhere to the Convention on the physical protection of nuclear material at the earliest possible date.

#### Article IV and preambular paragraphs 6 and 7

1. The Conference affirms that the NPT fosters the world-wide peaceful use of nuclear energy and reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of any Party 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.
2. The Conference reaffirms the undertaking by all Parties to the Treaty, in accordance with Article IV and preambular paragraphs 6 and 7, to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy and the right of all Parties to the Treaty to participate in such exchange. In this context, the Conference recognizes the importance of services. This can contribute to progress in general and to the elimination of technological and economic gaps between the developed and developing countries.
3. The Conference reaffirms the undertaking of the Parties to the Treaty in a position to do so to co-operate 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 Party to the Treaty, with due consideration for the needs of the developing areas of the world. In this context the Conference recognizes the particular needs of the least developed countries.
4. The Conference requests that States Parties consider possible bilateral co-operation measures to further improve the implementation of Article IV. To this end, States Parties are requested to give in written form their experiences in this area in the form of national contributions to be presented in a report to the next Review Conference.
5. The Conference recognizes the need for more predictable long-term supply assurances with effective assurances of non-proliferation.
6. The Conference commends the recent progress which the IAEA's Committee on Assurances of Supply (CAS) has made towards agreeing a set of principles related to this matter, and expresses the hope that the Committee will complete this work soon. The Conference further notes with satisfaction the measures which CAS has recommended to the IAEA Board of Governors for alleviating technical and administrative problems in international shipments of

nuclear items, emergency and back-up mechanisms, and mechanisms for the revision of international nuclear co-operation agreements and calls for the early completion of the work of CAS and the implementation of its recommendations.

7. The Conference reaffirms that in accordance with international law and applicable treaty obligations, States should fulfil their obligations under agreements in the nuclear field, and any modification of such agreements, if required, should be made only by mutual consent of the parties concerned.
8. The Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies. International co-operation in this area, including international transfer and subsequent operations should be governed by effective assurances of non-proliferation and predictable long-term supply assurances. The issuance of related licences and authorization involved should take place in a timely fashion.
9. While recognizing that the operation and management of the back-end of the fuel cycle including nuclear waste storage are primarily a national responsibility, the Conference acknowledges the importance for the peaceful uses of nuclear energy of international and multinational collaboration for arrangements in this area.
10. The Conference expresses its profound concern about the Israeli military attack on Iraq's safeguarded nuclear reactor on 7 June 1981. The Conference recalls Security Council Resolution 487 of 1981, strongly condemning the military attack by Israel which was unanimously adopted by the Council and which considered that the said attack constituted a serious threat to the entire IAEA safeguards regime which is the foundation of the Non-Proliferation Treaty. The Conference also takes note of the decisions and resolutions adopted by the United Nations General Assembly and the International Atomic Energy Agency on this attack, including Resolution 425 of 1984 adopted by the General Conference of the IAEA.
11. The Conference recognizes that an armed attack on a safeguarded nuclear facility, or threat of attack, would create a situation in which the Security Council would have to act immediately in accordance with provisions of the United Nations Charter. The Conference further emphasizes the responsibilities of the Depositaries of NPT in their capacity as permanent members of the Security Council to endeavour, in consultation with other members of the Security Council, to give full consideration to all appropriate measures to be undertaken by the Security Council to deal with the situation, including measures under Chapter VII of the United Nations Charter.
12. The Conference encourages Parties to be ready to provide immediate peaceful assistance in accordance with international law to any Party to the NPT, if it so requests, whose safeguarded nuclear facilities have been subject to an armed attack, and calls upon all States to abide by any decisions taken by the Security Council in accordance with the United Nations Charter in relation to the attacking State.
13. The Conference considers that such attacks could involve grave dangers due to the release of radioactivity and that such attacks or threats of attack jeopardize the development of the peaceful uses of

- nuclear energy. The Conference also acknowledges that the matter is under consideration by the Conference on Disarmament and urges co-operation of all States for its speedy conclusion.
14. The Conference acknowledges the importance of the work of the International Atomic Energy Agency (IAEA) as the principal agent for technology transfer amongst the international organizations referred to in Article IV(2) and welcomes the successful operation of the Agency's technical assistance and co-operation programmes. The Conference records with appreciation that projects supported from these programmes covered a wide spectrum of applications, related both to power and non-power uses of nuclear energy notably in agriculture, medicine, industry and hydrology. The Conference notes that the Agency's assistance to the developing States Party to the Treaty has been chiefly in the non-power uses of nuclear energy.
  15. The Conference welcomes the establishment by the IAEA, following a recommendation of the First Review Conference of the Parties to the Treaty, of a mechanism to permit the channelling of extra-budgetary funds to projects additional to those financed from the IAEA Technical Assistance and Co-operation Fund. The Conference notes that this channel has been used to make additional resources available for a wide variety of projects in developing States Party to the Treaty.
  16. In this context, the Conference proposes the following measures for consideration by the IAEA:
    - (i) IAEA assistance to developing countries in siting, construction, operation and safety of nuclear power projects and the associated trained manpower provision to be strengthened.
    - (ii) To provide, upon request, assistance in securing financing from outside sources of nuclear power projects in developing countries, and in particular the least developed countries.
    - (iii) IAEA assistance in nuclear planning systems for developing countries to be strengthened in order to help such countries draw up their own nuclear development plans.
    - (iv) IAEA assistance on country-specific nuclear development strategies to be further developed, with a view to identifying the application of nuclear technology that can be expected to contribute most to the development both of individual sectors and developing economies as a whole.
    - (v) Greater support for regional co-operative agreements, promoting regional projects based on regionally agreed priorities and using inputs from regional countries.
    - (vi) Exploration of the scope for multi-year, multi-donor projects financed from the extra-budgetary resources of the IAEA.
    - (vii) The IAEA's technical co-operation evaluation activity to be further developed, so as to enhance the Agency's effectiveness in providing technical assistance.
  17. The Conference underlines the need for the provision to the IAEA of the necessary financial and human resources to ensure that the Agency is able to continue to meet effectively its responsibilities.
  18. The Conference notes the appreciable level of bilateral co-operation in the peaceful uses of nuclear energy, and urges that States in a position to do so should continue and where possible increase the level of their co-operation in these fields.
  19. The Conference urges that preferential treatment should be given to the non-nuclear-weapon States Party to the Treaty in access to or transfer of equipment, materials, services and scientific and technological information for the peaceful uses of nuclear energy, taking particularly into account needs of developing countries.
  20. Great and serious concerns were expressed at the Conference about the nuclear capability of South Africa and Israel and the development of such a capability by South Africa and Israel would undermine the credibility and stability of the Non-Proliferation Treaty regime. The Conference noted the demands made on all States to suspend any co-operation which would contribute to the nuclear programme of South Africa and Israel. The Conference further noted the demands made on South Africa and Israel to accede to the NPT, to accept IAEA safeguards on all their nuclear facilities and to pledge themselves not to manufacture or acquire nuclear weapons or other nuclear explosive devices.
  21. The Conference recognizes the growing nuclear energy needs of the developing countries as well as the difficulties which the developing countries face in this regard, particularly with respect to financing their nuclear power programmes. The Conference calls upon States Party to the Treaty to promote the establishment of favourable conditions in national, regional and international financing institutions for financing of nuclear energy projects including nuclear power programmes in developing countries. Furthermore, the Conference calls upon the IAEA to initiate and the Parties to the Treaty to support the work of an expert group study on mechanisms to assist developing countries in the promotion of their nuclear power programmes, including the establishment of a Financial Assistance Fund.
  22. The Conference recognizes that further IAEA assistance in the preparation of feasibility studies and infrastructure development might enhance the prospects for developing countries for obtaining finance, and recommends such countries as are members of the Agency to apply for such help under the Agency's technical assistance and co-operation programmes. The Conference also acknowledges that further support for the IAEA's Small and Medium Power Reactor (SMPR) Study could help the development of nuclear reactors more suited to the needs of some of the developing countries.
  23. The Conference expresses its satisfaction at the progress in the preparations for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy (UNCPICPUNE) and its conviction that UNCPICPUNE will fully realize its goals in accordance with the objectives of resolution 32/50 and relevant subsequent resolutions of the General Assembly for the development of national programmes of peaceful uses of nuclear energy for economic and social development, especially in the developing countries.
  24. The Conference considers that all proposals related to the promotion and strengthening of international co-operation in the peaceful uses of nuclear energy

which have been produced by the Third Review Conference of the NPT, be transmitted to the Preparatory Committee of the UNCPICPUNE.

#### Article V

1. The Conference reaffirms the obligation of Parties to the Treaty to take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to non-nuclear weapon States Party to the Treaty in full accordance with the provisions of Article V and other applicable international obligations, that such services should be provided 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 should be as low as possible and exclude any charge for research and development.
2. The Conference confirms that the IAEA would be the appropriate international body through which any potential benefits of the peaceful applications of nuclear explosions could be made available to non-nuclear weapon States under the terms of Article V of the Treaty.
3. The Conference notes that the potential benefits of the peaceful applications of nuclear explosions have not been demonstrated and that no requests for services related to the peaceful applications of nuclear explosions have been received by the IAEA since the Second NPT Review Conference.

#### Article VI and preambular paragraphs 8-12

- A. 1. The Conference recalled that under the provisions of Article VI all Parties have undertaken to pursue negotiations in good faith:
  - on effective measures relating to cessation of the nuclear arms race at an early date;
  - on effective measures relating to nuclear disarmament;
  - on a Treaty on general and complete disarmament under strict and effective international control.
2. The Conference undertook an evaluation of the achievements in respect of each aspect of the Article in the period under review, and paragraphs 8 to 12 of the preamble, and in particular with regard to the goals set out in preambular paragraph 10 which recalls the determination expressed by the Parties to the Partial Test Ban Treaty to:
  - continue negotiations to achieve the discontinuance of all test explosions of nuclear weapons for all time.
3. The Conference recalled the declared intention of the Parties to the Treaty 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 and their urging made to all States Parties to co-operate in the attainment of this objective. The Conference also recalled 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 on nuclear weapons for all time and the desire 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 existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery.

4. The Conference notes that the Tenth Special Session of the General Assembly of the United Nations concluded, in paragraph 50 of its Final Document, that the achievement of nuclear disarmament will require urgent negotiations of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:
  - (a) cessation of the qualitative improvement and development of nuclear-weapon systems;
  - (b) cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;
  - (c) a comprehensive, phased programme with agreed time-tables whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.
5. The Conference also recalled that in the Final Declaration of the First Review Conference, the Parties expressed the view that the conclusion of a treaty banning all nuclear-weapon tests was one of the most important measures to halt the nuclear arms race and expressed the hope that the nuclear-weapon States Party to the Treaty would take the lead in reaching an early solution of the technical and political difficulties of this issue.
6. The Conference examined developments relating to the cessation of the nuclear arms race in the period under review and noted in particular that the destructive potentials of the nuclear arsenals of nuclear-weapon States parties were undergoing continuing development, including a growing research and development component in military spending, continued nuclear testing, development of new delivery systems and their deployment.
7. The Conference noted the concerns expressed regarding developments with far reaching implications and the potential of a new environment, space, being drawn into the arms race. In that regard the Conference also noted the fact that the United States of America and the Union of Soviet Socialist Republics are pursuing bilateral negotiations on a broad complex of questions concerning space and nuclear arms, with a view to achieving effective agreements aimed at preventing an arms race in space and terminating it on Earth.
8. The Conference noted with regret that the development and deployment of nuclear weapon systems had continued during the period of review.
9. The Conference also took note of numerous proposals and actions, multilateral and unilateral, advanced during the period under review by many States with the aim of making progress towards the cessation of the nuclear arms race and nuclear disarmament.

10. The Conference examined the existing situation in the light of the undertaking assumed by the Parties in Article VI 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. The Conference recalled that a stage of negotiations on the Strategic Arms Limitations Talks (SALT II) had been concluded in 1979, by the signing of the Treaty which had remained unratified. The Conference noted that both the Union of Soviet Socialist Republics and the United States of America have declared that they are abiding by the provisions of SALT II.
  11. The Conference recalled that the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America which were held between 1981 and 1983 were discontinued without any concrete results.
  12. The Conference noted that bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America had been held in 1985 to consider questions concerning space and nuclear arms, both strategic and intermediate-range, with all the questions considered and resolved in the interrelationship. No agreement has emerged so far. These negotiations are continuing.
  13. The Conference evaluated the progress made in multilateral nuclear disarmament negotiations in the period of the Review.
  14. The Conference recalled that the trilateral negotiations on a comprehensive test ban treaty, begun in 1977 between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had not continued after 1980, that the Committee on Disarmament and later the Conference on Disarmament had been called upon by the General Assembly of the United Nations in successive years to begin negotiations on such a Treaty, and noted that such negotiations had not been initiated, despite the submission of draft treaties and different proposals to the Conference on Disarmament in this regard.
  15. The Conference noted the lack of progress on relevant items of the agenda of the Conference on Disarmament, in particular those relating to the cessation of the nuclear arms race and nuclear disarmament, the prevention of nuclear war including all related matters and effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
  16. The Conference noted that two Review Conferences had taken place since 1980, one on the Seabed Treaty and one on the Environmental Modification Treaty and three General Conferences of the Agency for the Prohibition of Nuclear Weapons in Latin America. In 1982, a Special United Nations General Assembly Session on Disarmament took place without any results in matters directly linked to nuclear disarmament.
  17. The Conference also noted the last five years had thus not given any results concerning negotiations on effective measures relating to cessation of the nuclear arms race and to nuclear disarmament.
- B. 1. The Conference concluded that, since no agreements had been reached in the period under review on effective measures relating to the cessation of an arms race at an early date, on nuclear disarmament and on a Treaty on general and complete disarmament under strict and effective international control, the aspirations contained in preambular paragraphs 8 to 12 had still not been met, and the objectives under Article VI had not yet been achieved.
  2. The Conference reiterated that the implementation of Article VI is essential to the maintenance and strengthening of the Treaty, reaffirmed the commitment of all States Parties to the implementation of this Article and called upon the States Parties to intensify their efforts to achieve fully the objectives of the Article. The Conference addressed a call to the nuclear-weapon States Parties in particular to demonstrate this commitment.
  3. The Conference welcomes the fact that the United States of America and the Union of Soviet Socialist Republics are conducting bilateral negotiations on a complex of questions concerning space and nuclear arms — both strategic and intermediate-range — with all these questions considered and resolved in their interrelationship. It hopes that these negotiations will lead to early and effective agreements aimed at preventing an arms race in space and terminating it on Earth, at limiting and reducing nuclear arms, and at strengthening strategic stability. Such agreements will complement and ensure the positive outcome of multilateral negotiations on disarmament, and would lead to the reduction of international tensions and the promotion of international peace and security. The Conference recalls that the two sides believe that ultimately the bilateral negotiations, just as efforts in general to limit and reduce arms, should lead to the complete elimination of nuclear arms everywhere.
  4. The Conference urges the Conference on Disarmament, as appropriate, to proceed to early multilateral negotiations on nuclear disarmament in pursuance of paragraph 50 of the Final Document of the First Special Session of the General Assembly of the United Nations devoted to disarmament.
  5. The Conference reaffirms the determination expressed in the preamble of the 1963 Partial Test Ban Treaty, confirmed in Article I (b) of the said Treaty and reiterated in preambular paragraph 10 of the Non-Proliferation Treaty, to achieve the discontinuance of all test explosions of nuclear weapons for all time.
  6. The Conference also recalls that in the Final Document of the First Review Conference, the Parties expressed the view that the conclusion of a Treaty banning all nuclear weapons tests was one of the most important measures to halt the nuclear arms race. The Conference stresses the important contribution that such a treaty would make toward strengthening and extending the international barriers against the proliferation of nuclear weapons; it further stresses that adherence to such a treaty by all States would contribute

- substantially to the full achievement of the non-proliferation objective.
7. The Conference also took note of the appeals contained in five successive United Nations General Assembly resolutions since 1981 for a moratorium on nuclear weapons testing pending the conclusion of a comprehensive test ban treaty, and of similar calls made at this Conference. It also took note of the measure announced by the Union of Soviet Socialist Republics for a unilateral moratorium on all nuclear explosions from 6 August 1985 until 1 January 1986, which would continue beyond that date if the United States of America, for its part, refrained from carrying out nuclear explosions. The Union of Soviet Socialist Republics suggested that this would provide an example, for other nuclear-weapon States and would create favourable conditions for the conclusion of a comprehensive test ban treaty and the promotion of the fuller implementation of the Non-Proliferation Treaty.
  8. The Conference took note of the unconditional invitation extended by the United States of America to the Union of Soviet Socialist Republics to send observers, who may bring any equipment they deem necessary, to measure a United States of America nuclear test in order to begin a process which in the view of the United States of America would help to ensure effective verification of limitations on under-ground nuclear testing.
  9. The Conference also took note of the appeals contained in five United Nations General Assembly resolutions since 1982 for a freeze on all nuclear weapons in quantitative and qualitative terms, which should be taken by all nuclear-weapon States or, in the first instance and simultaneously, by the Union of Soviet Socialist Republics and the United States of America on the understanding that the other nuclear-weapon States would follow their example, and of similar calls made at this Conference.
  10. The Conference took note of proposals by the Union of Soviet Socialist Republics and the United States of America for the reduction of nuclear weapons.
  11. The Conference took note of proposals submitted by States Parties on a number of related issues relevant to achieving the purposes of Article VI and set out in Annex I to this document and in the statements made in the General Debate of the Conference.
  12. The Conference reiterated its conviction that the objectives of Article VI remained unfulfilled and concluded that the nuclear-weapon States should make greater efforts to ensure effective measures for the cessation of the nuclear arms race at an early date, for nuclear disarmament and for a Treaty on general and complete disarmament under strict and effective international control. The Conference expressed the hope for rapid progress in the United States-USSR bilateral negotiations. The Conference, except for certain States whose views are reflected in the following subparagraph, deeply regretted that a comprehensive multilateral Nuclear Test Ban Treaty banning all nuclear tests

by all States in all environments for all time had not been concluded so far and, therefore, called on the nuclear-weapon States Party to the Treaty to resume trilateral negotiations in 1985 and called on all the nuclear-weapon States to participate in the urgent negotiation and conclusion of such a Treaty as a matter of the highest priority in the Conference on Disarmament.

At the same time, the Conference noted that certain States Party to the Treaty, while committed to the goal of an effectively verifiable comprehensive Nuclear Test Ban Treaty, considered deep and verifiable reductions in existing arsenals of nuclear weapons as the highest priority in the process of pursuing the objectives of Article VI.

The Conference also noted the statement of the USSR, as one of the nuclear weapon States Party to the Treaty, recalling its repeatedly expressed readiness to proceed forthwith to negotiations, trilateral and multilateral, with the aim of concluding a comprehensive Nuclear Test Ban Treaty and the submission by it of a draft Treaty proposal to this end.

#### **Article VII and the Security of Non-Nuclear-Weapon States**

1. The Conference observes the growing interest in utilizing the provisions of Article VII of the Non-Proliferation Treaty, which recognizes the right of any group of States to conclude regional treaties in order to assure the absence of nuclear weapons in their respective territories.
2. The Conference considers that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure and therefore the process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account.
3. The Conference emphasizes the importance of concluding nuclear-weapon-free zone arrangements in harmony with internationally recognized principles, as stated in the Final Document of the First Special Session of the United Nations devoted to disarmament.
4. The Conference holds the view that, under appropriate conditions, progress towards the establishment of nuclear-weapon-free zones will create conditions more conducive to the establishment of zones of peace in certain regions of the world.
5. The Conference expresses its belief that concrete measures of nuclear disarmament would significantly contribute to creating favourable conditions for the establishment of nuclear-weapon-free zones.
6. The Conference expresses its satisfaction at the continued successful operation of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). It reaffirms the repeated exhortations of the General Assembly to France, which is already a signatory of Additional Protocol I, to ratify it, and calls upon the Latin American States that are eligible to become parties to the treaty to do so. The

- Conference welcomes the signature and ratification of Additional Protocol II to this Treaty by all nuclear-weapon States.
7. The Conference also notes the continued existence of the Antarctic Treaty.
  8. The Conference notes the endorsement of the South Pacific Nuclear Free Zone Treaty by the South Pacific Forum on 6 August 1985 at Rarotonga and welcomes this achievement as consistent with Article VII of the Non-Proliferation Treaty. The Conference also takes note of the draft Protocols to the South Pacific Nuclear Free Zone Treaty and further notes the agreement at the South Pacific Forum that consultations on the Protocols should be held between members of the Forum and the nuclear-weapon States eligible to sign them.
  9. The Conference takes note of the existing proposals and the ongoing regional efforts to achieve nuclear-weapon-free zones in different areas of the world.
  10. The Conference recognizes that for the maximum effectiveness of any treaty arrangements for establishing a nuclear-weapon-free zone the co-operation of the nuclear-weapon States is necessary. In this connection, the nuclear-weapon States are invited to assist the efforts of States to create nuclear-weapon-free zones, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.
  11. The Conference welcomes the consensus reached by the United Nations General Assembly at its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security, and 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.
  12. The Conference also 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 the letter and spirit of United Nations General Assembly resolution 39/54.
  13. The Conference considers that acceding to the Non-Proliferation Treaty and acceptance of IAEA safeguards by all States in the region of the Middle East will greatly facilitate the creation of a nuclear-weapon-free zone in the region and will enhance the credibility of the Treaty.
  14. The Conference considers that the development of a nuclear weapon capability by South Africa at any time frustrates the implementation of the Declaration on the Denuclearization of Africa and that collaboration with South Africa in this area would undermine the credibility and the stability of the Non-Proliferation Treaty regime. South Africa is called upon to submit all its nuclear installations and facilities to IAEA safeguards and to accede to the Non-Proliferation Treaty. All States Parties directly concerned are urged to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in Africa. The nuclear weapon States are invited to assist the efforts of States to create a nuclear-weapon-free zone in Africa, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.
  15. The Conference considers that the most effective guarantee against the possible use of nuclear weapons and the danger of nuclear war is nuclear disarmament and the complete elimination of nuclear weapons. Pending the achievement of this goal on a universal basis and recognizing the need for all States to ensure their independence, territorial integrity and sovereignty, the Conference reaffirms the particular importance of assuring and strengthening the security of non-nuclear-weapon States Parties which have renounced the acquisition of nuclear weapons. The Conference recognizes that different approaches may be required to strengthen the security of non-nuclear-weapon States Parties to the Treaty.
  16. The Conference underlines again the importance of adherence to the Treaty by non-nuclear-weapon States as the best means of reassuring one another of their renunciation of nuclear weapons and as one of the effective means of strengthening their mutual security.
  17. The Conference takes note of the continued determination of the Depositary States to honour their statements, which were welcomed by the United Nations Security Council resolution 255 (1968), that, to ensure the security of the non-nuclear-weapon States Parties to the Treaty, they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty which is a victim of any act or an object of a threat of aggression in which nuclear weapons are used.
  18. The Conference reiterates its conviction that, in the interest of promoting the objectives of the Treaty, including the strengthening of the security of non-nuclear-weapon States Parties, all States, both nuclear-weapon and non-nuclear-weapon States, should refrain, in accordance with the Charter of the United Nations, from the threat or the use of force in relations between States, involving either nuclear or non-nuclear weapons.
  19. The Conference recalls that the Tenth Special Session of the General Assembly in paragraph 59 of the Final Document took note of the declarations made by the nuclear-weapon States regarding the assurance of non-nuclear-weapon States against the use or threat of use of nuclear weapons and urged them 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.
  20. Being aware of the consultations and negotiations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which have been under way in the Conference on Disarmament for several years, the Conference regrets that the search for a common approach which would be included in an international legally binding instrument, has been unsuccessful. The Conference takes note of the repeatedly expressed intention of the Conference on Disarmament to continue to explore ways and means to overcome the difficulties encountered in its work and to carry out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In

this connection, the Conference calls upon all States, particularly the nuclear-weapon States, to continue the negotiations in the Conference on Disarmament devoted to the search for a common approach acceptable to all, which could be included in an international instrument of a legally binding character.

#### **Article VIII**

The States Party to the Treaty participating in the Conference propose to the Depositary Governments that a fourth Conference to review the operation of the Treaty be convened in 1990.

The Conference accordingly invites States Party to the Treaty which are Members of the United Nations to request the Secretary-General of the United Nations to include the

following item in the provisional agenda of the forty-third session of the General Assembly:

Implementation of the conclusions of the third Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons and establishment of a Preparatory Committee for the fourth Conference.

#### **Article IX**

The Conference, having expressed great satisfaction that the overwhelming majority of States have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and having recognized the urgent need for further ensuring the universality of the Treaty, appeals to all States, particularly the nuclear-weapon States and other States advanced in nuclear technology, which have not yet done so, to adhere to the Treaty at the earliest possible date.

## **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 1999]

### Preamble

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

*Welcoming* the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

*Underlining* the importance of the full and prompt implementation of such agreements and measures,

*Convinced* that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,

*Stressing* therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

*Recognizing* that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,

*Further recognizing* that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament,

*Convinced* that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, which has long been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation,

*Noting* the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time,

*Noting also* the views expressed that this Treaty could contribute to the protection of the environment,

*Affirming* the purpose of attracting the adherence of all States to this Treaty and its objective to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

*Have agreed* as follows:

### Article I

#### Basic Obligations

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.
2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating

in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

### Article II

#### The Organization

##### A. General Provisions

1. The States Parties hereby establish the Comprehensive Nuclear Test-Ban Treaty organization (hereinafter referred to as 'the Organization') to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Organization shall be Vienna, Republic of Austria.
4. There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat, which shall include the International Data Centre.
5. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty.
6. The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the confidentiality provisions set forth in this Treaty.
7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.
8. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Energy Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.

9. The costs of the activities of the Organization shall be met annually by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and the Organization.
10. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget.
11. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

### ***B. The Conference of the States Parties***

#### *Composition, Procedures and Decision-making*

12. The Conference of the States Parties (hereinafter referred to as 'the Conference') shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.
13. The initial session of the Conference shall be convened by the Depositary no later than 30 days after the entry into force of this Treaty.
14. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.
15. A special session of the Conference shall be convened:
  - (a) When decided by the Conference;
  - (b) When requested by the Executive Council; or
  - (c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.
16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.
17. The Conference may also be convened in the form of a Review Conference in accordance with Article 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, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Maldives, Oman, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

*North America and Western Europe*

Andorra, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Holy see, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

*South East Asia, the Pacific and the Far East*

Australia, Brunei Darussalam, Cambodia, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Viet Nam.

**Annex 2 to the Treaty**

**List of States Pursuant to Article XIV**

List of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's April 1996 edition of 'Nuclear Power Reactors in the World', and of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's December 1995 edition of 'Nuclear Research Reactors in the World':

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

## Protocol to the Comprehensive Nuclear Test-Ban Treaty

### Part I

#### The International Monitoring System and International Data Centre Functions

##### A. General Provisions

1. The International Monitoring System shall comprise monitoring facilities as set out in Article IV, paragraph 16, and respective means of communication.
2. The monitoring facilities incorporated into the International Monitoring System shall consist of those facilities specified in Annex 1 to this Protocol. The International Monitoring System shall fulfil the technical and operational requirements specified in the relevant operational manuals.
3. The Organization, in accordance with Article II, shall, in cooperation and consultation with the States Parties, with other States, and with international organizations as appropriate, establish and coordinate the operation and maintenance, and any future agreed modification or development of the International Monitoring System.
4. In accordance with appropriate agreements or arrangements and procedures, a State Party or other State hosting or otherwise taking responsibility for International Monitoring System facilities and the Technical Secretariat shall agree and cooperate in establishing, operating, upgrading, financing, and maintaining monitoring facilities, related certified laboratories and respective means of communication within areas under its jurisdiction or control or elsewhere in conformity with international law. Such cooperation shall be in accordance with the security and authentication requirements and technical specifications contained in the relevant operational manuals. Such a State shall give the Technical Secretariat authority to access a monitoring facility for checking equipment and communication links, and shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements. The Technical Secretariat shall provide to such States appropriate technical assistance as is deemed by the Executive Council to be required for the proper functioning of the facility as part of the International Monitoring System.
5. Modalities for such cooperation between the Organization and States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall be set out in agreements or arrangements as appropriate in each case.

##### B. Seismological Monitoring

6. Each State Party undertakes to cooperate in an international exchange of seismological data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of primary and auxiliary seismological monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.
7. The network of primary stations shall consist of the 50 stations specified in Table 1-A of Annex 1 to this Protocol. These stations shall fulfil the technical and

operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Uninterrupted data from the primary stations shall be transmitted, directly or through a national data centre, on-line to the International Data Centre

8. To supplement the primary network, an auxiliary network of 120 stations shall provide information, directly or through a national data centre, to the International Data Centre on request. The auxiliary stations to be used are listed in Table 1-B of Annex 1 to this Protocol. The auxiliary stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the auxiliary stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.

##### C. Radionuclide Monitoring

9. Each State Party undertakes to cooperate in an international exchange of data on radionuclides in the atmosphere to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of radionuclide monitoring stations and certified laboratories. The network shall provide data in accordance with agreed procedures to the International Data Centre.
10. The network of stations to measure radionuclides in the atmosphere shall comprise an overall network of 80 stations, as specified in Table 2-A of Annex 1 to this Protocol. All stations shall be capable of monitoring for the presence of relevant particulate matter in the atmosphere. Forty of these stations shall also be capable of monitoring for the presence of relevant noble gases upon the entry into force of this Treaty. For this purpose the Conference, at its initial session, shall approve a recommendation by the Preparatory Commission as to which 40 stations from Table 2-A of Annex 1 to this Protocol shall be capable of noble gas monitoring. At its first regular annual session, the Conference shall consider and decide on a plan for implementing noble gas monitoring capability throughout the network. The Director-General shall prepare a report to the Conference on the modalities for such implementation. All monitoring stations shall fulfil the technical and operational requirements specified in the Operational Manual for Radionuclide Monitoring and the International Exchange of Radionuclide Data.
11. The network of radionuclide monitoring stations shall be supported by laboratories, which shall be certified by the Technical Secretariat in accordance with the relevant operational manual for the performance, on contract to the Organization and on a fee-for-service basis, of the analysis of samples from radionuclide monitoring stations. Laboratories specified in Table 2-B of Annex 1 to this Protocol, and appropriately equipped, shall, as required, also be drawn upon by the Technical Secretariat to perform additional analysis of samples from radionuclide monitoring stations. With the agreement of the Executive Council, further

laboratories may be certified by the Technical Secretariat to perform the routine analysis of samples from manual monitoring stations where necessary. All certified laboratories shall provide the results of such analysis to the International Data Centre, and in so doing shall fulfil the technical and operational requirements specified in the Operational Manual on Radionuclide Monitoring and the International Exchange of Radionuclide Data.

#### ***D. Hydroacoustic Monitoring***

12. Each State Party undertakes to cooperate in an international exchange of hydroacoustic data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of hydroacoustic monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.
13. The network of hydroacoustic stations shall consist of the stations specified in Table 3 of Annex 1 to this Protocol, and shall comprise an overall network of six hydrophone and five T- phase stations. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data.

#### ***E. Infrasound Monitoring***

14. Each State Party undertakes to cooperate in an international exchange of infrasound data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of infrasound monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.
15. The network of infrasound stations shall consist of the stations specified in Table 4 of Annex 1 to this Protocol, and shall comprise an overall network of 60 stations. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

#### ***F. International Data Centre Functions***

16. The International Data Centre shall receive, collect, process, analyze, report on and archive data from International Monitoring System facilities, including the results of analysis conducted at certified laboratories.
17. The procedures and standard event screening criteria to be used by the International Data Centre in carrying out its agreed functions, in particular for the production of standard reporting products and for the performance of standard range of services for States Parties, shall be elaborated in the Operational Manual for the International Data Centre and shall be progressively developed. The procedures and criteria developed initially by the Preparatory Commission shall be approved by the Conference at its initial session.

#### ***International Data Centre Standard Products***

18. The International Data Centre shall apply on a routine basis automatic processing methods and interactive human analysis to raw International Monitoring System data in order to produce and archive standard

International Data Centre products on behalf of all States Parties. These products shall be provided at no cost to States Parties and shall be without prejudice to final judgements with regard to the nature of any event, which shall remain the responsibility of States Parties, and shall include:

- (a) Integrated lists of all signals detected by the International Monitoring System, as well as standard event lists and bulletins, including the values and associated uncertainties calculated for each event located by the International Data Centre, based on a set of standard parameters;
  - (b) Standard screened event bulletins that result from the application to each event by the International Data Centre of standard event screening criteria, making use of the characterisation parameters specified in Annex 2 to this Protocol, with the objective of characterising, highlighting in the standard event bulletin, and thereby screening out, events considered to be consistent with natural phenomena or non-nuclear, man-made phenomena. The standard event bulletin shall indicate numerically for each event the degree to which that event meets or does not meet the event screening criteria. In applying standard event screening, the International Data Centre shall use both global and supplementary screening criteria to take account of regional variations where applicable. The International Data Centre shall progressively enhance its technical capabilities as experience is gained in the operation of the International Monitoring System;
  - (c) Executive summaries, which summarise the data acquired and archived by the International Data Centre, the products of the International Data Centre, and the performance and operational status of the International Monitoring System and International Data Centre; and
  - (d) Extracts or subsets of the standard International Data Centre products specified in sub-paragraphs (a) to (c), selected according to the request of an individual State Party.
19. The International Data Centre shall carry out, at no cost to States Parties, special studies to provide in-depth, technical review by expert analysis of data from the International Monitoring System, if requested by the Organization or by a State Party, to improve the estimated values for the standard signal and event parameters.

#### ***International Data Centre Services to States Parties***

20. The International Data Centre shall provide States Parties with open, equal, timely and convenient access to all International Monitoring System data, raw or processed, all International Data Centre products, and all other International Monitoring System data in the archive of the International Data Centre or, through the International Data Centre, of International Monitoring System facilities. The methods for supporting data access and the provision of data shall include the following services:
  - (a) Automatic and regular forwarding to a State Party of the product of the International Data Centre or the selection by the State Party thereof, and, as requested, the selection by the State Party of International Monitoring System data;

- (b) The provision of the data or products generated in response to a requests by States Parties for the retrieval from the International Data Centre and International Monitoring System facility archives of data and products, including interactive electronic access to the International Data Centre data base; and
- (c) Assisting individual States Parties, at their request and at no cost for reasonable efforts, with expert technical analysis of International Monitoring System data and other relevant data provided by the requesting State Party, in order to help the State Party concerned to identify the source of specific events. The output of any such technical analysis shall be considered a product of the requesting State Party, but shall be available to all States Parties.

The International Data Centre services specified in sub-paragraphs (a) and (b) shall be made available at no cost to each State Party. The volumes and formats of data shall be set out in the Operational Manual for the International Data Centre.

#### *National Event Screening*

21. The International Data Centre shall, if requested by a State Party, apply to any of its standard products, on a regular and automatic basis, national event screening criteria established by that State Party, and provide the results of such analysis to that State Party. This service shall be undertaken at no cost to the requesting State Party. The output of such national event screening processes shall be considered a product of the requesting State Party.

#### *Technical Assistance*

22. The International Data Centre shall, where required, provide technical assistance to individual States Parties;
- (a) In formulating their requirements for selection and screening of data and products;
  - (b) By installing at the International Data Centre, at no cost to a requesting State Party for reasonable efforts, computer algorithms or software provided by that State Party to compute new signal and event parameters that are not included in the Operational Manual for the International Data Centre, the output being considered products of the requesting State Party; and
  - (c) By assisting States Parties to develop the capability to receive process and analyse International Monitoring System data at a national data centre.
23. The International Data Centre shall continuously monitor and report on the operational status of the International Monitoring System facilities, of communications links, and of its own processing systems. It shall provide immediate notification to those responsible should the operational performance of any component fail to meet agreed levels set out in the relevant operational manual.

## **Part II**

### **On-Site Inspections**

#### **A. General Provisions**

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 one point of entry within 24 hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat. Points of entry may also serve as points of exit.
33. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective 30 days after the Technical Secretariat receives such notification, to allow appropriate notification to all States Parties.

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

*Arrangements for Use of Non-Scheduled Aircraft*

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

*Approved Inspection Equipment*

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

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

38. The Technical Secretariat shall ensure that all types of approved equipment are available for on-site inspections when required. When required for an on-site inspection, the Technical Secretariat shall duly certify that the equipment has been calibrated, maintained and protected. To facilitate the checking of the equipment at the point of entry by the inspected State Party, the Technical Secretariat shall provide documentation and attach seals to authenticate the certification.

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

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

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

*On-Site Inspection Request*

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

- (a) The estimated geographical and vertical co-ordinates of the location of the event that triggered the request with an indication of the possible margin of error;

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

*Inspection Mandate*

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

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

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

*Notification of Inspection*

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

- (a) The inspection mandate;
- (b) The date and estimated time of arrival of the inspection team at the point of entry;
- (c) The means of arrival at the point of entry;
- (d) If appropriate, the standing diplomatic clearance number for non-scheduled aircraft; and
- (e) A list of any equipment which the Director-General requests the inspected State Party to make available to the inspection team for use in the inspection area.

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

#### **D. Pre-Inspection Activities**

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

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

46. When a non-scheduled aircraft is used for travel to the point of entry, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the flight of the aircraft from the last airfield prior to entering the airspace of that State Party to the point of entry, no less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the 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 at 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	#	State Responsible for Station	Location	Lat.	Long.	Type
1	Argentina	PLCA Paso Flores	40.7 S	70.6 W	3-C	27	Norway	NAO Hamar	60.8 N	10.8 E	array
2	Australia	WRA Warramunga, NT	19.9 S	134.3 E	array	28	Norway	ARAO Karasjok	69.5 N	25.5 E	array
3	Australia	ASAR Alice Springs, NT	23.7 S	133.9 E	array	29	Pakistan	PRPK Pari	33.7 N	73.3 E	array
4	Australia	STKA Stephens Creek, SA	31.9 S	141.6 E	3-C	30	Paraguay	CPUP Villa Florida	26.3 S	57.3 W	3-C
5	Australia	MAW Mawson, Antarctica	67.6 S	62.9 E	3-C	31	Republic of Korea	KSRS Wonju	37.5 N	127.9 E	array
6	Bolivia	LPAZ La Paz	16.3 S	68.1 W	3-C	32	Russian Federation	KBZ Khabaz	43.7 N	42.9 E	3-C
7	Brazil	BDFB Brasilia	15.6 S	48.0 W	3-C	33	Russian Federation	ZAL Zalesovo	53.9 N	84.8 E	3-C > array
8	Canada	ULMC Lac du Bonnet, Man.	50.3 N	95.9 W	3-C	34	Russian Federation	NRI Norilsk	69.4 N	88.1 E	3-C
9	Canada	YKAC Yellowknife, N.W.T.	62.5 N	114.6 W	array	35	Russian Federation	PDYO Peleduy	59.6 N	112.7 E	3-C array
10	Canada	SCH Schefferville, Quebec	54.9 N	66.8 W	3-C	36	Russian Federation	PTKM Petropavlovsk-Kamchatskiy	53.1 N	157.8 E	3-C > array
11	Central African Republic	BGCA Bangui	05.2 N	18.4 E	3-C	37	Russian Federation	USU Ussuriysk	44.3 N	132.1 E	3-C > array
12	China	HAI Hailar	49.3 N	119.7 E	3-C > array	38	Saudi Arabia	New Site	TBD	TBD	array
13	China	LZH Lanzhou	36.1 N	103.8 E	3-C > array	39	South Africa	BOSA Boshof	28.6 S	25.6 E	3-C
14	Colombia	XSA El Rosal	04.9 N	74.3 W	3-C	40	Spain	ESDC Sonseca	39.7 N	04.0 W	array
15	Côte d'Ivoire	DBIC Dimbroko	06.7 N	04.9 W	3-C	41	Thailand	CMTO Chiang Mai	18.8 N	99.0 E	array
16	Egypt	LXEG Luxor	26.0 N	33.0 E	array	42	Tunisia	THA Thala	35.6 N	08.7 E	3-C
17	Finland	FINES Lahti	61.4 N	26.1 E	array	43	Turkey	BRTR Belbashi [The array is subject to redeployment at Keskin]	39.9 N	32.8 E	array
18	France	PPT Tahiti	17.6 S	149.6 W	3-C	44	Turkmenistan	GEYT Alibeck	37.9 N	58.1 E	array
19	Germany	GEC2 Freyung	48.9 N	13.7 E	array	45	Ukraine	AKASG Malin	50.4 N	29.1 E	array
20	To be determined	To be determined	TBD	TBD	TBD	46	United States of America	LJTX Lajitas, TX	29.3 N	103.7 W	array
21	Iran (Islamic Republic of)	THR Tehran	35.8 N	51.4 E	3-C	47	United States of America	MNV Mina, NV	38.4 N	118.2 W	array
22	Japan	MJAR Matsushiro	36.5 N	138.2 E	array	48	United States of America	PIWY Pinedale, WY	42.8 N	109.6 W	array
23	Kazakstan	MAK Makanchi	46.8 N	82.0 E	array	49	United States of America	ELAK Eielson, AK	64.8 N	146.9 W	array
24	Kenya	KMBO Kilimambogo	01.3 S	36.8 E	3-C	50	United States of America	VNDA Vanda, Antarctica	77.5 S	161.9 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						

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	#	State Responsible for Station	Location	Lat.	Long.	Type
1	Argentina	CFA Coronel Fontana	31.6 S	68.2 W	3-C	31	Fiji	MSVF Monasavu, Viti Levu	17.8 S	178.1 E	3-C
2	Argentina	USHA Ushuaia	55.0 S	68.0 W	3-C	32	France	NOUC Port Laguerre, New Caledonia	22.1 S	166.3 E	3-C
3	Armenia	GNI Garni	40.1 N	44.7 E	3-C	33	France	KOG Kourou, French Guiana	5.2 N	52.7 W	3-C
4	Australia	CTA Charters Towers, QLD	20.1 S	146.3 E	3-C	34	Gabon	BAMB Bambay	1.7 S	13.6 E	3-C
5	Australia	FITZ Fitzroy Crossing, WA	18.1 S	125.6 E	3-C	35	Germany/South Africa	— SANAE Station, Antarctica	71.7 S	2.9 W	3-C
6	Australia	NWAO Narrogin, WA	32.9 S	117.2 E	3-C	36	Greece	IDI Anogia, Crete	35.3 N	24.9 E	3-C
7	Bangladesh	CHT Chittagong	22.4 N	91.8 E	3-C	37	Guatemala	RDG Rabir	15.0 N	90.5 W	3-C
8	Bolivia	SIV San Ignacio	16.0 S	61.1 W	3-C	38	Iceland	BORG Borgarnes	64.8 N	21.3 W	3-C
9	Botswana	LBTB Lobatse	25.0 S	25.6 E	3-C	39	To be determined	To be determined	TBD	TBD	TBD
10	Brazil	PTGA Pitinga	0.7 S	60.0 W	3-C	40	Indonesia	PACI Cibinong, Jawa Barat	6.5 S	107.0 E	3-C
11	Brazil	RGNB Rio Grande do Norte	6.9 S	37.0 W	3-C	41	Indonesia	JAY Jayapura, Irian Jaya	2.5 S	140.7 E	3-C
12	Canada	FPB Iqaluit, N.W.T.	63.7 N	68.5 W	3-C	42	Indonesia	SWI Sorong, Irian Jaya	0.9 S	131.3 E	3-C
13	Canada	DLBC Dease Lake, B.C.	58.4 N	130.1 W	3-C	43	Indonesia	PSI Parapat, Sumatera	2.7 N	98.9 E	3-C
14	Canada	SADO Sadowa, Ont.	44.8 N	79.1 W	3-C	44	Indonesia	KAPI Kappang, Sulawesi Selatan	5.0 S	119.8 E	3-C
15	Canada	BBB Bella Bella, B.C.	52.2 N	128.1 W	3-C	45	Indonesia	KUG Kupang, Nusatenggara Timur	10.2 S	123.6 E	3-C
16	Canada	MBC Mould Bay, N.W.T.	76.2 N	119.4 W	3-C	46	Iran (Islamic Republic of)	KRM Kerman	30.3 N	57.1 E	3-C
17	Canada	INK Inuvik, N.W.T.	68.3 N	133.5 W	3-C	47	Iran (Islamic Republic of)	MSN Masjed-e-Soleyman	31.9 N	49.3 E	3-C
18	Chile	RPN Easter Island	27.2 S	109.4 W	3-C	48	Israel	MBH Eilath	29.8 N	34.9 E	3-C
19	Chile	LVC Limon Verde	22.6 S	68.9 W	3-C	49	Israel	PAR Parod	32.6 N	35.3 E	array
20	China	BJT Baijiatuan	40.0 N	116.2 E	3-C	50	Italy	ENAS Enna, Sicily	37.5 N	14.3 E	3-C
21	China	KMI Kunming	25.2 N	102.8 E	3-C	51	Japan	JNU Ohita, Kyushu	33.1 N	130.9 E	3-C
22	China	SSE Sheshan	31.1 N	121.2 E	3-C	52	Japan	JOW Kunigami, Okinawa	26.8 N	128.3 E	3-C
23	China	XAN Xi'an	34.0 N	108.9 E	3-C	53	Japan	JHJ Hachijojima, Izu Islands	33.1 N	139.8 E	3-C
24	Cook Islands	RAR Rarotonga	21.2 S	159.8 W	3-C	54	Japan	JKA Kamikawa-asahi, Hokkaido	44.1 N	142.6 E	3-C
25	Costa Rica	JTS Las Juntas de Abangares	10.3 N	85.0 W	3-C	55	Japan	JCJ Chichijima, Ogasawara	27.1 N	142.2 E	3-C
26	Czech Republic	VRAC Vranov	49.3 N	16.6 E	3-C	56	Jordan	— Ashqof	32.5 N	37.6 E	3-C
27	Denmark	SFJ Sondre Stromfjord, Greenland	67.0 N	50.6 W	3-C	57	Kazakstan	BRVK Borovoye	53.1 N	70.3 E	array
28	Djibouti	ATD Arta Tunnel	11.5 N	42.9 E	3-C	58	Kazakstan	KURK Kurchatov	50.7 N	78.6 E	array
29	Egypt	KEG Kottamya	29.9 N	31.8 E	3-C	59	Kazakstan	AKTO Aktyubinsk	50.4 N	58.0 E	3-C
30	Ethiopia	FURI Furi	8.9 N	38.7 E	3-C						

NUCLEAR WEAPON TESTING TREATIES

#	State Responsible for Station	Location	Lat.	Long.	Type	#	State Responsible for Station	Location	Lat.	Long.	Type
60	Kyrgyzstan	AAK Ala-Archa	42.6 N	74.5 E	3-C	91	Russian Federation	TIXI Tiksi	71.7 N	128.9 E	3-C
61	Madagascar	TAN Antananarivo	18.9 S	47.6 E	3-C	92	Russian Federation	YSS Yuzhno-Sakhalinsk	47.0 N	142.8 E	3-C
62	Mali	KOWA Kowa	14.5 N	4.0 W	3-C	93	Russian Federation	MA2 Magadan	59.6 N	150.8 E	3-C
63	Mexico	TEYM Tepich, Yucatan	20.2 N	88.3 W	3-C	94	Russian Federation	ZIL Zilim	53.9 N	57.1 E	3-C
64	Mexico	TUVM Tuzandepeti, Veracruz	18.0 N	94.4 W	3-C	95	Samoa	AFI Afiamalua	13.9 S	171.8 W	3-C
65	Mexico	LPBM La Paz, Baja California Sur	24.2 N	110.2 W	3-C	96	Saudi Arabia	RAYN Ar Rayn	23.6 N	45.6 E	3-C
66	Morocco	MDT Midelt	32.8 N	4.6 W	3-C	97	Senegal	MBO Mbour	14.4 N	17.0 W	3-C
67	Namibia	TSUM Tsumeb	19.1 S	17.4 E	3-C	98	Solomon Islands	HNR Honiara, Guadalcanal	9.4 S	160.0 E	3-C
68	Nepal	EVN Everest	28.0 N	86.8 E	3-C	99	South Africa	SUR Sutherland	32.4 S	20.8 E	3-C
69	New Zealand	EWZ Erewhon, South Island	43.5 S	170.9 E	3-C	100	Sri Lanka	COC Colombo	6.9 N	79.9 E	3-C
70	New Zealand	RAO Raoul Island	29.2 S	177.9 W	3-C	101	Sweden	HPS Hagfors	60.1 N	13.7 E	array
71	New Zealand	UPZ Urewera, North Island	38.3 S	177.1 E	3-C	102	Switzerland	DAVOS Davos	46.8 N	9.8 E	3-C
72	Norway	SPITS Spitsbergen	78.2 N	16.4 E	array	103	Uganda	MBRU Mbarara	0.4 S	30.4 E	3-C
73	Norway	JMI Jan Mayen	70.9 N	8.7 W	3-C	104	United Kingdom	EKA Eskdalemuir	55.3 N	3.2 W	array
74	Oman	WSAR Wadi Sarin	23.0 N	58.0 E	3-C	105	United States of America	GUMO Guam, Marianas Islands	13.6 N	144.9 E	3-C
75	Papua New Guinea	PMG Port Moresby	9.4 S	147.2 E	3-C	106	United States of America	PMSA Palmer Station, Antarctica	64.8 S	64.1 W	3-C
76	Papua New Guinea	BIAL Biella	5.3 S	151.1 E	3-C	107	United States of America	TKL Tuckaleechee Caverns, TN	35.7 N	83.8 W	3-C
77	Peru	CAJP Cajamarca	7.0 S	78.0 W	3-C	108	United States of America	PFCA Pinon Flat, CA	33.6 N	116.5 W	3-C
78	Peru	NNA Nana	12.0 S	76.8 W	3-C	109	United States of America	YBH Yreka, CA	41.7 N	122.7 W	3-C
79	Philippines	DAV Davao, Mindanao	7.1 N	125.6 E	3-C	110	United States of America	KDC Kodiak Island, AK	57.8 N	152.5 W	3-C
80	Philippines	TGY Tagaytay, Luzon	14.1 N	120.9 E	3-C	111	United States of America	AL Albuquerque, NM	35.0 N	106.5 W	3-C
81	Romania	MLR Muntele Rosu	45.5 N	25.9 E	3-C	112	United States of America	ATTU Attu Island, AK	52.8 N	172.7 E	3-C
82	Russian Federation	KIRV Kirov	58.4 N	50.0 E	3-C	113	United States of America	ELK Elko, NV	40.7 N	115.2 W	3-C
83	Russian Federation	KIVO Kislovodsk	44.0 N	42.7 E	array	114	United States of America	SPA South Pole, Antarctica	90.0 S	--	3-C
84	Russian Federation	OBN Obninsk	55.1 N	36.6 E	3-C	115	United States of America	NEW Newport, WA	48.3 N	117.1 W	3-C
85	Russian Federation	ARU Arti	56.4 N	58.6 E	3-C	116	United States of America	SJG San Juan, PR	18.1 N	66.2 W	3-C
86	Russian Federation	SEY Seymchan	62.9 N	152.4 E	3-C	117	Venezuela	SDV Santo Domingo	8.9 N	70.6 W	3-C
87	Russian Federation	TLY Talaya	51.7 N	103.6 E	3-C	118	Venezuela	PCR Puerto la Cruz	10.2 N	64.6 W	3-C
88	Russian Federation	YAK Yakutsk	62.0 N	129.4 E	3-C	119	Zambia	LSZ Lusaka	15.3 S	28.2 E	3-C
89	Russian Federation	URG Urgal	51.1 N	132.4 E	3-C	120	Zimbabwe	BUL Bulawayo	to be advised	to be advised	3-C
90	Russian Federation	BIL Bilibino	68.0 N	166.4 E	3-C						

**Table 2-A — List of Radionuclide Stations**

#	State Responsible for Station	Location	Latitude	Longitude	#	State Responsible for Station	Location	Latitude	Longitude
1	Argentina	Buenos Aires	34.0 S	58.0 W	48	Niger	Bilma	18.0 N	17.0 E
2	Argentina	Salta	24.0 S	65.0 W	49	Norway	Spitsbergen	78.2 N	16.4 E
3	Argentina	Bariloche	41.1 S	71.3 W	50	Panama	Panama City	8.9 N	79.6 W
4	Australia	Melbourne, VIC	37.5 S	144.6 E	51	Papua New Guinea	New Hanover	3.0 S	150.0 E
5	Australia	Mawson, Antarctica	67.6 S	62.5 E	52	Philippines	Quezon City	14.5 N	121.0 E
6	Australia	Townsville, QLD	19.2 S	146.8 E	53	Portugal	Ponta Delgada, Sao Miguel, Azores	37.4 N	25.4 W
7	Australia	Macquarie Island	54.0 S	159.0 E	54	Russian Federation	Kirvov	58.6 N	49.7 E
8	Australia	Cocos Islands	12.0 S	97.0 E	55	Russian Federation	Norilsk	69.0 N	88.1 E
9	Australia	Darwin, NT	12.4 S	130.7 E	56	Russian Federation	Peleduy	59.6 N	112.7 E
10	Australia	Perth, WA	31.9 S	116.0 E	57	Russian Federation	Bilibino	68.0 N	166.3 E
11	Brazil	Rio de Janeiro	22.5 S	43.1 W	58	Russian Federation	Ussuriysk	43.7 N	131.9 E
12	Brazil	Recife	8.0 S	35.0 W	59	Russian Federation	Zalesovo	53.9 N	84.8 E
13	Cameroon	Douala	4.2 N	9.9 E	60	Russian Federation	Petropavlovsk-Kamchatskiy	53.0 N	158.0 E
14	Canada	Vancouver, B.C.	49.3 N	123.2 W	61	Russian Federation	Dubna	56.8 N	37.1 E
15	Canada	Resolute, N.W.T.	74.7 N	94.9 W	62	South Africa	Marion Island	46.5 S	37.0 E
16	Canada	Yellowknife, N.W.T.	62.5 N	114.5 W	63	Sweden	Stockholm	59.4 N	18.0 E
17	Canada	St. John's, N.L.	47.0 N	53.0 W	64	Tanzania	Dar es Salaam	6.0 S	39.0 E
18	Chile	Punta Arenas	53.1 S	70.6 W	65	Thailand	Bangkok	13.8 N	100.5 E
19	Chile	Hanga Roa, Easter Island	27.1 S	108.4 W	66	United Kingdom	BIOT/Chagos Archipelago	7.0 S	72.0 E
20	China	Beijing	39.8 N	116.2 E	67	United Kingdom	St. Helena	16.0 S	6.0 W
21	China	Lanzhou	35.8 N	103.3 E	68	United Kingdom	Tristan da Cunha	37.0 S	12.3 W
22	China	Guangzhou	23.0 N	113.3 E	69	United Kingdom	Halley, Antarctica	76.0 S	28.0 W
23	Cook Islands	Rarotonga	21.2 S	159.8 W	70	United States of America	Sacramento, CA	38.7 N	121.4 W
24	Ecuador	Isla San Crista, Galapagos Islands	1.0 S	89.2 W	71	United States of America	Sand Point, AK	55.0 N	160.0 W
25	Ethiopia	Filtu	5.5 N	42.7 E	72	United States of America	Melbourne, FL	28.3 N	80.6 W
26	Fiji	Nadi	18.0 S	177.5 E	73	United States of America	Palmer Station, Antarctica	64.5 S	64.0 W
27	France	Papeete, Tahiti	17.0 S	150.0 W	74	United States of America	Ashland, KS	37.2 N	99.8 W
28	France	Pointe-a-Pitre, Guadeloupe	17.0 N	62.0 W	75	United States of America	Charlottesville, VA	38.0 N	78.0 W
29	France	Réunion	21.1 S	55.6 E	76	United States of America	Salchaket, AK	64.4 N	147.1 W
30	France	Port-aux-Francais, Kerguelen	49.0 S	70.0 E	77	United States of America	Wake Island	19.3 N	166.6 E
31	France	Cayenne, French Guiana	5.0 N	52.0 W	78	United States of America	Midway Islands	28.0 N	177.0 W
32	France	Dumont d'Urville, Antarctica	66.0 S	140.0 E	79	United States of America	Oahu, HI	21.5 N	158.0 W
33	Germany	Schauinsland/Freiburg	47.9 N	7.9 E	80	United States of America	Upi, Guam	13.7 N	144.9 E
34	Iceland	Reykjavik	64.4 N	21.9 W					
35	To be determined	To be determined	TBD	TBD					
36	Iran (Islamic Republic of)	Tehran	35.0 N	52.0 E					
37	Japan	Okinawa	26.2 N	127.2 E					
38	Japan	Takasaki, Gunma	36.3 N	139.0 E					
39	Kiribati	Kiritimati	2.0 N	157.0 W					
40	Kuwait	Kuwait City	29.0 N	48.0 E					
41	Libya	Misratah	32.5 N	15.0 E					
42	Malaysia	Kuala Lumpur	2.6 N	101.5 E					
43	Mauritania	Nouakchott	18.0 N	17.0 W					
44	Mexico	Baja California	28.0 N	113.0 W					
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					

**Table 2-B — List of Radionuclide Laboratories**

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

**Table 3 — List of Hydroacoustic Stations**

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

**Table 4 — List of Infrasound Stations**

#	State Responsible for Station	Location	Lat.	Long.	#	State Responsible for Station	Location	Lat.	Long.
1	Argentina	Paso Flores	40.7 S	70.6 W	20	Ecuador	Galapagos Islands	0.0 N	91.7 W
2	Argentina	Ushuaia	55.0 S	68.0 W	21	France	Marquesas Islands	10.0 S	140.0 W
3	Australia	Davis Base, Antarctica	68.4 S	77.6 E	22	France	Port LaGuerre, New Caledonia	22.1 S	166.3 E
4	Australia	Narrogin, WA	32.9 S	117.2 E	23	France	Kerguelen	49.2 S	69.1 E
5	Australia	Hobart, TAS	42.1 S	147.2 E	24	France	Tahiti	17.6 S	149.6 W
6	Australia	Cocos Islands	12.3 S	97.0 E	25	France	Kourou, French Guiana	5.2 N	52.7 W
7	Australia	Warramunga, NT	19.9 S	134.3 E	26	Germany	Freyung	48.9 N	13.7 E
8	Bolivia	La Paz	16.3 S	68.1 W	27	Germany	Georg von Neumayer, Antarctica	70.6 S	8.4 W
9	Brazil	Brasilia	15.6 S	48.0 W	28	To be determined	To be determined	TBD	TBD
10	Canada	Lac du Bonnet, Man.	50.2 N	95.9 W	29	Iran (Islamic Republic of)	Tehran	35.7 N	51.4 E
11	Cape Verde	Cape Verde Islands	16.0 N	24.0 W	30	Japan	Tsukuba	36.0 N	140.1 E
12	Central African Republic	Bangui	5.2 N	18.4 E	31	Kazakstan	Aktyubinsk	50.4 N	58.0 E
13	Chile	Easter Island	27.0 S	109.2 W	32	Kenya	Kilmanbogo	1.3 S	36.8 E
14	Chile	Juan Fernandez Island	33.8 S	80.7 W	33	Madagascar	Antananarivo	18.8 S	47.5 E
15	China	Beijing	40.0 N	116.0 E	34	Mongolia	Javhlant	48.0 N	106.8 E
16	China	Kunming	25.0 N	102.8 E	35	Namibia	Tsumeb	19.1 S	17.4 E
17	Côte d'Ivoire	Dimbokro	6.7 N	4.9 W	36	New Zealand	Chatham Island	44.0 S	176.5 W
18	Denmark	Dundas, Greenland	76.5 N	68.7 W	37	Norway	Karasjok	69.5 N	25.5 E
19	Djibouti	Djibouti	11.3 N	43.5 E					

#	State Responsible for Station	Location	Lat.	Long.	#	State Responsible for Station	Location	Lat.	Long.
38	Pakistan	Rahimyar Khan	28.2 N	70.3 E	52	United Kingdom	BIOT/Chagos Archipelago	5.0 S	72.0 E
39	Palau	Palau	7.5 N	134.5 E	53	United States of America	Eielson, AK	64.8 N	146.9 W
40	Papua New Guinea	Rabaul	4.1 S	152.1 E	54	United States of America	Siple Station, Antarctica	75.5 S	83.6 W
41	Paraguay	Villa Florida	26.3 S	57.3 W	55	United States of America	Windless Bight, Antarctica	77.5 S	161.8 E
42	Portugal	Azores	37.8 N	25.5 W	56	United States of America	Newport, WA	48.3 N	117.1 W
43	Russian Federation	Dubna	56.8 N	37.1 E	57	United States of America	Pineon Flat, CA	33.6 N	116.5 W
44	Russian Federation	Petropavlovsk-Kamchatskiy	53.0 N	158.0 E	58	United States of America	Midway Islands	28.1 N	177.2 W
45	Russian Federation	Ussuriysk	44.0 N	132.0 E	59	United States of America	Hawaii, HI	19.6 N	155.3 W
46	Russian Federation	Zalesovo	53.9 N	84.8 E	60	United States of America	Wake Island	19.3 N	166.6 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					

### 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
3. For events detected by the International Monitoring System hydroacoustic component, the following parameters, *inter alia*, may be used:
  - regional discriminants where applicable.
  - 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 2000]

State	Signature	Ratification	State	Signature	Ratification
Albania	27 September 1996		†Indonesia	24 September 1996	
†Algeria	15 October 1996		†Iran (Islamic Republic of)	24 September 1996	
Andorra	24 September 1996		Ireland	24 September 1996	15 July 1999
Angola	27 September 1996		†Israel	25 September 1996	
Antigua and Barbuda	16 April 1997		†Italy	24 September 1996	1 February 1999
†Argentina	24 September 1996	4 December 1998	Jamaica	11 November 1996	
Armenia	1 October 1996		†Japan	24 September 1996	8 July 1997
†Australia	24 September 1996	9 July 1998	Jordan	26 September 1996	25 August 1998
†Austria	24 September 1996	13 March 1998	Kazakhstan	30 September 1996	
Azerbaijan	28 July 1997	2 February 1999	Kenya	14 November 1996	
Bahrain	24 September 1996		Kuwait	24 September 1996	
†Bangladesh	24 October 1996		Kyrgyzstan	8 October 1996	
Belarus	24 September 1996		Lao People's Dem. Republic	30 July 1997	
†Belgium	24 September 1996	29 June 1999	Latvia	24 September 1996	
Benin	27 September 1996		Lesotho	30 September 1996	14 September 1999
Bolivia	24 September 1996	4 October 1999	Liberia	1 October 1996	
Bosnia and Herzegovina	24 September 1996		Liechtenstein	27 September 1996	
†Brazil	24 September 1996	24 July 1998	Lithuania	7 October 1996	
Brunei Darussalam	22 January 1997		Luxembourg	24 September 1996	26 May 1999
†Bulgaria	24 September 1996	29 September 1999	Madagascar	9 October 1996	
Burkina Faso	27 September 1996		Malawi	9 October 1996	
Burundi	24 September 1996		Malaysia	23 July 1998	
Cambodia	26 September 1996		Maldives	1 October 1997	
†Canada	24 September 1996	18 December 1998	Mali	18 February 1997	4 August 1999
Cape Verde	1 October 1996		Malta	24 September 1996	
Chad	8 October 1996		Marshall Islands	24 September 1996	
†Chile	24 September 1996		Mauritania	24 September 1996	
†China	24 September 1996		†Mexico	24 September 1996	5 October 1999
†Colombia	24 September 1996		Micronesia (Federated States of)	24 September 1996	25 July 1997
Comoros	12 December 1996		Monaco	1 October 1996	18 December 1998
Congo	11 February 1997		Mongolia	1 October 1996	8 August 1997
Cook Islands	5 December 1997		Morocco	24 September 1996	
Costa Rica	24 September 1996		Mozambique	26 September 1996	
Côte d'Ivoire	25 September 1996		Myanmar	25 November 1996	
Croatia	24 September 1996		Namibia	24 September 1996	
Cyprus	24 September 1996		Nepal	8 October 1996	
Czech Republic	12 November 1996	11 September 1997	†Netherlands	24 September 1996	23 March 1999
Denmark	24 September 1996	21 December 1998	New Zealand	27 September 1996	19 March 1999
Djibouti	21 October 1996		Nicaragua	24 September 1996	
Dominican Republic	3 October 1996		Niger	3 October 1996	
Ecuador	24 September 1996		†Norway	24 September 1996	15 July 1999
†Egypt	14 October 1996		Oman	23 September 1999	
El Salvador	24 September 1996	11 September 1998	Panama	24 September 1996	23 March 1999
Estonia	20 November 1996	13 August 1999	Papua New Guinea	25 September 1996	
Equatorial Guinea	9 October 1996		Paraguay	25 September 1996	
Ethiopia	25 September 1996		†Peru	25 September 1996	12 November 1997
Fiji	24 September 1996	10 October 1996	Philippines	24 September 1996	
†Finland	24 September 1996	15 January 1999	†Poland	24 September 1996	25 May 1999
†France	24 September 1996	6 April 1998	Portugal	24 September 1996	
Gabon	7 October 1996		Qatar	24 September 1996	3 March 1997
Georgia	24 September 1996		†Republic of Korea	24 September 1996	24 September 1999
†Germany	24 September 1996	20 August 1998	Republic of Moldova	24 September 1997	
Ghana	3 October 1996		†Romania	24 September 1996	5 October 1999
Greece	24 September 1996	21 August 1999	†Russian Federation	24 September 1996	
Grenada	10 October 1996	19 August 1998	Saint Lucia	4 October 1996	
Guatemala	20 September 1999		Samoa	9 October 1996	
Guinea	3 October 1996		San Marino	7 October 1996	
Guinea-Bissau	11 April 1997		Sao Tome and Principe	26 September 1996	
Haiti	24 September 1996		Senegal	26 September 1996	9 June 1999
Holy See	24 September 1996		Seychelles	24 September 1996	
Honduras	25 September 1996				
†Hungary	25 September 1996	13 July 1999			
Iceland	24 September 1996				

## NUCLEAR WEAPON TESTING TREATIES

State	Signature	Ratification	State	Signature	Ratification
Singapore	14 January 1999		†Ukraine	27 September 1996	
†Slovakia	30 September 1996	3 March 1998	United Arab Emirates	25 September 1996	
Slovenia	24 September 1996	31 August 1999	†United Kingdom	24 September 1996	6 April 1998
Solomon Islands	3 October 1996		†United States of America	24 September 1996	
†South Africa	24 September 1996	30 March 1999	Uruguay	24 September 1996	
†Spain	24 September 1996	31 July 1998	Uzbekistan	3 October 1996	29 May 1997
Sri Lanka	24 October 1996		Vanuatu	24 September 1996	
Suriname	14 January 1997		Venezuela	3 October 1996	
Swaziland	24 September 1996		†Viet Nam	24 September 1996	
†Sweden	24 September 1996	2 December 1998	Yemen	30 September 1996	
†Switzerland	24 September 1996	1 October 1999	†Zaire	4 October 1996	
Tajikistan	7 October 1996	10 June 1998	Zambia	3 December 1996	
Thailand	12 November 1996		Zimbabwe	13 October 1999	
The former Yugoslav Rep. of Macedonia	29 October 1998				
Togo	2 October 1996				
Tunisia	16 October 1996				
†Turkey	24 September 1996				
Turkmenistan	24 September 1996	20 February 1998			

†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]

### 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.

### Comprehensive Nuclear-Test-Ban Treaty

[Resolution A/RES/54/63, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

Recalling that the Comprehensive Nuclear-Test-Ban Treaty was adopted by resolution 50/245 of 10 September 1996 and opened for signature on 24 September 1996,

*Noting* that the first meeting of the States Signatories adopted resolution CTBT/MSS/RES/1 of 19 November 1996, thereby establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization,

*Noting also* that in decision 53/422 of 4 December 1998, it decided to include in the provisional agenda of its fifty-fourth session the item entitled “Comprehensive Nuclear-Test-Ban Treaty”,

*Encouraged* by the signing of the Treaty by one hundred fifty-five States, including forty-one States of the forty-four needed for its entry into force, and welcoming also the ratification of fifty-one States, including twenty-six of the forty-four needed for its entry into force,

*Welcoming* the convening of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty at Vienna from 6 to 8 October 1999 to promote its entry into force at the earliest possible date,

1. *Endorses* the Final Declaration of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty and, in particular:

- (a) Calls upon 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;
  - (b) Calls 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;
2. *Urges* all States to sustain the momentum generated by the Conference by continuing to remain seized of the issue at the highest political level;
  3. *Welcomes* the contributions by 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 at entry into force, in accordance with article IV of the Treaty;
  4. *Urges* States to maintain their moratoria on nuclear weapon test explosions or any other nuclear explosions;
  5. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled “Comprehensive Nuclear-Test-Ban Treaty”.

## **Nuclear-Weapon-Free Zones**



## **Treaty for the Prohibition of Nuclear Weapons in Latin America [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.
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 them in the discharge of their responsibilities.

## **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.

## **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 Depositary Government.
3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

## RESERVATIONS

### Article 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 Depositary 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 Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.
4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

## AMENDMENTS

### Article 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 Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

### Transitional Article

Denunciation of the declaration referred to in article 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

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 1999, 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 I 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 depository of acceptances from all Parties.

#### Article 12

##### *Signature and ratification*

1. This Treaty shall be open for signature by any Member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depository of this Treaty and its Protocols.
3. If a member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

#### Article 13

##### *Withdrawal*

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

#### **Article 14**

##### *Reservations*

This Treaty shall not be subject to reservations.

#### **Article 15**

##### *Entry into force*

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.
2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

#### **Article 16**

##### *Depositary functions*

The depositary shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Government, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, One thousand nine hundred and eighty-five, in a single original in the English language.

#### **ANNEX 1**

##### **South Pacific Nuclear Free Zone**

- A. The area bounded by a line—
  - (1) commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
  - (2) running thence northerly along that maritime boundary to its intersection by the outer limit of the exclusive economic zone of Papua New Guinea;
  - (3) thence generally north-easterly and south-easterly along that outer limit to its intersection by the Equator;
  - (4) thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
  - (5) thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
  - (6) thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
  - (7) thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
  - (8) thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
  - (9) thence south along that meridian to its intersection by the Equator;
  - (10) thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
  - (11) thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;

- (12) thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
- (13) thence south along that meridian to its intersection by the Equator;
- (14) thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
- (15) thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
- (16) thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;
- (17) thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
- (18) thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;
- (19) thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
- (20) thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;
- (21) thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
- (22) thence generally northerly along that boundary to the point of commencement.

- B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

#### **ANNEX 2**

##### **IAEA Safeguards**

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.
4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall

conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

### **ANNEX 3 Consultative Committee**

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.
2. The costs of the Consultative Committee, including the cost of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

### **ANNEX 4 Complaints Procedure**

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject-matter of the Complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.
2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.
3. The Consultative Committee, taking account of effort made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so

requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.

5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2(1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.
6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.
7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.
8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.
9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

### **PROTOCOL 1**

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

#### **Article 1**

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the South Pacific Nuclear Free Zone, the prohibitions contained in Articles 3, 5 and 6, in so far as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in Article 8(2)(c) and Annex 2 of the Treaty.

**Article 2**

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

**Article 3**

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

**Article 4**

This Protocol shall be subject to ratification.

**Article 5**

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

**Article 6**

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

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

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

**PROTOCOL 2**

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

**Article 1**

Each Party further undertakes not to use or threaten to use any nuclear explosive device against:

- (a) Parties to the Treaty; or
- (b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol 1 is internationally responsible.

**Article 2**

Each Party undertakes not to contribute to any act which constitutes a violation of the Treaty, or to any act of another Party to a Protocol which constitutes a violation of a Protocol.

**Article 3**

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

the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

**Article 4**

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 5**

This Protocol shall be subject to ratification.

**Article 6**

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

**Article 7**

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

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

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

**PROTOCOL 3**

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

**Article 1**

Each party undertakes not to test any nuclear explosive device anywhere within the South Pacific Nuclear Free Zone.

**Article 2**

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

**Article 3**

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 4**

This Protocol shall be subject to ratification.

**Article 5**

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

**Article 6**

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

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

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

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

[Opened for signature 11 April 1996, not in force at 31 January 1999]

*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 of otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

- (b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;
- (c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

#### **Article 4**

##### **Prevention of stationing of nuclear explosive devices**

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

#### **Article 5**

##### **Prohibition of testing of nuclear explosive devices**

Each Party undertakes:

- (a) Not to test any nuclear explosive device;
- (b) To prohibit in its territory the testing of any nuclear explosive device;
- (c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

#### **Article 6**

##### **Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture**

Each Party undertakes:

- (a) To declare any capability for the manufacture of nuclear explosive devices;
- (b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;
- (c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- (d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

#### **Article 7**

##### **Prohibition of dumping of radioactive wastes**

Each Party undertakes:

- (a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
- (b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

#### **Article 8**

##### **Peaceful nuclear activities**

1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

#### **Article 9**

##### **Verification of Peaceful Uses**

Each Party undertakes:

- (a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
- (b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- (c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

#### **Article 10**

##### **Physical protection of nuclear materials and facilities**

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

#### **Article 11**

##### **Prohibition of armed attack on nuclear installations**

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

#### **Article 12**

##### **Mechanism for compliance**

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.
2. The Commission shall be responsible *inter alia* for:

- (a) Collating the reports and the exchange of information as provided for in article 13;
  - (b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
  - (c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
  - (d) Bringing into effect the complaints procedure elaborated in annex IV;
  - (e) Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
  - (f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

**Article 13**  
**Report and exchanges of information**

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

**Article 14**  
**Conference of Parties**

1. A Conference of all Parties to the Treaty shall be convened by the 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:
  - (a) Receive instruments of ratification;
  - (b) Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
  - (c) Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

**Article 22**  
**Status of the annexes**

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

**Annex I**  
**Map of an African Nuclear-weapon-Free Zone**

**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, whichever is later.

*In witness whereof* the undersigned, being duly authorised by their Governments, have signed this Protocol.

### Protocol III

*The Parties to this Protocol,*

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

*Convinced also* that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

*Desirous* of contributing in all appropriate manners to the effectiveness of the Treaty,

*Have agreed* as follows:

#### Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3,4,5,6,7,8,9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

#### Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

#### Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of

any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

#### Article 4

This Protocol shall be open for signature by France and Spain.

#### Article 5

This Protocol shall be subject to ratification.

#### Article 6

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

#### Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

*In witness whereof* the undersigned, being duly authorised by their Governments have signed this Protocol.

## 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 communiqués, declarations and other legal instruments;

*Recalling* the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) signed in Kuala Lumpur on 27 November 1971 and the Programme of Action on ZOPFAN adopted at the 26th ASEAN Ministerial Meeting in Singapore in July 1993;

*Convinced* that the establishment of a Southeast Asia Nuclear Weapon-Free Zone, as an essential component of the ZOPFAN, will contribute towards strengthening the security of States within the Zone and towards enhancing international peace and security as a whole;

*Reaffirming* the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing towards international peace and security;

*Recalling* Article VII of the NPT which recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

*Recalling* the Final Document of the Tenth Special Session of the United Nations General Assembly which encourages the establishment of nuclear weapon-free zones;

*Recalling* the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the NPT, that the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is important for the maximum effectiveness of this nuclear weapon-free zone treaty and its relevant protocol;

*Determined* to protect the region from environmental pollution and the hazards posed by radioactive wastes and other radioactive material;

*Have agreed* as follows:

### Article I

#### Use of Terms

For the purposes of this Treaty and its Protocol:

- (a) 'Southeast Asia Nuclear Weapon-Free Zone', hereinafter referred to as the 'Zone', means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);
- (b) 'territory' means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;
- (c) 'nuclear weapon' means any explosive device capable of releasing nuclear energy in an uncontrolled manner

- (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 I of Article III of the NPT; or
  - (b) any nuclear-weapon State except in conformity with applicable safeguards agreements with the IAEA.

**Article 5**  
**IAEA Safeguards**

Each State Party which has not done so shall conclude an agreement with the IAEA for the application of full scope safeguards to its peaceful nuclear activities not later than eighteen months after the entry into force for that State Party of this Treaty.

**Article 6**  
**Early Notification of a Nuclear Accident**

Each State Party which has not acceded to the Convention on Early Notification of a Nuclear Accident shall endeavour to do so.

**Article 7**  
**Foreign Ships and Aircraft**

Each State Party, on being notified, may decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships through its territorial sea or archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passage, archipelagic sea lanes passage or transit passage.

**Article 8**  
**Establishment of the Commission for the Southeast Asia Nuclear Weapon-Free Zone**

1. There is hereby established a Commission for the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Commission'.
2. All States Parties are *ipso facto* members of the Commission. Each State Party shall be represented by its Foreign Minister or his representative accompanied by alternates and advisers.
3. The function of the Commission shall be to oversee the implementation of this Treaty and ensure compliance with its provisions.
4. The Commission shall meet as and when necessary in accordance with the provisions of this Treaty including upon the request of any State Party. As far as possible, the Commission shall meet in conjunction with the ASEAN Ministerial Meeting.
5. At the beginning of each meeting, the Commission shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next meeting.
6. Unless otherwise provided for in this Treaty, two-thirds of the members of the Commission shall be present to constitute a quorum.
7. Each member of the Commission shall have one vote.
8. Except as provided for in this Treaty, decisions of the Commission shall be taken by consensus or, failing consensus, by a two-thirds majority of the members present and voting.
9. The Commission shall, by consensus, agree upon and adopt rules of procedure for itself as well as financial rules governing its funding and that of its subsidiary organs.

**Article 9****The Executive Committee**

1. There is hereby established, as a subsidiary organ of the Commission, the Executive Committee.
2. The Executive Committee shall be composed of all States Parties to this Treaty. Each State Party shall be represented by one senior official as its representative, who may be accompanied by alternates and advisers.
3. The functions of the Executive Committee shall be to:
  - (a) ensure the proper operation of verification measures in accordance with the provisions on the Control System as stipulated in Article 10;
  - (b) consider and decide on requests for clarification and for a fact-finding mission;
  - (c) set up a fact-finding mission in accordance with the Annex of this Treaty;
  - (d) consider and decide on the findings of a fact-finding mission and report to the Commission;
  - (e) request the Commission to convene a meeting when appropriate and necessary;
  - (f) conclude such agreements with the IAEA or other international organizations as referred to in Article 18 on behalf of the Commission after being duly authorized to do so by the Commission; and
  - (g) carry out such other tasks as may, from time to time, be assigned by the Commission.
4. The Executive Committee shall meet as and when necessary for the efficient exercise of its functions. As far as possible, the Executive Committee shall meet in conjunction with the ASEAN Senior Officials Meeting.
5. The Chairman of the Executive Committee shall be the representative Chairman of the Commission. Any submission or communication made by a State Party to the Chairman of the Executive Committee shall be disseminated to the other members of the Executive Committee.
6. Two-thirds of the members of the Executive Committee shall be present to constitute a quorum.
7. Each member of the Executive Committee shall have one vote.
8. Decisions of the Executive Committee shall be taken by consensus or, failing consensus, by two-thirds of the members present and voting.

**Article 10****Control System**

1. There is hereby established a control system for the purpose of verifying compliance with the obligations of the States Parties under this Treaty.
2. The Control System shall comprise:
  - (a) the IAEA safeguards system as provided for in Article 5;
  - (b) report and exchange of information as provided for in Article 11;
  - (c) request for clarification as provided for in Article 12; and
  - (d) request and procedures for a fact-finding mission as provided for in Article 13.

**Article 11****Report and Exchange of Information**

1. Each State Party shall submit reports to the Executive Committee on any significant event within its territory

and areas under its jurisdiction and control affecting the implementation of this Treaty.

2. The States Parties may exchange information on matters arising under or in relation to this Treaty.

**Article 12****Request for Clarification**

1. Each State Party shall have the right to request another State Party for clarification concerning any situation which may be considered ambiguous or which may give rise to doubts about the compliance of that State Party with this Treaty. It shall inform the Executive Committee of such a request. The requested State Party shall duly respond by providing without delay the necessary information and inform the Executive Committee of its reply to the requesting State Party.
2. Each State Party shall have the right to request the Executive Committee to seek clarification from another State Party concerning any situation which may be considered ambiguous or which may give rise to doubts about compliance of that State Party with this Treaty. Upon receipt of such a request, the Executive Committee shall consult the State Party from which clarification is sought for the purpose of obtaining the clarification requested.

**Article 13****Request for a Fact-Finding Mission**

A State Party shall have the right to request the Executive Committee to send a fact-finding mission to another State Party in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty.

**Article 14****Remedial Measures**

1. In case the Executive Committee decides in accordance with the Annex that there is a breach of this Treaty by a State Party, that State Party shall, within a reasonable time, take all steps necessary to bring itself in full compliance with this Treaty and shall promptly inform the Executive Committee of the action taken or proposed to be taken by it.
2. Where a State Party fails or refuses to comply with the provisions of Paragraph 1 of this Article, the Executive Committee shall request the Commission to convene a meeting in accordance with the provisions of Paragraph 3(e) of Article 9.
3. At the meeting convened pursuant to Paragraph 2 of this Article, the Commission shall consider the emergent situation and shall decide on any measure it deems appropriate to cope with the situation, including the submission of the matter to the IAEA and, where the situation might endanger international peace and security, the Security Council and the General Assembly of the United Nations.
4. In the event of breach of the Protocol attached to this Treaty by a State Party to the Protocol, the Executive Committee shall convene a special meeting of the Commission to decide on appropriate measures to be taken.

**Article 15**  
**Signature, Ratification, Accession, Deposit and Registration**

1. This Treaty shall be open for signature by all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with the Government of the Kingdom of Thailand which is hereby designated as the Depositary State.
3. This Treaty shall be open for accession. The instruments of accession shall be deposited with the Depositary State.
4. The Depositary State shall inform the other States Parties to this Treaty on the deposit of instruments of ratification or accession.
5. The Depositary State shall register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations.

**Article 16**  
**Entry Into Force**

1. This Treaty shall enter into force on the date of the deposit of the seventh instrument of ratification and/or accession.
2. For States which ratify or accede to this Treaty after the date of this seventh instrument of ratification or accession, the Treaty shall enter into force on the date of deposit of its instrument of ratification or accession.

**Article 17**  
**Reservations**

This Treaty shall not be subject to reservations.

**Article 18**  
**Relations with Other International Organizations**

The Commission may conclude such agreements with the IAEA or other international organizations as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

**Article 19**  
**Amendments**

1. Any State Party may propose amendments to this Treaty and its Protocol and shall submit its proposals to the Executive Committee, which shall transmit them to all the other States Parties. The Executive Committee shall immediately request the Commission to convene a meeting to examine the proposed amendments. The quorum required for such a meeting shall be all the members of the Commission. Any amendment shall be adopted by a consensus decision of the Commission.
2. Amendments adopted shall enter into force 30 days after the receipt by the Deposit State of the seventh instrument of acceptance from the States Parties.

**Article 20**  
**Review**

Ten years after this Treaty enters into force, a meeting of the Commission shall be convened for the purpose of

reviewing the operation of this Treaty. A meeting of the Commission for the same purpose may also be convened at anytime thereafter if there is consensus among all its members.

**Article 21**  
**Settlement of Disputes**

Any dispute arising from the interpretation of the provisions of this Treaty shall be settled by peaceful means as may be agreed upon by the States Parties to the dispute. If within one month, the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

**Article 22**  
**Duration and Withdrawal**

1. This Treaty shall remain in force indefinitely.
2. In the event of a breach by any State Party of this Treaty essential to the achievement of the objectives of this Treaty, every other State Party shall have the right to withdraw from this Treaty.
3. Withdrawal under Paragraph 2 of Article 22, shall be effected by giving notice twelve months in advance to the members of the Commission.

*In witness whereof*, the undersigned have signed this Treaty.

*Done* at Bangkok, this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

**Annex**  
**Procedure for a Fact-Finding Mission**

1. The State Party requesting a fact-finding mission as provided in Article 13, hereinafter referred to as the 'requesting State', shall submit the request to the Executive Committee specifying the following:
  - (a) the doubts or concerns and the reasons for such doubts or concerns;
  - (b) the location in which the situation which gives rise to doubts has allegedly occurred;
  - (c) the relevant provisions of the Treaty about which doubts of compliance have arisen; and
  - (d) any other relevant information.
2. Upon receipt of a request for a fact-finding mission, the Executive Committee shall:
  - (a) immediately inform the State Party to which the fact-finding mission is requested to be sent, hereinafter referred to as the 'receiving State', about the receipt of the request; and
  - (b) not later than 3 weeks after receiving the request, decide if the request complies with the provisions of Paragraph 1 and whether or not it is frivolous, abusive or clearly beyond the scope of this Treaty. Neither the requesting nor receiving State Party shall participate in such decisions.
3. In case the Executive Committee decides that the request does not comply with the provisions of Paragraph 1, or that it is frivolous, abusive or clearly beyond the scope of this Treaty, it shall take no further action on the request and inform the requesting State and the receiving State accordingly.

4. In the event that the Executive Committee decides that the request complies with the provisions of Paragraph 1, and that it is not frivolous, abusive or clearly beyond the scope of this Treaty, it shall immediately forward the request for a fact-finding mission to the receiving State, indicating, *inter alia*, the proposed date for sending the mission. The proposed date shall not be later than 3 weeks from the time the receiving State receives the request for a fact-finding mission. The Executive Committee shall also immediately set up a fact-finding mission consisting of 3 inspectors from the IAEA who are neither nationals of the requesting nor receiving State.
5. The receiving State shall comply with the request for a fact-finding mission referred to in Paragraph 4. It shall cooperate with the Executive Committee in order to facilitate the effective functioning of the fact-finding mission, *inter alia*, by promptly providing unimpeded access of the fact-finding mission to the location in question. The receiving State shall accord to the members of the fact-finding mission such privileges and immunities as are necessary for them to exercise their functions effectively, including inviolability of all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken for the purpose of the mission.
6. The receiving State shall have the right to take measures to protect sensitive installations and to prevent disclosures of confidential information and data not related to this Treaty.
7. The fact-finding mission, in the discharge of its functions, shall:
  - (a) respect the laws and regulations of the receiving State;
  - (b) refrain from activities inconsistent with the objectives and purposes of this Treaty;
  - (c) submit preliminary or interim reports to the Executive Committee; and
  - (d) complete its task without undue delay and shall submit its final report to the Executive Committee within a reasonable time upon completion of its work.
8. The Executive Committee shall:
  - (a) consider the reports submitted by the fact-finding mission and reach a decision on whether or not there is a breach of this Treaty;
  - (b) immediately communicate its decision to the requesting State and the receiving State; and
  - (c) present a full report on its decision to the Commission.
9. In the event that the receiving State refuses to comply with the request for a fact-finding mission in accordance with Paragraph 4, the requesting State through the Executive Committee shall have the right to request for a meeting of the Commission. The Executive Committee shall immediately request the Commission to convene a meeting in accordance with Paragraph 3(e) of Article 9.

### **Protocol to the Treaty on Southeast Asia Nuclear Weapon-Free Zone**

The States Parties to this Protocol,

*Desiring* to contribute to efforts towards achieving general and complete disarmament of nuclear weapons, and thereby ensuring international peace and security, including in Southeast Asia;

*Noting* the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, signed at Bangkok, on the fifteenth day of December, one thousand nine hundred and ninety-five;

*Have agreed* as follows:

#### **Article 1**

Each State Party undertakes to respect the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Treaty', and not to contribute to any act which constitutes a violation of the Treaty or its Protocol by States Parties to them.

#### **Article 2**

Each State Party undertakes not to use or threaten to use nuclear weapons against any State Party to the Treaty. It further undertakes not to use or threaten to use nuclear weapons within the Southeast Asia Nuclear Weapon-Free Zone.

#### **Article 3**

This Protocol shall be open for signature by the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

#### **Article 4**

Each State Party undertakes, by written notification to the Depositary State, to indicate its acceptance or other wise of any alteration to its obligations under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to Article 19 thereof.

#### **Article 5**

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

#### **Article 6**

This Protocol shall be subject to ratification.

#### **Article 7**

This Protocol shall enter into force for each State Party on the date of its deposit of its instrument of ratification with the Depositary State. The Depositary State shall inform the other States Parties to the Treaty and to this Protocol on the deposit of instruments of ratification.

*In witness whereof* the undersigned, being duly authorised by their Governments, have signed this Protocol.

### Establishment of a nuclear-weapon-free zone in Central Asia

[Resolution A/RES/53/77 A, adopted by the General Assembly at its 53rd Session, December 1998]

*The General Assembly,*

*Recalling* its resolution 52/38 of 9 December 1997,

*Further recalling* paragraphs 60, 61, 62 and 64 of the Final Document of the Tenth Special Session of the General Assembly, the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 5 and 6 of the decision entitled 'Principles and objectives for nuclear non-proliferation and disarmament' in the Final Document of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, concerning the establishment of nuclear-weapon-free zones,

*Convinced* that the establishment of nuclear-weapon-free zones can contribute to the achievement of general and complete disarmament,

*Emphasizing* the importance of internationally recognized agreements on the establishment of nuclear-weapon-free zones in various regions of the world and on the strengthening of the non-proliferation regime,

*Considering* that the establishment of a nuclear-weapon-free zone in Central Asia, on the basis of arrangements freely arrived at among the States within the region and taking into account the special characteristics of the region, can enhance the security of the States involved and strengthen global and regional security and peace,

*Recalling* the Almaty Declaration of the heads of State of the Central Asian States of 28 February 1997 on the creation of a nuclear-weapon-free zone in Central Asia, and 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,

*Welcoming* 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 for the establishment of a nuclear-weapon-free zone in Central Asia,

*Reaffirming* the generally recognized role of the United Nations in the establishment of nuclear-weapon-free zones,

1. *Calls upon* all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia;
2. *Commends* the first concrete steps taken by the States of the region in preparing the legal groundwork for their initiative;
3. *Encourages* the five Central Asian States to continue their dialogue with the five nuclear-weapon States on the establishment of a nuclear-weapon-free zone in Central Asia;
4. *Requests* the Secretary-General, within existing resources, to provide assistance to the Central Asian States in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia;
5. *Decides* to consider the question of the establishment of a nuclear-weapon-free zone in Central Asia at its fifty-fourth session under the agenda item entitled 'General and complete disarmament'.

### **Mongolia's international security and nuclear-weapon-free status**

[Resolution A/RES/53/77 D, adopted by the General Assembly at its 53rd Session, December 1998]

*The General Assembly,*

*Recalling* the purposes and principles of the Charter of the United Nations,

*Recalling also* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Welcoming* the decision of Mongolia to declare its territory a nuclear-weapon-free zone,

*Taking note with satisfaction* of the separate statements made by the nuclear-weapon States in connection with Mongolia's declaration of its territory a nuclear-weapon-free zone,

*Bearing in mind* the Final Document 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, in which the Conference welcomed and supported Mongolia's policy to institutionalize its single State nuclear-weapon-free status,

*Proceeding* from the fact that nuclear-weapon-free status is one of the means of ensuring the national security of States,

*Bearing in mind* its resolution 49/31 of 9 December 1994 on the protection and security of small States,

*Welcoming* Mongolia's active and positive role in developing peaceful, friendly and mutually beneficial relations with the States of the region and other 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,

1. *Welcomes* the declaration by Mongolia of its nuclear-weapon-free status;
2. *Endorses and supports* Mongolia's good-neighbourly and balanced relationship with its neighbours as an important element of strengthening regional peace, security and stability;
3. *Invites* Member States, including the five nuclear-weapon States, 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;
4. *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;
5. *Requests* the Secretary-General and relevant United Nations bodies to provide the necessary assistance to Mongolia, within existing resources, to take the necessary measures mentioned in paragraph 3 above;
6. *Also requests* the Secretary-General to report on the implementation of the present resolution at its fifty-fifth session;
7. *Decides* to include in the provisional agenda of its fifty-fifth session an item entitled 'Mongolia's international security and nuclear-weapon-free status'.

### African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)

[Resolution A/RES/54/48, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

Recalling its resolution 52/46 of 9 December 1997 and all its other relevant resolutions, as well as those of the Organization of African Unity,

*Recalling also* the successful conclusion of the signing ceremony of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) that was held in 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,

*Noting* the statement made by the President of the Security Council on behalf of the members of the Council on 12 April 1996, in which it was stated 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 Treaty as soon as possible so that it may enter into force without delay;
2. *Expresses 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 which 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 on 15 May 1997;
5. *Expresses its gratitude* to the Secretary-General of the United Nations, the Secretary-General of the Organization of African Unity 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 fifty-sixth session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

## Establishment of a nuclear-weapon-free zone in the region of the Middle East

[Resolution A/RES/54/51, adopted by the General Assembly at its 54th Session, December 1999]

*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 and 53/74 of 4 December 1998 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 General Assembly resolution 53/74,

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(43)RES/23, adopted on 1 October 1999 by the General Conference of the International Atomic Energy Agency at its forty-third 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 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-fifth session a report on the implementation of the present resolution;
12. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

### **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/54/60, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

Recalling that in its resolution 1911 (XVIII) of 27 November 1963 it expressed the hope that the States of Latin America would take appropriate measures to conclude a treaty that would prohibit nuclear weapons in Latin America,

*Recalling also* that in the same resolution it voiced its confidence that, once such a treaty was concluded, all States, and in particular the nuclear-weapon States, would lend it their full cooperation for the effective realization of its peaceful aims,

*Considering* that in its resolution 2028 (XX) of 19 November 1965 it established the principle of an acceptable balance of mutual responsibilities and obligations between nuclear-weapon States and those which do not possess such weapons,

*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,

*Noting with satisfaction* the holding on 14 February 1997 of the eleventh special session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in commemoration of the thirtieth anniversary of the opening for signature of the Treaty of Tlatelolco,

*Recalling* 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 also* 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 further* that in 1990, 1991 and 1992 the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean approved and opened for signature a set of amendments to

the Treaty of Tlatelolco, with the aim of enabling the full entry into force of that instrument,

*Recalling* resolution C/E/RES.27 of the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in which the Council called for the promotion of cooperation and consultations with other nuclear-weapon-free zones,

*Noting with satisfaction* that the Treaty of Tlatelolco is now in force for thirty-two sovereign States of the region,

*Also noting with satisfaction* that on 18 January 1999 Colombia and on 20 January 1999 Costa Rica deposited their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267 (E-V) of 3 July 1990, 268 (XII) of 10 May 1991 and 290 (E-VII) of 26 August 1992,

*Further noting with satisfaction* that the amended Treaty of Tlatelolco is fully in force for Argentina, Barbados, Brazil, Chile, Colombia, Costa Rica, Guyana, Jamaica, Mexico, Paraguay, Peru, Suriname, Uruguay and Venezuela,

1. *Welcomes* the concrete steps taken by some countries of the region during the past year for the consolidation of the regime of military denuclearization established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);
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 for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267 (E-V), 268 (XII) and 290 (E-VII);
3. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".

### Nuclear-weapon-free southern hemisphere and adjacent areas

[Resolution A/RES/54/54 L, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

Recalling its resolutions 51/45 B of 10 December 1996, 52/38 N of 9 December 1997 and 53/77 Q of 4 December 1998,

*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 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, as well as of the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

*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*, the ultimate objective of achieving a world entirely free of nuclear weapons, and underlining also 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. *Calls* for the ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all States of the region, and 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;
3. *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 General Assembly resolutions on the establishment of nuclear-weapon-free zones in the Middle East and South Asia;
4. *Reiterates* 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, with the ultimate goal of eliminating all nuclear weapons;
5. *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;
6. *Encourages* the competent authorities of nuclear-weapon-free zone treaties to provide assistance to the States parties and signatories to such treaties so as to facilitate the accomplishment of these goals;
7. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Nuclear-weapon-free southern hemisphere and adjacent areas".

**The International Atomic Energy Agency**



## Statute of the International Atomic Energy Agency

[approved 23 October 1956, entered into force 29 July 1957]

### Article I — Establishment of the Agency

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as ‘the Agency’) upon the terms and conditions hereinafter set forth.

### Article II — Objectives

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

### Article III — Functions

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another: and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;

2. To make provision, in accordance with this Statute, for materials, services, equipment and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;

3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;

4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;

5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State’s activities in the field of atomic energy;

6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State’s activities in the field of atomic energy;

7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;

2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connexion with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C or article XII;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

### Article IV — Membership

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in

accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligation assumed by them in accordance with this Statute.

#### Article V — General Conference

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII and paragraph B of 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 of diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

#### **Article X — Services, equipment, and facilities**

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

#### **Article XI — Agency projects**

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any

such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send 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.

**Message of the UN Secretary-General, Mr Kofi Annan, to the IAEA General Conference**

[September 1999 (extract)]

Let me turn first to the Agency's role in seeking to prevent the proliferation of nuclear weapons. After the Cold War, the world has become safer and more complicated at the same time. I refer specifically to the multi-dimensional nature of potential proliferation threats, whether from 'breakouts' within the ranks of States committed to the nuclear non-proliferation regime; from States which have concluded, in the face of overwhelming conclusions to the contrary, that national interests are enhanced by pursuing the nuclear weapons option; from national or sub-national terrorist groups; from illicit trafficking in nuclear material; or from weakness in arrangements to ensure adequate physical protection of nuclear material.

These are some of the issues which I expect to find discussed at next year's Review Conference of the States Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). At that time, parties to the treaty will be expected to give an account of their respective roles in seeking to implement the package of decisions adopted by the 1995 NPT Review and Extension Conference. Last year, I welcomed the significant progress that had been made with regard to the Additional Protocols to the safeguards agreements. I regret that further progress has been delayed, even in countries with significant nuclear facilities. I trust that all the countries committed to strengthening the safeguards systems will be ready to turn

their words into deeds and thus demonstrate, at next year's NPT Conference, that they have played their part in equipping their safeguards system to deal effectively with the challenges of the 21st century.

I also hope that progress will be made towards nuclear disarmament. This has proven to be more difficult than expected. The START II agreement remains unratified, and the Comprehensive Test-Ban has yet to enter into force.

Negotiations in the Conference on Disarmament on a ban on the production of fissile material for nuclear weapons and other nuclear explosive devices have been stymied by procedural wrangling. Again, the NPT Review Conference will provide a significant opportunity for taking stock of where we stand with regard to the noble and ambitious goals which States set for themselves in 1995 and of their willingness to match their intentions with actions...

Although effective actions have been taken to improve the security of material, the threat from illicit trafficking in nuclear materials and other radioactive sources to global security and public health remains. International cooperation has to be further strengthened to prevent these criminal activities. The IAEA has a crucial role in coordinating international efforts to reinforce national systems for the prevention and detection of, and response to, illicit trafficking.

## Statement by the Director General, Dr Mohamed ElBaradei, to the Forty-Third Session of the General Conference of the International Atomic Energy Agency

[September 1999 (extracts)]

### Introduction

This forty-third General Conference takes place at the dawn of a new millennium. It presents us with an occasion to reflect on the past and plan for the future.

I want this morning not only to recall where we stand now but also to outline where we want to be. I will consider the Agency's programme in terms of the three 'pillars' that constitute its mandate, namely technology, safety and verification. I will also touch on two supporting elements that undergird those pillars: effective interaction with the outside world, and excellence in management.

### I. Nuclear Technology

I begin with the Agency's work under the technology pillar. Nuclear technology provides the basis for all of the Agency's work. Our mandate in this area is clear: to maximize the ability of Member States to make full use of nuclear technology for their economic and social development.

Let me start with nuclear power. In the past fifty years, nuclear power has become an important part of the energy mix. At the end of 1998, over four hundred nuclear power reactors in more than thirty countries were producing about 16% of world electricity. Sixteen countries relied on nuclear power for 25% or more of their electricity supply.

Global energy demand, particularly for electricity, is clearly rising, especially to meet increasing needs in the developing world. A conservative estimate from the World Energy Council is that global electricity demand will triple in the next fifty years. Thus, many countries will have to decide on the nature and extent of new investments in energy production. Energy security and the preference for low price and low risk will, as always, strongly influence the choice. It will also be influenced by the steadily growing awareness of the need for energy supply services that are environmentally benign. Nuclear power is likely to be increasingly recognized as one of the few options that can help countries meet base load electricity demand with virtually no greenhouse gas emissions and can thus satisfy growing energy needs while helping to meet the carbon dioxide emission targets set out in the Kyoto Protocol. Currently, nuclear power generation results in the avoidance of about 8% of global carbon dioxide emissions compared with fossil fuel generation.

This might suggest that the share of nuclear power in global energy production will grow, or at least remain stable. However, current projections point to a less definite situation. Today, in Western Europe and North America, nuclear power is at a standstill or almost in decline, though it continues to grow in a few rapidly developing countries in Asia and in parts of Eastern Europe. But the overall share of nuclear power as a proportion of global electricity production is projected to fall, to about 13% in 2010 and to 10% in 2020.

I should note here that the assumption that environmental considerations alone will trigger a resurgence of investment in nuclear power generation is at best doubtful. Only if the nuclear power industry consistently reflects three crucial attributes — safety,

competitiveness and public support — can it be assured of a long term future.

A resurgence of nuclear power will thus depend on action on three fronts: continued improvement in the global nuclear safety record, including the 'back end' of the fuel cycle, further improvements in economic competitiveness, and the enhancement of public understanding of, and confidence in, nuclear power. I shall address the latter two aspects here. The question of safety is one to which I will return later in this statement — under the second pillar.

One of the prerequisites for nuclear power to remain economically competitive — in a world in which changes brought about by liberalization and privatization have placed an unprecedented premium on cost effectiveness — is that scientific and technical research must focus not only on how to improve fuel cycle technology but also on how to develop designs for reactors of various sizes, with higher efficiency and greater availability, shorter construction times and lower capital costs. Nuclear power technology is a relatively young technology and it is essential that it continue to develop in order to remain competitive.

I should caution here, however, that the emphasis on profitability must not be at the expense of safety. Indeed, cutting corners may increase the likelihood of mistakes in an industry in which public opinion is quick to judge and slow to forget. However, experience shows that efficiency and safety are in practice mutually supportive. I should also add that it is only fair that the full costs of different energy options, including their environmental impact, are factored into the comparative assessments of the economics of the different energy options if we are to take seriously the threat of global climate change.

...

### III. Nuclear Verification and the Security of Material

I turn now to the third pillar of the Agency's work — verification and the security of nuclear material. Agency safeguards are key to international efforts to prevent the proliferation of nuclear weapons. Safeguards have evolved steadily since their inception as changes in technology have led to improvements in verification techniques and capabilities. A major catalyst for change, however, as I recalled in my statement to last year's General Conference, was the Agency's experience in Iraq. Since 1991, efforts have concentrated on equipping the safeguards system to provide assurance not only of the absence of diversion of a State's nuclear material from declared activities, but also of the absence of any undeclared material or activities. A high point was the adoption by the Board of Governors, in May 1997, of the Model Additional Protocol to a safeguards agreement that provides the Agency with the necessary supplementary authority in this regard.

A longstanding concern of the Secretariat has been the number of States which have still not concluded safeguards agreements with the Agency, despite their obligation to do so. The Secretariat continues to take every opportunity to encourage the relevant States to take the appropriate action in this regard. With a view to next year's Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), I urge, in particular, the 52 NPT States without safeguards

agreements in force to conclude and bring such agreements into force without further delay. The full potential of the strengthened safeguards system can be realized only through universal adherence to the Additional Protocol. That, in turn, depends upon all relevant safeguards agreements being in force.

Since last year's General Conference, a further 13 Additional Protocols have been approved by the Board of Governors, including four at last week's Board meeting. This brings the total of Additional Protocols approved to 45.

While I naturally welcome this progress, it falls short of expectations. States have consistently emphasized the great importance that they attach to a strengthened safeguards system and, in that regard, to universal adherence to the Additional Protocol. I appeal to all the States which have not yet done so to conclude Additional Protocols at the earliest possible date.

My report to the General Conference on 'Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System' describes the work that the Secretariat has undertaken since last year's conference: implementing safeguards strengthening measures within the Agency's legal authority under safeguards agreements; implementing measures contained in the Additional Protocol in States where the Protocol is in force; and developing 'integrated safeguards'. The latter involves the integration of traditional nuclear material verification activities with the new strengthening measures, including those from the Additional Protocol, to achieve maximum effectiveness and efficiency.

The Secretariat has already started implementing some of the new strengthening measures. And the integration process will be progressively introduced starting next year. I am confident that the new system will enable the Agency to provide enhanced assurance to the international community that all States with comprehensive safeguards agreements and Additional Protocols are using nuclear energy exclusively for peaceful purposes. But we need to continue to work towards the universality of the non-proliferation regime, towards nuclear disarmament and towards a better system of global and regional security. In my view, these are the best disincentives against using nuclear energy for military purposes.

Let me now turn to the physical protection of nuclear material, which is closely associated with the Agency's safeguards and verification mission. It is important that nuclear materials not be misused — by States or by subnational groups. The Agency's Illicit Trafficking Database records 138 incidents involving nuclear material and 124 involving other radioactive sources which have been officially reported by States. The number of Member States providing information to this database, at present 61, is steadily increasing.

The Secretariat will continue to assist States in their efforts to prevent, detect and respond to illegal uses of nuclear and radioactive material and to co-operate to that end with other international organizations, such as customs and police organizations. In the coming years, we aim to achieve progress in the global implementation of the recently revised recommendations on physical protection (INFCIRC/225/Rev.4), whose scope has now been extended to cover protection of not only nuclear material but also nuclear facilities containing nuclear material. The Secretariat is also convening, at the request of Member States, an open-ended expert meeting in November to

consider whether there is a need for revision of the Convention on Physical Protection of Nuclear Material.

#### *Possible New Verification Activities*

In the area of nuclear arms control and reduction measures, the Agency has continued its work on a joint initiative with the Russian Federation and the USA, focusing on Agency verification of weapon-origin fissile material in the two States. During the year, work has continued on the development of a proposed prototype inspection system that might allow Agency inspectors to carry out their verification duties without access to classified weapons information. Discussions with the Russian Federation and the USA have also continued on the drafting of a model verification agreement that will inter alia ensure that fissile materials of weapon origin submitted to Agency verification will not be used again in nuclear weapons. Minister Adamov, Secretary Richardson and I will meet this week to review the work and set goals for the coming year.

The Conference on Disarmament (CD) continued its discussion on issues relating to the negotiation of a treaty to ban fissile material production for nuclear weapons or other nuclear explosives. In line with an earlier United Nations General Assembly resolution, I have indicated to the President of the CD the Agency's readiness to assist in developing the verification system for such a treaty. At the request of a number of States, the Secretariat has been providing expert advice and information on its experience in areas relevant to the development of such a verification system.

It goes without saying that any new verification activities will pose a challenge for the Agency in terms of resource requirements. In this connection, I presented earlier this year to the Board of Governors the possible options for financing Agency verification of future nuclear arms control and reduction measures. The document focused on the principles that could underline such funding and the different mechanisms available, including the possible establishment of a nuclear arms control and reduction fund based on assessed contributions. The document, however, emphasized that whatever the financial arrangements agreed upon, they should be predictable and reliable. At its June meeting, the Board of Governors had an initial discussion on the subject and I expect the issue to be pursued when the envisaged verification tasks become concrete. It is a statutory responsibility and a long standing tradition for the Agency to accept all requests for the application of safeguards and we should continue to be able to do so. If we are asked to take on new roles in the important field of nuclear arms control then we need to be prepared and we need to agree beforehand on the modes of financing the work. I therefore hope that Member States will give this issue the attention it deserves. ...

#### *Specific Verification Issues*

Let me now turn to some specific verification issues on your agenda.

It is now some nine months since the Agency's last inspection in Iraq under the relevant Security Council resolutions. One year ago we were cautiously optimistic that the Agency would be able to proceed with the full implementation of its monitoring and verification plan. This has not happened. And the United Nations Security Council is still consulting on a mechanism for the resumption of verification activities in Iraq. Clearly, under

present circumstances, the Agency cannot provide any measure of assurance regarding Iraq's compliance with its obligations under the said resolutions. However, the Agency continues to be ready to resume its activities in Iraq at short notice.

The Agency remains unable to verify that all nuclear material subject to safeguards in the Democratic People's Republic of Korea (DPRK) has been declared to the Agency. The Agency, however, continues to monitor the 'freeze' on DPRK's graphite moderated reactors and related facilities as requested by the Security Council. The measure of co-operation we receive from the DPRK continues to be limited. And, despite twelve rounds of technical discussions, there is still no progress on important issues such as the preservation of information relevant to verifying the DPRK's compliance with its safeguards agreement. As I have indicated before, without this information it will be difficult, if not impossible, to verify, in the future, compliance by the DPRK with its safeguards agreement.

Pursuant to the mandate conferred on me by the General Conference, I have continued my consultations with States of the Middle East region regarding the application of full scope Agency safeguards to all nuclear activities in the Middle East as relevant to the preparation of model agreements, as a necessary step towards the establishment of a nuclear weapons free zone in the region. This year, during visits to Egypt, Jordan, Lebanon, Morocco and the Syrian Arab Republic, I reiterated the importance of obtaining more detailed information from States of the

Middle East on key issues relevant to my mandate. Additionally, I wrote in May 1999 to the Foreign Ministers of Middle East States in this regard and have received a number of replies that are annexed to my report to the General Conference. I also reiterated my willingness to provide any assistance within my mandate and authority to States of the region in seeking to fulfil the objectives of successive General Conference resolutions. There is clearly a common view among States of the region, which is globally shared, that a Middle East nuclear weapons free zone would contribute to regional stability and security. It is to be hoped that the political climate now prevailing in the region will be conducive to progress in the attainment of these important goals. ...

## **VI. Conclusion**

Looking back on the last fifty years, we can see that great progress has been made in the world. But serious global challenges remain. High among them are: improving social and economic conditions over much of the globe where 1.3 billion people live on less than one dollar per day; curbing the spread and eventually eliminating the threat of nuclear weapons from a world where some tens of thousands of warheads continue to exist; and stopping the degradation of the environment. The Agency has a modest — though important — role to play in helping the world to meet these challenges. We pledge to do our best. And we look forward to your continued support.

## Application of IAEA Safeguards in the Middle East

[IAEA General Conference resolution GC(43)/L.1/Rev.1, adopted September 1999]

*The General Conference,*

(a) *Recognizing* the importance of the non-proliferation of nuclear weapons — both globally, and regionally — in enhancing international peace and security,

(b) *Mindful of* the usefulness of the Agency's safeguards system as a reliable means of verification of the peaceful uses of nuclear energy,

(c) *Concerned by* the grave consequences, endangering peace and security, of the presence in the Middle East region of nuclear activities not wholly devoted to peaceful purposes,

(d) *Welcoming* the initiatives regarding the establishment of a zone free of all weapons of mass destruction, including nuclear weapons, in the Middle East and recent initiatives regarding arms control in the region,

(e) *Recognizing* that full realization of these objectives would be promoted by 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(42)/RES/21,

1. *Takes note* of the Director General's report in documents GOV/1999/51-GC(43)117, GOV/1999/51/Add.1-GC(43)/17/Add.1 and GOV/1999/51/Add.2-GC(43)117/Add.2;

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 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 to the General Conference at its forty-fourth 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'.

**Amendment to Article VI of the Statute**

[IAEA General Conference resolution GC(43)/L.12, adopted 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.

**Safeguards Agreements with the International Atomic Energy Agency**



## The IAEA Inspectors' Document

[GC(V)/39 of 1961]

### The Agency's Inspectorate Memorandum by the Director General

1. The General Conference will recall that in connection with its fourth regular session the Board transmitted to it for information a memorandum on the Agency's inspectors. In that document the Board indicated that until certain issues relevant to the recruitment and sources of members of the Agency's inspectorate had been resolved, it would not consider its examination of the problems connected therewith as complete.

2. The Board reverted to the subject at meetings held in April and June 1961, and on 29 June decided that the Inspector General and all officers of Professional grade of the Division of Inspection would be appointed by the Director General as staff officials of the Agency after he had submitted applications recommended by him to the Board for approval. As a corollary to that decision the Board also decided that its consideration of the establishment of the Agency's inspectorate was concluded, and that the detailed provisions relating to the Agency's inspectors which it had annexed to its memorandum of last year were in effect.

3. As the Board pointed out last year, that Annex — which deals with matters that arise in the application of the Agency's safeguards and health and safety measures — is intended to serve as a guide to the parties concerned in negotiating provisions that are normally included in project agreements, and in agreements for the application of Agency safeguards and the Agency's health and safety measures to bilateral or multilateral arrangements or to a State's own activities in the field of atomic energy, to the extent that such provisions are relevant to each project or arrangement. The provisions of the Annex are not mandatory, and they and other provisions that may be agreed in negotiation will only be given legal effect by the entry into force of the particular agreement which incorporates them.

4. The Board has requested the communication of this memorandum to the General Conference, together with the text of the Annex to its memorandum of last year, for information at the fifth regular session.

### Annex. The Agency's Inspectors

#### I. Designation of Agency Inspectors

1. When it is proposed to designate an Agency inspector for a State, the Director General shall inform the State in writing of the name, nationality and grade of the Agency inspector proposed, shall transmit a written certification of his relevant qualifications and shall enter into such other consultations as the State may request. The State shall inform the Director General, within 30 days of receipt of such a proposal, whether it accepts the designation of that inspector. If so, the inspector may be designated as one of the Agency's inspectors for that State, and the Director General shall notify the State concerned of such designation.

2. If a State, either upon proposal of a designation or at any time after a designation has been made, objects to the designation of an Agency inspector for that State, it shall inform the Director General of its objection. In this event,

the Director General shall propose to the State an alternative designation or designations. The Director General may refer to the Board for its appropriate action, the repeated refusal of a State to accept the designation of an Agency inspector if, in his opinion, this refusal would impede the inspections provided for in the relevant project or safeguards agreement.

3. Each State shall as speedily as possible grant or renew appropriate visas, where required, for persons whose designation as Agency inspectors that State has accepted.

#### II. Visits of Agency Inspectors

4. The State shall be given at least one week's notice of each inspection, including the names of the Agency's inspectors, the place and approximate time of their arrival and departure and the facilities and materials to be inspected. Such notice need not exceed 24 hours for any inspection to investigate any incident requiring a 'special inspection'.

5. Agency inspectors shall be accompanied by representatives of the State concerned, if the State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions. Agency inspectors shall use such points of entry into and departure from the State, and such routes and modes of travel within it, as may be designated by the State.

6. Agency inspectors, in locations where this is necessary, shall be provided, on request and for reasonable compensation if agreed on, with appropriate equipment for carrying out inspections and with suitable accommodation and transport.

7. The visits and activities of the Agency's inspectors shall be so arranged as to ensure on the one hand the effective discharge of their functions and on the other hand the minimum possible inconvenience to the State and disturbance to the facilities inspected.

8. Consultations shall take place with the State to ensure that consistent with the effective discharge of the functions of the Agency's inspectors, their activities will be conducted in harmony with the laws and regulations existing in the State.

#### III. Rights of Access and Inspection

9. After submitting their credentials, and to the extent relevant to the project or arrangement, Agency inspectors shall have access, depending upon the type of inspection to be carried out, either:

- (a) To all materials, equipment and facilities to which Agency safeguards against diversion are applied under the relevant provisions of document INFCIRC/26; or
- (b) To all radiation sources, equipment and facilities which can be inspected by those Agency inspectors who are making inspections in relation to the provisions of paragraphs 31 and 32 of the Agency's health and safety measures set forth in document INFCIRC/18. They shall have access at all times to all places and data and to any person, to the extent provided for in Article XII.A.6 of the Statute. The State shall direct all such persons under its control to co-operate fully with Agency inspectors, and shall

indicate the exact location of and identify all such materials, equipment and facilities.

10. With respect to all materials, equipment and facilities to which Agency safeguards against diversion are applied, the Agency's inspectors shall be permitted to carry out their inspections in accordance with the pertinent agreements which may include provisions for:

- (a) Examination of the facility and/or materials to which Agency safeguards are applied;
- (b) Audit of reports and records;
- (c) Verification of the amounts of material to which Agency safeguards are applied, by physical inspection, measurement and sampling; and
- (d) Examination and testing of the measurement instruments.

11. Agency inspectors for health and safety measures may perform inspections in accordance with each individual agreement, which may necessitate:

- (a) Tests of radiation sources, of radiation detection and monitoring instruments and of other equipment or devices in connection with the use, storage, transportation or disposal as waste of radiation sources;
- (b) Examination of facilities wherein radiation sources are used or stored, of waste disposal facilities and of all records on which reports to the Agency are based; and
- (c) Examinations related to the evaluation of the radiation exposure of persons who have or may have been over-exposed.

The State shall perform, in a manner prescribed by the Agency, or arrange for the Agency to perform those tests and examinations deemed necessary by the Agency.

12. After an inspection has been carried out, the State concerned shall be duly informed by the Agency of its results. In case the State disagrees with the report of the Agency's inspectors, it shall be entitled to submit a report on the matter to the Board of Governors.

#### **IV. The Privileges and Immunities of the Agency's Inspectors**

13. Agency inspectors shall be granted the privileges and immunities necessary for the performance of their functions. Suitable provision shall be included in each project or safeguards agreement for the application, in so far as relevant to the execution of that agreement, of the provisions of the Agreement of the Privileges and Immunities of the International Atomic Energy Agency excepting Articles V and XII thereof, provided that all parties to the project or safeguards agreement so agree.

14. Disputes between a State and the Agency arising out of the exercise of the functions of Agency inspectors will be settled according to an appropriate disputes clause in the pertinent project or safeguards agreement.

## The Agency's Safeguards System (1965, as provisionally extended in 1966 and 1968)

[Reproduced from IAEA Information Circular 66/Rev.2, (INFCIRC/66/Rev.2), 16 September 1968]

### I. GENERAL CONSIDERATIONS

#### A. The purpose of this document

1. Pursuant to Article II of the Statute the Agency has the task of seeking 'to accelerate and enlarge the contribution of atomic energy and peace, health and prosperity throughout the world'. Inasmuch as the technology of nuclear energy for peaceful purposes is closely coupled with that for the production of materials for nuclear weapons, the same Article of the Statute provides that the Agency 'shall ensure so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose'.
2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A.5 of the Statute, which authorizes the Agency to 'establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose'. This Article further authorizes the Agency to 'apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy'. Article XII.A sets forth the rights and responsibilities that the Agency is to have, to the extent relevant, with respect to any project or arrangement which it is to safeguard.
3. The principles set forth in this document and the procedures for which it provides are established for the information of Member States, to enable them to determine in advance the circumstances and manner in which the Agency would administer safeguards, and for the guidance of the organs of the Agency itself, to enable the Board and the Director General to determine readily what provisions should be included in agreements relating to safeguards and how to interpret such provisions.
4. Provisions of this document that are relevant to a particular project, arrangement or activity in the field of nuclear energy will only become legally binding upon the entry into force of a *safeguards agreement* and to the extent that they are incorporated therein. Such incorporation may be made by reference.
5. Appropriate provisions of this document may also be incorporated in bilateral or multilateral arrangements between Member States, including all those that provide for the transfer to the Agency of responsibility for administering safeguards. The Agency will not assume such responsibility unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.
6. Agreements incorporating provisions from the earlier version of the Agency's safeguards system will

continue to be administered in accordance with such provisions, unless all States parties thereto request the Agency to substitute the provisions of the present document.

7. Provisions relating to types of *principal nuclear facilities*, other than *reactors*, which may produce, process or use safeguarded *nuclear material* will be developed as necessary.
8. The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.

#### B. General principles of the Agency's safeguards The Agency's obligations

9. Bearing in mind Article II of the Statute, the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development.
10. The safeguards procedures set forth in this document shall be implemented in a manner designed to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.
11. In no case shall the Agency request a State to stop the construction or operation of any *principal nuclear facility* to which the Agency's safeguards procedures extend, except by explicit decision of the Board.
12. The State or States concerned and the Director General shall hold consultations regarding the application of the provisions of the present document.
13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.
14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:
  - (a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;
  - (b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and
  - (c) Additional information may be published upon decision of the Board and if all States directly concerned agree.

**Principles of implementation**

15. The Agency shall implement safeguards in a State if:
  - (a) The Agency has concluded with the State a *project agreement* under which materials, services, equipment, facilities or information are supplied, and such agreement provides for the application of safeguards; or
  - (b) The State is a party to a bilateral or multilateral arrangement under which materials, services, equipment, facilities or information are supplied or otherwise transferred, and:
    - (i) All the parties to the arrangement have requested the Agency to administer safeguards; and
    - (ii) The Agency has concluded the necessary *safeguards agreement* with the State; or
  - (c) The Agency has been requested by the State to safeguard certain nuclear activities under the latter's jurisdiction, and the Agency has concluded the necessary *safeguards agreement* with the State.
16. In the light of Article 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 practically 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:
- Audit of records and reports;
  - Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;
  - Examination of *principal nuclear facilities*, including a check of their measuring instruments and operating characteristics; and
  - 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*:
- As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or
  - 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:

- The study of a report indicates that such inspection is desirable; or
- 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);	Maximum number of routine inspections annually
(b) Annual <i>throughput</i> ;	
(c) Maximum potential annual production of special fissionable material ( <i>Effective kilograms of nuclear material</i> )	
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:
- Whether the State possesses irradiated-fuel reprocessing facilities;
  - The nature of the *reactor*; and
  - The nature and amount of the *nuclear material* produced or used in the *reactor*.

**C. Special procedures relating to safeguarded nuclear material outside principal nuclear facilities**  
**Nuclear material in research and development facilities**

**Routine reports**

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities*. The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

**Routine inspections**

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

**Source materials in sealed storage**

61. The following simplified procedures for safeguarding stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

**Design of storage facilities**

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

**Routine reports**

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

**Routine inspections**

64. The Agency may perform one routine inspection of each sealed storage facility annually.

**Removal of material**

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

**Nuclear material in other locations**

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

**Routine reports**

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

**Routine inspections**

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms*, and shall be determined from the table in paragraph 57 if the amount is greater.

**IV. DEFINITIONS**

69. 'Agency' means the International Atomic Energy Agency.

70. 'Board' means the Board of Governors of the Agency.

71. 'Director General' means the Director General of the Agency.

72. 'Effective kilograms' means:

(a) In the case of plutonium, its weight in kilograms;

(b) In the case of uranium with an *enrichment* of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its *enrichment*;

(c) In the case of uranium with an *enrichment* below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and

(d) In the case of depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and in the case of thorium, its weight in kilograms multiplied by 0.00005.

73. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

74. 'Improved' means, with respect to *nuclear material*, that either:

(a) The concentration of fissionable isotopes in it has been increased; or

(b) The amount of chemically separable fissionable isotopes in it has been increased; or

(c) Its chemical or physical form has been changed so as to facilitate further use or processing.

75. 'Inspector' means an Agency official designated in accordance with the *Inspectors Document*.

76. 'Inspectors Document' means the Annex to the Agency's document GC(V)/INF/39.

77. 'Nuclear material' means any source or special fissionable material as defined in Article XX of the Statute.

78. 'Principal nuclear facility' means a *reactor*, a plant for processing *nuclear material* irradiated in a *reactor*, a plant for separating the isotopes of a *nuclear material*, a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.

79. 'Project agreement' means a *safeguards agreement* relating to an Agency project and containing

- provisions as foreseen in Article XI.F4(b) of the Statute.
80. 'Reactor' means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.
  81. 'Research and development facility' means a facility, other than a *principal nuclear facility*, used for research or development in the field of nuclear energy.
  82. 'Safeguards agreement' means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:
    - (a) An Agency project;
    - (b) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or
    - (c) Any of a State's nuclear activities *unilaterally submitted* to Agency safeguards.
  83. 'Statute' means the Statute of the Agency.
  84. 'Throughput' means the rate at which *nuclear material* is introduced into a facility operating at full capacity.
  85. 'Unilaterally submitted' means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement*.

## ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

### Introduction

1. The Agency's Safeguards System (1965) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of *reprocessing plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two 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.

co-operate in making arrangements to account for and dispose of the material.

### 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

### Safeguarded and unsafeguarded nuclear material

9. By agreement between the State and the Agency, the following special arrangements may be made in the case of a conversion plant or a fabrication plant to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded nuclear material are both present:
  - (a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which safeguarded *nuclear material* is stored, until such time as all or any part of such *nuclear material* is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to be applied to the storage area or plant when it contains no safeguarded *nuclear material*; and
  - (b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded *nuclear material*, and at as early a stage as possible. Where separate measurement sampling or processing is not possible, any *nuclear material* containing safeguarded *nuclear material* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of processing, the *nuclear material* that is thereafter to be safeguarded shall be selected, in accordance with paragraph 11 below when applicable, by agreement between the State and the Agency, due account being taken of any processing losses accepted by the Agency.

### Blending of nuclear material

10. When safeguarded *nuclear material* is to be blended with either safeguarded or unsafeguarded *nuclear material*, the State shall notify the Agency sufficiently in advance of the programme of blending to enable the Agency to exercise its right to obtain evidence, through inspection of the blending operation or otherwise, that the blending is performed according to the programme.
11. When safeguarded and unsafeguarded *nuclear material* are blended, if the ratio of fissionable isotopes in the safeguarded component going into the blend to all the fissionable isotopes in the blend is 0.3 or greater, and if the concentration of fissionable isotopes in the unsafeguarded *nuclear material* is increased by such blending, then the whole blend shall remain subject to safeguards. In other cases the following procedures shall apply:
  - (a) Plutonium/plutonium blending. The quantity of the blend that shall continue to be safeguarded shall be such that its weight, when multiplied by the square of the weight fraction of contained fissionable isotopes, is not less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, provided however that:
    - (i) In cases where the weight of the whole blend, when multiplied by the square of the weight fraction of contained fissionable isotopes, is less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes

- therein, the whole of the blend shall be safeguarded; and
- (ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded plutonium;
- (b) Uranium/uranium blending. The quantity of the blend that shall continue to be safeguarded shall be such that the number of *effective kilograms* is not less than the number of *effective kilograms* in the originally safeguarded uranium, provided however that:
- (i) In cases where the number of *effective kilograms* in the whole blend is less than in the safeguarded uranium, the whole of the blend shall be safeguarded; and
  - (ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded uranium;
- (c) Uranium/plutonium blending. The whole of the resultant blend shall be safeguarded until the

- uranium and the plutonium constituents are separated. After separation of the uranium and plutonium, safeguards shall apply to the originally safeguarded component; and
- (d) Due account shall be taken of any processing losses agreed upon between the State and the Agency.

#### Definitions

- 12. 'Conversion plant' means a facility (excepting a mine or ore-processing) plant to *improve* unirradiated *nuclear material*, or irradiated *nuclear material* that has been separated from fission products, by changing its chemical or physical form so as to facilitate further use or processing. The term *conversion plant* includes the facility's storage and analytical sections. The term does not include a plant intended for separating the isotopes of a *nuclear material*.
- 13. 'Fabrication plant' means a plant to manufacture fuel elements or other components containing *nuclear material* and includes the plant's storage and analytical sections.

## The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from IAEA Information Circular 153 (INFCIRC/153), dated June 1972]

### 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:
- The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and
  - 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:
- The State shall inform the Agency of the activity, making it clear:
    - 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
    - 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;
  - 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
  - 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:
- 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 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;
  - The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
  - Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
  - Procedures for taking a *physical inventory*;
  - Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
  - 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*;
- Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
  - 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:
- 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;
  - 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
  - When any *nuclear material* of a composition and purity suitable for fuel fabrication or for being isotopically enriched leaves the plant or the process stage in which it has been produced, or when such *nuclear materials*, or any other *nuclear material* produced at a later stage in the nuclear fuel cycle, is imported into the State, the *nuclear material* shall become subject to the other safeguards procedures specified in the Agreement.

### Termination of Safeguards

35. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder under the conditions set forth in paragraph 11 above. Where the conditions of that paragraph are not met, but the State considers that the recovery of safeguarded *nuclear material* from residues is not for the time being practicable or desirable, the Agency and the State shall consult on the appropriate safeguards measures to be applied. It should further be provided that safeguards shall terminate on *nuclear material* subject to safeguards under the Agreement under the conditions set forth in paragraph 13 above, provided that the State and the Agency agree that such *nuclear material* is practicably irrecoverable.

### Exemptions from Safeguards

36. The Agreement should provide that the Agency shall, at the request of the State, exempt *nuclear material* from safeguards, as follows:
- 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:
- Verify the information contained in the initial report on the *nuclear material* subject to safeguards under the Agreement;
  - Identify and verify changes in the situation which have occurred since the date of the initial report; and
  - 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:
- Verify that reports are consistent with records;
  - Verify the location, identity, quantity and composition of all *nuclear material* subject to safeguards under the Agreement; and
  - 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:
- In order to verify the information contained in special reports; or
  - 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:
- Examine the records kept pursuant to paragraphs 51-58;
  - Make independent measurements of all *nuclear material* subject to safeguards under the Agreement;
  - Verify the functioning and calibration of instruments and other measuring and control equipment;
  - Apply and make use of surveillance and containment measures; and
  - 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:
- 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;
  - 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;

- To make arrangements with the State that, if necessary:
  - Additional measurements are made and additional samples taken for the Agency's use;
  - The Agency's standard analytical samples are analysed;
  - Appropriate absolute standards are used in calibrating instruments and other equipment; and
- 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;
- To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- 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:
- 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;
  - 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;
  - 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
  - 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 a inspector for the State;
- (b) The State shall inform the Director General within 30 days of the receipt of such a proposal whether it accepts the proposal;
- (c) The Director General may designate each official who has been accepted by the State as one of the inspectors for the State, and shall inform the State of such designations; 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:
- The identification and, if possible, the expected quantity and composition of the *nuclear material*;
  - 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
  - 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:
- Grams of contained plutonium;
  - Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
  - 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:
- For plutonium, its weight in kilograms;
  - For uranium with an *enrichment* of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its *enrichment*;
  - For uranium with an *enrichment* below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
  - 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 reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
  - 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:
- 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.

**New partnership approach to the implementation of safeguards in the Community, by the IAEA and Euratom: text of joint declaration**

[April 1992]

1. The Director General of the IAEA Dr. Blix and Commissioner Cardoso e Cunha have reviewed the implementation of safeguards according to INFCIRC/193.
2. They concluded that further efforts should be made to enhance the efficiency and effectiveness of safeguards implementation.
3. To this end they concluded that the time has come to strengthen safeguards collaboration in a way that takes into account not only the effectiveness of safeguards but also safeguards efficiency and, in so doing, gives full effect to the purposes of the Agreement.
4. This will be founded on:
  - (i) The initiation of a new partnership approach to replace the existing approaches of Observation and Joint Teams.
  - (ii) The translation of this concept into practical arrangements under the guidance of the high level Liaison Committee.
  - (iii) A re-evaluation of the role of the Liaison Committee and its relationship to its subsidiary bodies.
5. Subject to the ability of both organizations to satisfy the requirements of their criteria and guidelines respectively the new approach will be based on the following elements:
  - (i) The optimisation of the necessary practical arrangements and the use of commonly agreed:
    - safeguards approaches
    - inspection planning and procedures
    - inspection activities
    - inspection instruments, methods and techniques.
  - (ii) The inspection activities will be performed on the basis of the principle of one-job-one-man supplemented by quality control measures to enable both organisations to satisfy their respective obligations to reach their own independent conclusions and required assurances. These arrangements will be designed and performed in such a manner that they do not result in unnecessary duplication of effort.
- (iii) Use of commonly shared analysis capabilities in order to reduce the number of samples to be taken, transported and analysed. Cooperation in research and development and in the training of inspectors with the aim to achieve a reduction of resources spent on both sides and to lead to commonly agreed products and procedures.
- (iv) Increasing common use of technologies to replace, to the extent possible, the physical presence of inspectors by appropriate equipment.
6. The partnership approach will allow both the IAEA and Euratom to meet their respective responsibilities under the Agreement (INFCIRC/193). The necessary practical arrangements will be established by the Liaison Committee combining full transparency in planning and coordination with partnership in the inspections and with common evaluation.
7. The Director General of the IAEA Dr. Blix and Commissioner Cardoso e Cunha expect that this approach will allow considerable rationalization of resources resulting in a significant reduction in inspection efforts under the Agreement. They request the Liaison Committee to report to them as soon as possible and not later than the end of the year on progress made in the implementation of the new partnership approach.

## Protocol Additional to the Agreement(s) between ..... and the International Atomic Energy Agency for the Application of Safeguards

[IAEA Information Circular 540 (INFCIRC/540), September 1997, as corrected by INFCIRC/540/Corr.1, 12 October 1998]

### Foreword to the model Protocol

This document is a model Additional Protocol designed for States having a Safeguards Agreement with the Agency, in order to strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.

The Board of Governors has requested the Director General to use this Model Protocol as the standard for additional protocols that are to be concluded by States and other parties to comprehensive safeguards agreements with the Agency. Such protocols shall contain all of the measures in this Model Protocol. The Board of Governors has also requested the Director General to negotiate additional protocols or other legally binding agreements with nuclear-weapon States incorporating those measures provided for in the Model Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under Article I of the NPT.

The Board of Governors has further requested the Director General to negotiate additional protocols with other States that are prepared to accept measures provided for in the model Protocol in pursuance of safeguards effectiveness and efficiency objectives. In conformity with the requirements of the Statute, each individual Protocol or other legally binding agreement will require the approval of the Board and its authorization to the Director General to conclude and subsequently implement the Protocol so approved.

### Preamble

WHEREAS ..... (hereinafter referred to as '.....') is a party to (an) Agreement(s) between ..... and the International Atomic Energy Agency (hereinafter referred to as the 'Agency') for the application of safeguards [full title of the Agreement(s) to be inserted] (hereinafter referred to as the 'Safeguards Agreement(s)'), which entered into force on .....; AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system; RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of ..... or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge; WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum

consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards; NOW THEREFORE ..... and the Agency have agreed as follows:

### RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT

#### Article 1

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

### PROVISION OF INFORMATION

#### Article 2

- a. .... shall provide the Agency with a declaration containing:
  - (i) A general description of and information specifying the location of *nuclear fuel cycle-related research and development activities*\* not involving *nuclear material* carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, .....
  - (ii) Information identified by the Agency on the basis of expected gains ineffectiveness or efficiency, and agreed to by ....., on operational activities of safeguards relevance at *facilities* and at *locations outside facilities* where nuclear material is customarily used.
  - (iii) A general description of each building on each *site*, including its use and, if not apparent from that description, its contents. The description shall include a map of the *site*.
  - (iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.
  - (v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for ..... as a whole. .... shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed *nuclear material* accountancy.
  - (vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

\* Terms in italics have specialized meanings, which are defined in Article 18 below.

- (a) the quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in ..... at which the material is present in quantities exceeding ten metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for ..... as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed *nuclear material* accountancy;
- (b) the quantities, the chemical composition and the destination of each export out of ....., of such material for specifically non-nuclear purposes in quantities exceeding:
- (1) ten metric tons of uranium, or for successive exports of uranium from ..... to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;
  - (2) twenty metric tons of thorium, or for successive exports of thorium from ..... to the same State, each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;
- (c) the quantities, chemical composition, current location and use or intended use of each import into ..... 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]\* 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* accountancy.
- (viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 on which safeguards have been terminated pursuant to [paragraph 11 of INFCIRC/153]\*. 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)

\* The reference to the corresponding provision of the relevant Safeguards Agreement should be inserted where bracketed references to INFCIRC/153 are made.

- and (c) for the period covering the previous calendar year.
- d. .... shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(ix)(a). This information shall be provided within sixty days of the end of each quarter.
  - e. .... shall provide to the Agency the information identified in Article 2.a.(viii) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.
  - f. .... and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2.a.(ii).
  - g. .... shall provide to the Agency the information in Article 2.a.(ix)(b) within sixty days of the Agency's request.

## COMPLEMENTARY ACCESS

### General

#### Article 4

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

- a. The Agency shall not mechanistically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:
  - (i) Any location referred to in Article 5.a.(i) or (ii) on a selective basis in order to assure the absence of undeclared *nuclear material* and activities;
  - (ii) Any location referred to in Article 5.b. or c. to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;
  - (iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, .....s declaration of the decommissioned status of a *facility* or of a *location outside facilities* where *nuclear material* was customarily used.
- b. (i) Except as provided in paragraph (ii) below, the Agency shall give ..... advance notice of access of at least 24 hours;
- (ii) For access to any place on a *site* that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that *site*, the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.
- c. Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.
- d. In the case of a question or inconsistency, the Agency shall provide ..... with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the

- question or inconsistency until..... has been provided with such an opportunity.
- e. Unless otherwise agreed to by ....., access shall only take place during regular working hours.
  - f. .... shall have the right to have Agency inspectors accompanied during their access by representatives of ....., provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

### Provision of access

#### Article 5

..... shall provide the Agency with access to:

- a. (i) Any place on a *site*;
- (ii) Any location identified by ..... under Article 2.a.(v)–(viii);
- (iii) Any *decommissioned facility* or *decommissioned location outside facilities* where *nuclear material* was customarily used.
- b. Any location identified by ..... under Article 2.a.(i), Article 2.a.(iv), Article 2.a.(ix)(b) or Article 2.b, other than those referred to in paragraph a.(i) above, provided that if ..... is unable to provide such access, ..... shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.
- c. Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out *location-specific environmental sampling*, provided that if ..... is unable to provide such access, ..... shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

### Scope of Activities

#### Article 6

When implementing Article 5, the Agency may carry out the following activities:

- a. For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals 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.

OR\*

- upon signature by the representatives of ..... and the Agency.
- b. .... may, at any date before this Protocol enters into force, declare that it will apply this Protocol provisionally.
- c. The Director General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

## DEFINITIONS

### Article 18

For the purpose of this Protocol:

- a. *Nuclear fuel cycle-related research and development activities* means those activities which are specifically related to any process or system development aspect of any of the following:
- conversion of *nuclear material*,
  - enrichment of *nuclear material*,
  - nuclear fuel fabrication,
  - reactors,
  - critical facilities,
  - reprocessing of nuclear fuel,
  - processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233, but do not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.
- b. *Site* means that area delimited by ..... in the relevant design information for a *facility*, including a *closed-down facility*, and in the relevant information on a *location outside facilities* where *nuclear material* is customarily used, including a *closed-down location outside facilities* where *nuclear material* was customarily used (this is limited to locations with hot cells or where activities related to conversion, enrichment, fuel fabrication or reprocessing were carried out). It shall also include all installations, co-located with the *facility* or location, for the provision or use of essential services, including: hot cells for processing irradiated materials not containing *nuclear material*; installations for the treatment, storage and disposal of waste; and buildings associated

\* The choice of alternative depends on the preference of the State concerned according to its internal legal requirements.

- 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

[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

[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*.]

---

### Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards — Corrigenda

[Reproduced from INFCIRC/540/Corr.1, 12 October 1998. The Corrigenda have been inserted into the text reproduced above.]

- |                      |   |
|----------------------|---|
| Article 2.a.(ii):    | in the fourth line, insert the word "at" before the word "locations"  |
| Article 2.a.(ix)(b): | delete the phrase "in accordance with paragraph (a) above" and replace with the phrase "by another State concerning the export of such equipment and material to ....." |
| Article 4.a.(iii):   | in the third line, insert the words "of a" before the the word "location"   |
| Article 17:          | insert letters identifying the sub-paragraphs as follows: [not reproduced]  |
| Article 18.b:        | in the penultimate line, replace "items" with "activities".   |

**Strengthened Safeguards System: Status of Additional Protocols**

[as of 17 January 2000]

<b>State</b>	<b>Board Approval</b>	<b>Date signed</b>	<b>In Force</b>
Armenia	23 September 1997	29 September 1997	
Australia	23 September 1997	23 September 1997	12 December 1997
Austria (EU)	11 June 1998	22 September 1998	
Belgium (EU)	11 June 1998	22 September 1998	
Bulgaria	14 September 1998	24 September 1998	
Canada	11 June 1998	24 September 1998	
China	25 November 1998	31 December 1998	
Croatia	14 September 1998	22 September 1998	
Cuba	20 September 1999	15 October 1999	
Cyprus	25 November 1998	29 July 1999	
Czech Republic	20 September 1999	28 September 1999	
Denmark (EU)	11 June 1998	22 September 1998	
Ecuador	20 September 1999	1 October 1999	
Finland (EU)	11 June 1998	22 September 1998	
France (EU)	11 June 1998	22 September 1998	
Georgia	23 September 1997	29 September 1997	
Germany (EU)	11 June 1998	22 September 1998	
Ghana	11 June 1998	12 June 1998	provisional
Greece (EU)	11 June 1998	22 September 1998	
Holy See	14 September 1998	24 September 1998	24 September 1998
Hungary	25 November 1998	26 November 1998	
Indonesia	20 September 1999	29 September 1999	29 September 1999
Ireland (EU)	11 June 1998	22 September 1998	
Italy (EU)	11 June 1998	22 September 1998	
Japan	25 November 1998	4 December 1998	16 December 1999
Jordan	18 March 1998	28 July 1998	28 July 1998
Lithuania	1 December 1997	11 March 1998	
Luxembourg (EU)	11 June 1998	22 September 1998	
Monaco	25 November 1998	30 September 1999	30 September 1999
Netherlands (EU)	11 June 1998	22 September 1998	
New Zealand	14 September 1998	24 September 1998	24 September 1998
Norway	24 March 1999	29 September 1999	
Peru	10 December 1999		
Philippines	23 September 1997	30 September 1997	
Poland	23 September 1997	30 September 1997	
Portugal (EU)	11 June 1998	22 September 1998	
Republic of Korea	24 March 1999	21 June 1999	
Romania	9 June 1999	11 June 1999	
Slovakia	14 September 1998	27 September 1999	
Slovenia	25 November 1998	26 November 1998	
Spain (EU)	11 June 1998	22 September 1998	
Sweden (EU)	11 June 1998	22 September 1998	
United Kingdom of Great Britain and Northern Ireland (EU)	11 June 1998	22 September 1998	
United States of America	11 June 1998	12 June 1998	
Uruguay	23 September 1997	29 September 1997	
Uzbekistan	14 September 1998	22 September 1998	21 December 1998
<b>TOTALS</b>	<b>46</b>	<b>45</b>	<b>8</b>

*Note:* All 15 EU States have concluded Additional Protocols with EURATOM and the Agency.

## **Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Protocol**

[IAEA General Conference resolution GC(43)/L.13, adopted September 1999]

*The General Conference,*

- (a) *Recalling* resolution GC(42)/RES/17,
- (b) *Convinced that* the Agency's safeguards can promote greater confidence among States 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 Treaty establishing the African Nuclear-Weapon-Free Zone 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, and *noting* the outcome of the 1995 Review and Extension Conference on the Treaty on the Non-Proliferation of Nuclear Weapons, including with respect to the role of the Agency as the competent authority responsible to verify and assure compliance with its safeguards agreements,
- (d) *Noting* that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and that the Agency's capability to detect undeclared nuclear activities should be increased,
- (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 1 October 1999, 45 States and other Parties to safeguards agreements have signed additional protocols, 5 of which have entered into force and 1 is being provisionally applied pending entry into force, and
- (g) *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,
1. *Requests* the Secretariat to pursue the implementation of safeguards strengthening measures contained in document GOV/2807 and endorsed by the Board of Governors in 1995 as well as of Additional Protocols without delay as far as available resources permit;
  2. *Requests* the Secretariat to intensify, within available resources, its efforts to conceptualize and develop an integrated and cost-effective safeguards system;
  3. *Requests* the Secretariat to continue to explore all possibilities of achieving reductions in safeguards inspection costs;
  4. *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 under safeguards strengthening measures contained in document GOV/2807 and endorsed by the Board of Governors in 1995;

5. *Requests* the Agency to fully implement its role as the competent authority responsible to verify and assure compliance with its safeguards agreements;

6. *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;

7. *Affirms* that strengthening the effectiveness and improving the efficiency of the safeguards system with a view to detecting undeclared nuclear activities must be implemented rapidly and universally by all concerned States and other Parties in compliance with their respective international commitments;

8. *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;

9. *Reiterates* its support for the Board's decision to request the Director General to negotiate additional protocols or other legally binding agreements with nuclear-weapon States 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;

10. *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;

11. *Requests* all concerned States and other Parties to safeguards agreements which have not yet done so to sign additional protocols promptly;

12. *Requests* the States and other Parties to safeguards agreements having signed additional protocols to take the necessary measures to bring them into force or provisionally apply them as soon as their national legislation allows; and

13. *Requests* the Director General to report on the implementation of this resolution to the General Conference at its forty-fourth regular session.

## **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.

**United Nations Security Council Documents on Non-Proliferation**



**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,

*Deploring* 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;

**A**

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 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;

#### I

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.

**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.

**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.

**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.

## **Security Assurances**



## Unilateral Security Assurances by Nuclear-Weapon States

### China

#### *Given on 7 June 1978 [extract]*

For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons. {A/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.

**Memorandum on Security Assurances in connection with the Republic of Kazakhstan's  
accession to the Treaty on the Non-Proliferation of Nuclear Weapons**

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the Accession of the Republic of Kazakhstan to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Republic of Kazakhstan to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reduction in nuclear forces,

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to the Republic of Kazakhstan, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of the Republic of Kazakhstan.
2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Kazakhstan and that none of their weapons will ever be used against the Republic of Kazakhstan except in self-defence or otherwise in accordance with the Charter of the United Nations.
3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to the Republic of Kazakhstan, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interests the exercise by the Republic of Kazakhstan of the rights inherent in its sovereignty and thus to secure advantages of any kind.
4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Kazakhstan, as a non-nuclear weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Kazakhstan should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.
5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Republic of Kazakhstan, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.
6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies in the English, Kazakh, and Russian languages, the English and Russian texts having equal validity. The Kazakh-language text shall be deemed to be of equal validity when its conformity with the English-language text is established.

**Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons**

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces.

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the Independence and Sovereignty and the existing borders of Ukraine.
2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations.
3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.
4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.
5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.
6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the English, Russian and Ukrainian languages.

**Memorandum on Security Assurances in connection with the Republic of Belarus' accession to the Treaty on the Non-Proliferation of Nuclear Weapons**

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of the Republic of Belarus to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of the Republic of Belarus to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reductions in nuclear forces.

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to the Republic of Belarus, in accordance with the principles of the CSCE Final Act, to respect the Independence and Sovereignty and the existing borders of the Republic of Belarus.
2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Belarus, and that none of their weapons will ever be used against the Republic of Belarus except in self-defense or otherwise in accordance with the Charter of the United Nations.
3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act,

to refrain from economic coercion designed to subordinate to their own interest the exercise by the Republic of Belarus of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Belarus, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Belarus should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.
5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Republic of Belarus, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.
6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the English, Belarusian, and Russian languages.

**Statement by France on the Accession of Ukraine to the NPT**

[le 5 décembre 1994]

La France réaffirme, à l'intention de l'Ukraine, en tant qu'Etat partie au TNP comme Etat non nucléaire, la déclaration faite à l'intention des Etats non dotés de l'arme nucléaire et qui se sont engagés à le rester, de ne pas utiliser d'armes nucléaires contre eux, excepté dans le cas d'une agression menée en association ou en alliance avec un Etat ou d'autres Etats dotés d'armes nucléaires contre la France ou contre un Etat envers qui elle a contracté un engagement de sécurité.

La France, en tant que membre permanent du Conseil de Sécurité, affirme son intention d'obtenir que le Conseil prenne des mesures immédiates en vue de fournir, conformément à la Charte, l'assistance nécessaire à l'Ukraine en tant qu'Etat non possesseur d'armes nucléaires partie au TNP, au cas où celle-ci serait victime d'un acte d'agression ou ferait l'objet d'une menace d'agression avec emploi d'armes nucléaires.

La France réaffirme son engagement de respecter l'indépendance et la souveraineté de l'Ukraine dans ses

frontières actuelles, conformément aux principes de l'Acte final d'Helsinki et de la Charte de Paris pour une nouvelle Europe. Elle rappelle son attachement aux principes de la CSCE selon lesquels les frontières ne peuvent être modifiées que par des moyens pacifiques et par voie d'accord, et les Etats participants s'abstiennent de recourir à la menace ou à l'emploi de la force soit contre l'intégrité territoriale ou l'indépendance politique d'un Etat, soit de toute autre manière incompatible avec les buts des Nations Unies.

La France rappelle également, à l'intention de l'Ukraine, l'importance qu'elle attache au respect, par l'ensemble des pays de la CSCE, de l'obligation de s'abstenir de tout acte de contrainte militaire ou politique, économique ou autre, visant à subordonner à leur propre intérêt l'exercice par un autre Etat participant des droits inhérents à sa souveraineté et à obtenir ainsi un avantage quelconque.

**United Nations Security Council Resolution 255 (1968)**

[Adopted by the Security Council on 19 June 1968]

*The Security Council,*

*Noting with appreciation* the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

*Taking into consideration* the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

*Bearing in mind* that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;
2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;
3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

### 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**

[Reproduced from NPT/CONF.IV/PC.III/19, 27 April 1990 (Extract)]

**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**

[Reproduced from CD/SA/WP.13, 6 August 1991 (Extract)]

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.

## Draft Protocol 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

[Working paper submitted by South Africa, reproduced from NPT/CONF.2000/PC.III/9, 11 May 1999]

### Preamble

The States parties to this Protocol,

*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 be undertaken to safeguard their security, (Taken from UNSCR 984(1995))*

*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 parties 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,*

*Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective control, (Taken from the Principles and Objectives)*

Have decided and hereby agree as follows:

### Article I

1. The nuclear-weapon States parties to this protocol undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty. *(Taken from security assurances statements by NWS of April 1995)*
2. The State parties to this Protocol undertake, individually or collectively, to 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 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 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 State parties to this Protocol undertake no 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 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 shall enter into force for each State party on the date of deposit of its instrument of ratification.
3. This Protocol shall be of unlimited duration and shall remain in force indefinitely.
4. This Protocol shall not be subject to reservations.
5. Any amendments to the Protocol proposed by a State party shall follow the same procedure as provided for in article VIII(1) and (2) of the Treaty.
6. Each State party to the Protocol shall in exercising its national sovereignty have the right to withdraw from the Protocol in accordance with the provisions as provided for in article X(1) of the Treaty.
7. The operation and effectiveness of this Protocol shall be reviewed at the Review Conferences of the Treaty.

### Article V

1. This Protocol, 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 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.
3. DONE in triplicate, at the cities of London, Moscow and Washington, the ... day of ...

## Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

[Resolution A/RES/54/52, adopted by the General Assembly at its 54th Session, December 1999]

*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* strictly to abide 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 Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, 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 and 53/75 of 4 December 1998,

1. *Reaffirms* the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;
2. *Notes with satisfaction* that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all have also been pointed out;
3. *Appeals* to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;
4. *Recommends* that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be further explored in order to overcome the difficulties;
5. *Recommends also* 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-fifth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

## **Export Controls**



## **Communications Received from Members Regarding the Export of Nuclear Material and of Certain Categories of Equipment and other Material.**

[INFCIRC/209/Rev.1 was published by the IAEA in November 1990 to consolidate the list of items which would trigger IAEA safeguards (the 'Zangger list'), first published in September 1974, and four sets of amendments published in December 1978, February 1984, August 1985 and February 1990. The Document reproduced here is based on the 1990 consolidated text. Subsequent amendments to the annex to that text (not reproduced here) were published by the IAEA in May 1992 (Mod.1); April 1994 (Mod.2); and October 1995 (Mod.3)]

1. The Director General has received letters dated 3 September 1990 from the Resident Representatives to the Agency of Australia, Canada, Czechoslovakia, Denmark, Finland, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Ireland, Japan, Luxembourg, the Netherlands, Norway, Poland, Sweden, the Union of Soviet Socialist Republics, The United Kingdom of Great Britain and Northern Ireland and the United States of America concerning the commitments of these Member States under Article III, paragraph 2, of the Treaty on the Non-Proliferation of Nuclear Weapons.
2. The purpose of the letters is to consolidate and clarify the information contained in documents INFCIRC/209/mod. 1,2,3, and 4 into a single document and to provide information on the functioning of the 'Zangger Committee', also known as the 'Nuclear Exporters Committee', with regard to the commitments of the Committee's members under Article III, paragraph 2, of the Treaty.
3. In the light of the wish expressed at the end of each letter, the text of the letters is annexed hereto.

### **Letter**

I have the honour to refer to [relevant previous communication] in which the Government of [Member State] informed you that it had decided to act in accordance with certain categories of equipment and other material which you circulated to all member states of the Agency as document INFCIRC/209 and to [relevant subsequent communications] informing you of its desire to clarify certain items described in the Annex 'Clarification of Items on the Trigger List' to Memorandum B and circulated as documents INFCIRC/209/Mod.1,2,3 and 4.

In the interests of clarity it has become desirable, in the view of my Government, to consolidate these communications, without change in their substance, in a single document a copy of which is attached hereto.

As hitherto, my Government reserves to itself the right to exercise discretion with regard to the interpretation and implementation of the procedures set out and the right to control, if it wishes, the export of relevant items other than those specified in the aforementioned attachment to this letter.

I should be grateful if you would circulate the text of this letter and its attachment, together with the appended background paper, to all Member States for their information.

### **Consolidated Trigger List Memorandum A**

#### *1. Introduction*

The Government has had under consideration procedures in relation to exports of nuclear materials in the light of its

commitment not to provide source or special fissionable material to any non-nuclear-weapon State for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

#### *2. Definition of Source and Special Fissionable Material*

The definition of source and special fissionable material adopted by the Government shall be that contained in Article XX of the Agency's Statute:

- (a) 'SOURCE MATERIAL'.  
The term 'source material' means uranium containing the mixture of isotopes occurring in nature: uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.
- (b) 'SPECIAL FISSIONABLE MATERIAL'.  
i) The term 'special fissionable material' means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term 'special fissionable material' does not include source material.  
ii) The term 'uranium enriched in the isotopes 235 or 233' means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

#### *3. The Application of Safeguards*

The Government is solely concerned with ensuring, where relevant, the application of safeguards 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 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 explosives 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 (a) below and exports of source or special fissionable material to a given country, within a period of 12 months, below the limits specified in sub-paragraph (b) below, shall be disregarded for the purpose of the procedures described above:

- (a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%;  
Special fissionable material when used in gram quantities or less as a sensing component in instruments; and  
Source material which the Government is satisfied is to be used only in non-nuclear activities, such as the production of alloys or ceramics;
- (b) Special fissionable material—50 effective grams;  
Natural uranium—500 kilograms;  
Depleted uranium—1000 kilograms;  
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 (hereafter referred to as the 'Trigger List') adopted by the 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, especially designed or prepared therefor (see Annex, section 5);
- 2.6. Plants for the production of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor (see Annex, section 6).

#### 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 to 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 item is supplied 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 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 referred 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)

[The items contained in this annex are now identical to those in Sections 1-6 of the NSG export control guidelines list (see elsewhere in this section), following amendments published in 1992, 1994 and 1995 — eds.]

## The Zangger Committee : A History 1971–1990.

### *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]<sup>1</sup>  
Greece  
Hungary  
Ireland  
Italy  
Japan  
Luxembourg  
Netherlands  
Norway  
Poland  
[Russian Federation]<sup>2</sup>  
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.

## Communications Received from Members Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material

[Reproduced from INFCIRC/209/Rev.1/Add.3, April 1994]

1. Director General has received a letter dated 7 October 1993 from the Permanent Mission of Bulgaria, letters dated 8 October from the Permanent Missions of Australia, Austria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Japan, Luxembourg, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and a letter dated 11 October 1993 from the Permanent Mission of Poland to the International Atomic Energy Agency concerning the export of nuclear material and of certain categories of equipment and other material.
2. In the light of the wish expressed at the end of each letter, the text of the letters is attached hereto.

### Letter

I have the honour to refer to [relevant previous communications] about the decision of the Government of [Member State] to act in accordance with certain procedures in relation to exports of nuclear material and of

certain categories of equipment and other material. These procedures were set out in the attachment to IAEA Document INFCIRC/209/Rev.1.

In the context of paragraph 6 of Memorandum A of the attachment, the Government wishes to inform the Agency that source material which is intended for a non-nuclear end use but not yet in its final non-nuclear end use form, which is, in total, within a period of twelve months, in amounts greater than the limits specified in paragraph 6(B) and is in a practicably recoverable form at the time of export will be exported subject to IAEA safeguards. The export will be made with the expectation that the recipient state will make arrangements with the IAEA whereby those safeguards would be terminated, exempted or suspended, as appropriate under a relevant agreement providing for IAEA safeguards, upon entry into the intended non-nuclear activity in the recipient state or upon entry into a form from which the source material is practicably irrecoverable.

I should be grateful if you would bring this information to the attention of all members of the Agency.

### Guidelines for Sensitive Missile-Relevant Transfers

[Missile Technology Control Regime (MTCR), as updated on 7 January 1993 (replaced original guidelines dated 16 April 1987)]

1. The purpose of these Guidelines is to limit the risks of proliferation of weapons of mass destruction (i.e. nuclear, chemical and biological weapons), by controlling transfers that could make a contribution to delivery systems (other than manned aircraft) for such weapons. The Guidelines are not designed to impede national space programs for international cooperation in such programs as long as such programs could not contribute to delivery systems for weapons of mass destruction. These Guidelines, including the attached Annex, form the basis for controlling transfers to any destination beyond the Government's jurisdiction or control of all delivery systems (other than manned aircraft) capable of delivering weapons of mass destruction, and of equipment and technology relevant to missiles whose performance in terms of payload and range exceeds stated parameters. Restraint will be exercised in the consideration of all transfers of items contained within the Annex and all such transfers will be considered on a case-by-case basis. The Government will implement the Guidelines in accordance with national legislation.
2. The Annex consists of two categories of items, which term includes equipment and technology. Category I items, all of which are in Annex Items 1 and 2, are those items of greatest sensitivity. If a Category I item is included in a system, that system will also be considered as Category I, except when the incorporated item cannot be separated, removed or duplicated. Particular restraint will be exercised in the consideration of Category I transfers regardless of their purpose, and there will be a strong presumption to deny such transfers. Particular restraint will also be exercised in the consideration of transfers of any items in the Annex, or of any missiles (whether or not in the Annex), if the Government judges, on the basis of all available, persuasive information, evaluated according to factors including those in paragraph 3, that they are intended to be used for the delivery of weapons of mass destruction, and there will be a strong presumption to deny such transfers. Until further notice, the transfer of Category I production facilities will not be authorized. The transfer of other Category I items will be authorized only on rare occasions and where the Government (A) obtains binding government-to-government undertakings embodying the assurances from the recipient government called for in paragraph 5 of these Guidelines and (B) assumes responsibility for taking all steps necessary to ensure that the item is put only to its stated end-use. It is understood that the decision to transfer remains the sole and sovereign judgment of the supplying Government.
3. In the evaluation of transfer applications for Annex items, the following factors will be taken into account:
  - A. Concerns about the proliferation of weapons of mass destruction;
  - B. The capabilities and objectives of the missile and space programs of the recipient state;
  - C. The significance of the transfer in terms of the potential development of delivery systems (other than manned aircraft) for weapons of mass destruction;
  - D. The assessment of the end-use of the transfers, including the relevant assurances of the recipient states referred to in sub-paragraphs 5.A and 5.B below;
  - E. The applicability of relevant multilateral agreements.
4. The transfer of design and production technology directly associated with any items in the Annex will be subject to as great a degree of scrutiny and control as will the equipment itself, to the extent permitted by national legislation.
5. Where the transfer could contribute to a delivery system for weapons of mass destruction, the Government will authorize transfers of items in the Annex only on receipt of appropriate assurances from the government of the recipient state that:
  - A. The items will be used only for the purpose stated and that such use will not be modified nor the items modified or replicated without the prior consent of the [supplying] Government;
  - B. Neither the items nor replicas nor derivatives thereof will be retransferred without the consent of the [supplying] Government.
6. In furtherance of the effective operation of the Guidelines, the [supplying] Government will, as necessary and appropriate, exchange relevant information with other governments applying the same Guidelines.
7. The adherence of all States to these Guidelines in the interest of international peace and security would be welcome.

### EQUIPMENT AND TECHNOLOGY ANNEX

#### 1. Introduction

- (a) This Annex consists of two categories of items, which term includes equipment and 'technology'. Category I items, all of which are in Annex items 1 and 2, are those items of greatest sensitivity. If a Category I item is included in a system, that system will also be considered as Category I, except when the incorporated item cannot be separated, removed or duplicated. Category II items are those items in the Annex not designated Category I.
- (b) The transfer of 'technology' directly associated with any items in the Annex will be subject to as great a degree of scrutiny and control as will the equipment 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.
- (c) In reviewing the proposed applications for transfers of complete rocket and unmanned air vehicle systems described in Items 1 and 19, and of equipment or technology which is listed in the Technical Annex, for potential use in such systems, the Government will take account of the ability to trade off range and payload.

## 2. Definitions

For the purpose of this Annex, the following definitions apply:

- (a) 'Development' is related to all phases prior to '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
- (b) A 'microcircuit' is defined as a device in which a number of passive and/or active elements are considered as indivisibly associated on or within a continuous structure to perform the function of a circuit.
- (c) 'Production' means all production phases such as:
- production engineering
  - manufacture
  - integration
  - assembly (mounting)
  - inspection
  - testing
  - quality assurance
- (d) 'Production equipment' means tooling, templates, jigs, mandrels, moulds, dies, fixtures, alignment mechanisms, test equipment, other machinery and components therefor, limited to those specially designed or modified for 'development' or for one or more phases of 'production'.
- (e) 'Production facilities' means equipment and specially designed software therefor integrated into installations for 'development' or for one or more phases of 'production'.
- (f) 'Radiation Hardened' means that the component or equipment is designed or rated to withstand radiation levels which meet or exceed a total irradiation dose of  $5 \times 10^5$  rads (Si).
- (g) 'Technology' means specific information which is required for the 'development', 'production' or 'use' of a product. The information may take the form of 'technical data' or 'technical assistance'.
- (1) 'Technical assistance' may take forms such as:
- instruction
  - skills
  - training
  - working knowledge
  - consulting services
- (2) '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

### Note:

This definition of technology does not include technology 'in the public domain' nor 'basic scientific research'.

- (i) 'In the public domain' as it applies to this Annex means technology which has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove technology from being 'in the public domain'.)
- (ii) 'Basic scientific research' means 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.
- (h) 'Use' means:
- operation
  - installation (including on-site installation)
  - maintenance
  - repair
  - overhaul
  - refurbishing

## 3. Terminology

Where the following terms appear in the text, they are to be understood according to the explanations below:

- (a) 'Specially Designed' describes equipment, parts components or software which, as a result of 'development', have unique properties that distinguish them for certain predetermined purposes. For example, a piece of equipment that is 'specially designed' for use in a missile will only be considered so if it has no other function or use. Similarly, a piece of manufacturing equipment that is 'specially designed' to produce a certain type of component will only be considered such if it is not capable of producing other types of components.
- (b) 'Designed or Modified' describes equipment, parts, components or software which, as a result of 'development,' or modification, have specified properties that make them fit for a particular application. 'Designed or Modified' equipment, parts components or software can be used for other applications. For example, a titanium coated pump designed for a missile may be used with corrosive fluids other than propellants.
- (c) 'Usable In' or 'Capable Of' describes equipment, parts, components or software which are suitable for a particular purpose. There is no need for the equipment, parts, components or software to have been configured, modified or specified for the particular purpose. For example, any military specification memory circuit would be 'capable of' operation in a guidance system.

### ITEM 1 - CATEGORY 1

Complete rocket systems (including ballistic missile systems, space launch vehicles and sounding rockets) and unmanned air vehicle systems (including cruise missile systems, target drones and reconnaissance drones) capable of delivering at least a 500 kg payload to a range of at least 300 km as well as the specially designed 'production facilities' for these systems.

**ITEM 2 - CATEGORY 1**

Complete subsystems usable in the systems in Item 1, as follows, as well as the specially designed 'production facilities' and 'production equipment' therefor:

- (a) Individual rocket stages;
- (b) Reentry vehicles, and equipment designed or modified therefor, as follows, except as provided in Note (1) below for those designed for non-weapon payloads:
  - (1) Heat shields and components thereof fabricated of ceramic or ablative materials;
  - (2) Heat sinks and components thereof fabricated of light-weight, high heat capacity materials;
  - (3) Electronic equipment specially designed for reentry vehicles;
- (c) Solid or liquid propellant rocket engines, having a total impulse capacity of  $1.1 \times 10^6$  N-sec ( $2.5 \times 10^5$  lb-sec) or greater;
- (d) 'Guidance sets' capable of achieving system accuracy of 3.33 percent or less of the range (eg a CEP of 10 km or less at a range of 300 km), except as provided in Note (1) below for those designed for missiles with a range under 300 km or manned aircraft;
- (e) Thrust vector control sub-systems, except as provided in Note (1) below for those designed for rocket systems that do not exceed the range/payload capability of Item 1;
- (f) Weapon or warhead safing, arming, fusing, and firing mechanisms, except as provided in Note (1) below for those designed for systems other than those in Item 1.

**ITEM 3 - CATEGORY II**

Propulsion components and equipment usable in the systems in Item 1, as follows, as well as the specially designed 'production facilities' and 'production equipment' therefor, and flow-forming machines specified in Note (1):

- (a) Lightweight turbojet and turbofan engines (including turbocompound engines) that are small and fuel efficient;
- (b) Ramjet/scramjet/pulse jet/combined cycle engines, including devices to regulate combustion, and specially designed components therefor;
- (c) Rocket motor cases, 'interior lining', 'insulation' and nozzles therefor;
- (d) Staging mechanisms, separation mechanisms, and interstages therefor;
- (e) Liquid and slurry propellant (including oxidizers) control systems, and specially designed components therefor, designed or modified to operate in vibration environments of more than 10 g RMS between 20 Hz and 2,000 Hz.
- (f) Hybrid rocket motors and specially designed components therefor.

**ITEM 4 - CATEGORY II**

Propellants and constituent chemicals for propellants as follows:

- (a) Propulsive substances:
  - (1) Hydrazine with a concentration of more than 70 percent and its derivatives including monomethylhydrazine (MMH);
  - (2) Unsymmetric dimethylhydrazine (UDMH);
  - (3) Ammonium perchlorate;
  - (4) Spherical aluminium powder with particles of uniform diameter of less than  $500 \times 10^{-6}$  m (500

micrometer) and an aluminium content of 97 percent by weight or greater;

- (5) Metal fuels in particle sizes less than  $500 \times 10^{-6}$  m (500 microns), whether spherical, atomized, spheroidal, flaked or ground, consisting of 97 percent by weight or more of any of the following: zirconium, beryllium, boron, magnesium, zinc, and alloys of these; Misch metal;
- (6) Nitro-amines cyclotetramethylene-tetranitramine (HMX), cyclotetrimethylenetrinitramine (RDX);
- (7) Perchlorates, chlorates or chromates mixed with powdered metals or other high energy fuel components;
- (8) Caboranes, decaboranes, pentaboranes and derivatives thereof;
- (9) Liquid oxidizers, as follows:
  - (i) Dinitrogen trioxide;
  - (ii) Nitrogen dioxide/dinitrogen tetroxide;
  - (iii) Dinitrogen pentoxide;
  - (iv) Inhibited Red Fuming Nitric Acid (IEFNA);
  - (v) Compounds composed of fluorine and one or more of other halogens, oxygen or nitrogen.
- (b) Polymeric substances:
  - (1) Carboxy-terminated polybutadiene (CTPB);
  - (2) Hydroxy-terminated polybutadiene (HTPB);
  - (3) Glycidyl azide polymer (GAP);
  - (4) Polybutadiene-acrylic acid (PBAA);
  - (5) Polybutadiene-acrylic acid-acrylonitrile (PBAN).
- (c) Composite propellants including moulded glue propellants and propellants with nitrated bonding.
- (d) Other high energy density propellants such as, Boron Slurry, having an energy density of  $40 \times 10^6$  joules/kg or greater.
- (e) Other propellant additives and agents:
  - (1) Bonding agents as follows:
    - (i) tris (1-(2-methyl)aziridinyl)phosphine oxide (MAPO);
    - (ii) trimesoyl-1(2-ethyl)aziridine (HX-868, BITA);
    - (iii) 'Tepanol' (HX-878), Reaction product of tetraethylenepentamine, acrylonitrile and glycidol;
    - (iv) 'Tepan' (HX-879), Reaction production of tetlenepentamine and acrylonitrile;
    - (v) Polyfunctional aziridine amides with isophthalic, trimesic, isocyanuric, or trimethyladipic backbone also having a 2-methyl or 2-ethyl aziridine group (HX-752, HX-874 and HX-877).
  - (2) Curing agents and catalysts as follows:
    - (i) Triphenyl bismuth (TPB);
  - (3) Burning rate modifiers as follows:
    - (i) Catocene;
    - (ii) N-butyl-ferrocene;
    - (iii) Butacene;
    - (iv) Other ferrocene derivatives.
  - (4) Nitrate esters and nitrate plasticizers as follows:
    - (i) Triethylene glycol dinitrate (TEGDN);
    - (ii) Trimethylolethane trinitrate (TMETN);
    - (iii) 1, 2, 4-butanetriol trinitrate (BTTN);
    - (iv) Diethylene glycol dinitrate (DEGDN).
  - (5) Stabilizers as follows:
    - (i) 2 - nitrodiphenylamine;
    - (ii) N - methyl-p-nitroaniline.

**ITEM 5 - CATEGORY II**

Production technology, or 'production equipment' (including its specially designed components) for:

- (a) Production, handling or acceptance testing of liquid propellants or propellant constituents described in Item 4.
- (b) Production, handling, mixing, curing, casting, pressing, machining, extruding or acceptance testing of solid propellants or propellant constituents described in Item 4.

**ITEM 6 - CATEGORY II**

Equipment, 'technical-data' and procedures for the production of structural composites usable in the systems in Item 1 as follows and specially designed components, and accessories and specially designed software therefor:

- (a) Filament winding machines of which the motions for positioning, wrapping and winding fibres can be coordinated and programmed in three or more axes, designed to fabricate composite structures or laminates from fibrous or filamentary materials, and coordinating and programming controls;
- (b) Tape-laying machines of which the motions for positioning and laying tape and sheets can be coordinated and programmed in two or more axes, designed for the manufacture of composite airframes and missile structures;
- (c) Multi-directional, multi-dimensional weaving machines or interlacing machines, including adapters and modification kits for weaving, interlacing or braiding fibres to manufacture composite structures, except textile machinery not modified for the above end uses;
- (d) Equipment designed or modified for the production of fibrous or filamentary materials as follows:
  - (1) Equipment for converting polymeric fibres (such as polyacrylonitrile, rayon or polycarbosilane) including special provision to strain the fibre during heating;
  - (2) Equipment for the vapour deposition of elements or compounds on heated filament substrates; and
  - (3) Equipment for the wet-spinning of refractory ceramics (such as aluminium oxide);
- (e) Equipment designed or modified for special fibre surface treatment or for producing prepregs and preforms.
- (f) 'Technical data' (including processing conditions) and procedures for the regulation of temperature, pressures or atmosphere in autoclaves or hydroclaves when used for the production of composites or partially processed composites.

**ITEM 7 - CATEGORY II**

Pyrolytic deposition and densification equipment and 'technology' as follows:

- (a) 'Technology' for producing pyrolytically derived materials formed on a mould, mandrel or other substrate from precursor gases which decompose in the 1,300 degrees C to 2,900 degrees C temperature range at pressure of 130 Pa (1 mm Hg) to 20 kPa (150 mm Hg) including technology for the composition of precursor gases, flow-rates and process control schedules and parameters;
- (b) Specially designed nozzles for the above processes;

- (c) Equipment and process controls, and specially designed software therefor, designed or modified for densification and pyrolysis of structural composite rocket nozzles and reentry vehicle nose tips.

**ITEM 8 - CATEGORY II**

Structural materials usable in the system in Item 1, as follows:

- (a) Composite structures, laminates, and manufactures thereof, specially designed for use in the systems in Item 1 and the subsystems in Item 2, and resin impregnated fibre prepregs and metal coated fibre preforms therefor, made either with organic matrix or metal matrix utilizing fibrous or filamentary reinforcements having a specific tensile strength greater than  $7.62 \times 10^4$  m ( $3 \times 10^6$  inches) and a specific modulus greater than  $3.18 \times 10^6$  m ( $1.25 \times 10^8$  inches);
- (b) Resaturated pyrolyzed (ie carbon-carbon) materials designed for rocket systems;
- (c) Fine grain recrystallized bulk graphites (with a bulk density of at least 1.72 g/cc measured at 15 degrees C and having a particle size of  $100 \times 10^{-6}$  m (100 microns) or less), pyrolytic, or fibrous reinforced graphites usable for rocket nozzles and reentry vehicle nose tips;
- (d) Ceramic composite materials (dielectric constant less than 6 at frequencies from 100 Hz to 10,000 MHz) for use in missile radomes, and bulk machinable silicon-carbide reinforced unfired ceramic usable for nose tips;
- (e) Tungsten, molybdenum and alloys of these metals in the form of uniform spherical or atomized particles of 500 micrometer diameter or less with a purity of 97 percent or higher for fabrication of rocket motor components; ie heat shields, nozzle substrates, nozzle throats and thrust vector control surfaces;
- (f) Maraging steels (steels generally characterized by high Nickel, very low carbon content and the use of substitutional elements or precipitates to produce age-hardening) having an Ultimate Tensile Strength of  $1.5 \times 10^9$  Pa or greater, measured at 20 C.

**ITEM 9 - CATEGORY II**

Instrumentation, navigation and direction finding equipment and systems, and associated production and test equipment as follows; and specially designed components and software therefor:

- (a) Integrated flight instruments systems, which include gyrostabilizers or automatic pilots and integration software therefor, designed or modified for use in the systems in Item 1;
- (b) Gyro-astro compasses and other devices which derive position or orientation by means of automatically tracking celestial bodies or satellites;
- (c) Accelerometers with a threshold of 0.5 g or less, or a linearity error within 0.25 percent of full scale output, or both, which are designed for use in inertial navigation systems or in guidance systems of all types;
- (d) All types of gyros usable in the systems in Item 1, with a rated drift rate stability of less than 0.5 degree (1 sigma or rms) per hour in a 1 g environment;
- (e) Continuous output accelerometers or gyros of any type, specified to function at acceleration levels greater than 100 g;
- (f) Inertial or other equipment using accelerometers described by subitems (c) or (e) above or gyros described by subitems (d) or (e) above, and systems

incorporating such equipment, and specially designed integration software therefor;

- (g) Specially designed test, calibration, and alignment equipment and 'production equipment' for the above, including the following:
- (1) For laser gyro equipment, the following equipment used to characterize mirrors, having the threshold accuracy shown or better:
    - (i) Scatterometer (10 ppm);
    - (ii) Reflectometer (50 ppm);
    - (iii) Profilometer (5 Angstroms).
  - (2) For other inertial equipment:
    - (i) Inertial Measurement Unit (IMU Module) Tester;
    - (ii) IMU Platform Tester;
    - (iii) IMU Stable Element Handling Fixture;
    - (iv) IMU Platform Balance fixture;
    - (v) Gyro Tuning Test Station;
    - (vi) Gyro Dynamic Balance Station;
    - (vii) Gyro Run-In/Motor Test Station;
    - (viii) Gyro Evacuation and Filling Station;
    - (ix) Centrifuge Fixture for Gyro Bearings;
    - (x) Accelerometer Axis Align Station;
    - (xi) Accelerometer Test Station.

#### ITEM 10 - CATEGORY II

Flight control systems and 'technology' as follows; designed or modified for the systems in Item 1 as well as the specially designed test, calibration, and alignment equipment therefor:

- (a) Hydraulic, mechanical, electro-optical, or electro-mechanical flight control systems (including fly-by-wire systems);
- (b) Attitude control equipment;
- (c) Design technology for integration of air vehicle fuselage, propulsion system and lifting control surfaces to optimize aerodynamic performance throughout the flight regime of an unmanned air vehicle;
- (d) Design technology for integration of the flight control, guidance, and propulsion data into a flight management system for optimization of rocket system trajectory.

#### ITEM 11 - CATEGORY II

Avionics equipment, 'technology' and components as follows; designed or modified for use in the systems in Item 1, and specially designed software therefor:

- (a) Radar and laser radar systems, including altimeters;
- (b) Passive sensors for determining bearings to specific electromagnetic sources (direction finding equipment) or terrain characteristics;
- (c) Global Positioning System (GPS) or similar satellite receivers;
  - (1) Capable of providing navigation information under the following operational conditions;
    - (i) At speeds in excess of 515 m/sec (1,000 nautical miles/hour); and
    - (ii) At altitudes in excess of 18 km (60,000 feet); or
  - (2) Designed or modified for use with unmanned air vehicles covered by Item 1.
- (d) Electronic assemblies and components specially designed for military use and operation at temperatures in excess of 125 degrees C.

- (e) Design technology for protection of avionics and electrical subsystems against electromagnetic pulse (EMP and electromagnetic interference (EMI) hazards from external sources, as follows:

- (1) Design technology for shielding systems;
- (2) Design technology for the configuration of hardened electrical circuits and subsystems;
- (3) Determination of hardening criteria for the above.

#### ITEM 12 - CATEGORY II

Launch support equipment, facilities and software for the systems in Item 1, as follows:

- (a) Apparatus and devices designed or modified for the handling, control, activation and launching of the systems in Item 1;
- (b) Vehicles designed or modified for the transport, handling, control, activation and launching of the systems in Item 1;
- (c) Gravity meters (gravimeters), gravity gradiometers, and specially designed components therefor, designed or modified for airborne or marine use, and having a static or operational accuracy of  $7 \times 10^{-6}$  m/sec<sup>2</sup> (0.7 milligal) or better, with a time to steady-state registration of two minutes or less;
- (d) Telemetering and telecontrol equipment usable for unmanned air vehicles or rocket systems;
- (e) Precision tracking systems:
  - (1) Tracking systems which use a code translator installed on the rocket or unmanned air vehicle in conjunction with either surface or airborne references or navigation satellite systems to provide real-time measurements of in-flight position and velocity;
  - (2) Range instrumentation radars including associated optical/infrared trackers and the specially designed software therefor with all of the following capabilities:
    - (i) an angular resolution better than 3 milli-radians (0.5 mils);
    - (ii) a range of 30 km or greater with a range resolution better than 10 metres RMS;
    - (iii) a velocity resolution better than 3 metres per second.
  - (3) Software which processes post-flight, recorded data, enabling determination of vehicle position throughout its flight path.

#### ITEM 13 - CATEGORY II

Analogue computers, digital computers, or digital differential analyzers designed or modified for use in the systems in Item 1, having either of the following characteristics:

- (a) Rated for continuous operation at temperatures from below minus 45 degrees C to above plus 55 degrees C; or
- (b) Designed as ruggedized or 'radiation hardened'.

#### ITEM 14 - CATEGORY II

Analogue-to-digital converters, usable in the systems in Item 1, having either of the following characteristics:

- (a) Designed to meet military specifications for ruggedized equipment; or,
- (b) Designed or modified for military use; and being one of the following types:

- (1) Analogue-to-digital converter 'microcircuits', which are 'radiation-hardened' or have all of the following characteristics:
  - (i) Having a resolution of 8 bits or more;
  - (ii) Rated for operation in the temperature range from below minus 54 degrees C to above plus 125 degrees C; and
  - (iii) Hermetically sealed.
- (2) Electrical input type analogue-to-digital converter printed circuit boards or modules, with all of the following characteristics:
  - (i) Having a resolution of 8 bits or more;
  - (ii) Rated for operation in the temperature range from below minus 45 degrees C to above plus 55 degrees C; and
  - (iii) Incorporating 'microcircuits' listed in (1), above.

#### ITEM 15 - CATEGORY II

Test facilities and test equipment usable for the systems in Item 1 and Item 2 as follows; and specially designed software therefor:

- (a) Vibration test systems and components therefor, the following:
  - (1) Vibration test systems employing feedback or closed loop techniques and incorporating a digital controller, capable of vibrating a system at 10g RMS or more over the entire range 20 Hz to 2000 Hz and imparting forces of 50kN (11,250 lbs), measured 'bare table', or greater;
  - (2) Digital controllers, combined with specially designed vibration test software, with a real-time bandwidth greater than 5 kHz and designed for use with vibration test systems in (1) above;
  - (3) Vibration thrusters (shaker units), with or without associated amplifiers, capable of imparting a force of 50 kN (11,250 lbs), measured 'bare table', or greater, and usable in vibration test systems in (1) above;
  - (4) Test piece support structures and electronic units designed to combine multiple shaker units into a complete shaker system capable of providing an effective combined force of 50 kN, measured 'bare table', or greater, and usable in vibration test systems in (1) above.
- (b) Wind-tunnels for speeds of Mach 0.9 or more;
- (c) Test benches/stands which have the capacity to handle solid or liquid propellant rockets or rocket motors of more than 90 kN (20,000 lbs) of thrust, or which are capable of simultaneously measuring the three axial thrust components;
- (d) Environmental chambers and anechoic chambers capable of simulating the following flight conditions:
  - (1) Altitude of 15,000 meters or greater; or
  - (2) Temperature of at least minus 50 degrees C to plus 125 degrees C; and either
  - (3) Vibration environments of 10 g RMS or greater between 20 Hz and 2,000 Hz imparting forces of 5 kN or greater, for environmental chambers; or
  - (4) Acoustic environments at an overall sound pressure level of 140 dB or greater (referenced to

$2 \times 10^{-5}$  N per square metre) or with a rated power output of 4 kiloWatts or greater, for anechoic chambers.

- (e) Accelerators capable of delivering electromagnetic radiation produced by 'bremsstrahlung' from accelerated electrons of 2 MeV or greater, and system containing those accelerators.

#### ITEM 16 - CATEGORY II

Specially designed software, or specially designed software with related specially designed hybrid (combined analogue/digital) computers, for modelling, simulation, or design integration of the systems in Item 1 and Item 2.

#### ITEM 17 - CATEGORY II

Materials, devices, and specially designed software for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures (ie stealth technology), for applications usable for the systems in Item 1 or Item 2, for example:

- (a) Structural materials and coatings specially designed for reduced radar reflectivity;
- (b) Coatings, including paints, specially designed for reduced or tailored reflectivity or emissivity in the microwave, infrared or ultraviolet spectra, except when specially used for thermal control of satellites;
- (c) Specially designed software or databases for analysis of signature reduction;
- (d) Specially designed radar cross section measurement systems.

#### ITEM 18 - CATEGORY II

Devices for use in protecting rocket systems and unmanned air vehicles against nuclear effects (eg Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for the systems in Item 1, as follows:

- (a) 'Radiation Hardened' 'microcircuits' and detectors.
- (b) Radomes designed to withstand a combined thermal shock greater than 100 cal/sq cm accompanied by a peak over pressure of greater than 50 kPa (7 pounds per square inch).

#### ITEM 19 - CATEGORY II

Complete rocket systems (including ballistic missile systems, space launch vehicles and sounding rockets) and unmanned air vehicles (including cruise missile systems, target drones and reconnaissance drones), not covered in Item 1, capable of a maximum range equal or superior to 300 km.

#### ITEM 20 - CATEGORY II

Complete subsystems as follows, usable in systems in Item 19, but not in systems in Item 1, as well as specially designed 'production facilities' and 'production equipment' therefor:

- (a) Individual rocket stages
- (b) Solid or liquid propellant rocket engines, having a total impulse capacity of  $8.41 \times 10^5$  Ns ( $1.91 \times 10^5$  lb.s) or greater, but less than  $1.1 \times 10^6$  Ns ( $2.5 \times 10^5$  lb.s).

## 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

\* Article III.2 of the NPT states that:

"Each State Party to the treaty undertakes not to provide:

(a) source or special fissionable material, or

(b) equipment of 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 safeguards required by this Article."

“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 I of the Guidelines and the effective implementation of comprehensive IAEA safeguards. The NSG supports fully international efforts to strengthen safeguards to detect undeclared activities as well as to monitor declared nuclear activities to ensure that they continue to meet vital nuclear non-proliferation requirements and to provide the assurances needed for the continuation of international nuclear trade.

### 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.

### ANNEXES:

1. List of Participants in the NSG (Member States and the Permanent Observer).

2. Documents on NSG activities: NSG Guidelines: reproduced in INFCIRC/254, Parts 1 and 2 as modified and amended.

3. License approvals and denials (*not included in this presentation*).

### ANNEX I 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

### ANNEX 2 DOCUMENTS ON NSG ACTIVITIES

NSG GUIDELINES: reproduced in INFCIRC/254, Parts 1 and 2 as modified and amended.

[Reproduced on following pages — eds.]

## Guidelines for Nuclear Transfers

[Nuclear Suppliers Group, reproduced from INFCIRC/254/Rev. 2/Part 1/Add. 1, June 1996]

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 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 matters 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 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 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 authorise 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 security.
5. Suppliers will jointly reconsider their common safeguards requirements, whenever appropriate.

### *Safeguards triggered by the transfer of certain technology*

6. (a) The requirements of paragraphs 2, 3 and 4 above should also apply to facilities for reprocessing, enrichment, or heavy-water production, utilizing technology directly transferred by the supplier or derived from transferred facilities, or major critical components thereof.
- (b) The transfer of such facilities, or major critical components thereof, or related technology, should require an undertaking (1) that IAEA safeguards apply to any facilities of the same type, (i.e. if the design, construction or operating processes are based on the same or similar physical or chemical processes, as defined in the trigger list) constructed during an agreed period in the recipient country and (2) that there should at all times be in effect a safeguards agreement permitting the IAEA to apply Agency safeguards with respect to such facilities identified by the recipient, or by the supplier in consultation with the recipient, as using transferred technology.

### *Special controls on sensitive exports*

7. Suppliers should exercise restraint in the transfer of sensitive facilities, technology and weapons-usable materials. 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.*

8. 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 weapons-usable material*

9. 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 weapons-usable material, provisions calling for mutual agreement between the supplier and the recipient on arrangements for reprocessing, storage, alteration, use, transfer or re-transfer of any weapons-usable material involved. Suppliers should endeavour to include such provisions whenever appropriate and practicable.

#### ***Controls on retransfer***

10. (a) Suppliers should transfer trigger list items, including technology defined under paragraph 6, 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 10(a) (2) from any state that does not require full scope safeguards, in accordance with paragraph 4(a) of these guidelines, as a condition of supply; (2) any transfer of the facilities, major critical components, or technology described in paragraph 6; (3) any transfer of facilities or major critical components derived from those items; (4) any retransfer of heavy water or weapons-usable material.
- (c) To ensure the consent right as defined under paragraph 10(b), government to government assurances will be required for any relevant original transfer.

#### ***Non-proliferation Principle***

11. 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 explosive devices.

#### **Supporting activities**

##### ***Physical security***

12. 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***

13. Suppliers should make special efforts in support of effective implementation of IAEA safeguards. Suppliers should also support the Agency's efforts to assist Member States in the improvement of their national systems of accounting and control of nuclear material and to increase the technical effectiveness of safeguards.
- Similarly, they should make every effort to support the IAEA in increasing further the adequacy of safeguards in the light of technical developments and the rapidly growing number of nuclear facilities, and to support appropriate initiatives aimed at improving the effectiveness of IAEA safeguards.

#### ***Sensitive plant design features***

14. 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***

15. (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.
16. In considering transfers, each supplier should exercise prudence having regard to all the circumstances of each case, including any risk that technology transfers not covered by paragraph 6, or subsequent retransfers, might result in unsafeguarded nuclear materials.
17. Unanimous consent is required for any changes in these Guidelines, including any which might result from the reconsideration mentioned in paragraph 5.

## Annex A Trigger List Referred to in Guidelines

### PART A. Material and equipment

1. Source or 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.

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 Reactors and equipment 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 fuel elements (see Annex B, section 4.);
- 2.5 Plants for the separation of isotopes of uranium and equipment, other analytical instruments, especially designed or prepared therefor (see Annex B, section 5.);
- 2.6 Plants for the production 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 equipment especially designed or prepared therefor (see Annex B, section 7.).

**PART B. Common criteria for technology transfers under paragraph 6 of the Guidelines**

1. 'Major critical components' are:
  - (a) in the case of an isotope separation plant of the gaseous diffusion type; *diffusion barrier*;
  - (b) in the case of an isotope separation plant of the gas centrifuge type: *gas centrifuge assemblies, corrosion-resistant to UF<sub>6</sub>*;
  - (c) in the case of an isotope separation plant of the jet nozzle type: *the nozzle units*;
  - (d) in the case of an isotope plant of the vortex type: *the vortex units*.
2. For facilities covered by paragraph 6 of the Guidelines for which no major critical component is described in paragraph 2 above, if a supplier nation should transfer in the aggregate a significant fraction of the items essential to the operation of such a facility, together with the knowhow for construction and operation of that facility, that transfer should be deemed to be a transfer of 'facilities or major critical components thereof'.
3. For the purposes of implementing paragraph 6 of the Guidelines, the following facilities should be deemed to be 'of the same type (i.e. if their design, construction or operating processes are based on the same or similar physical or chemical processes)':

Where the technology transferred is such as to make possible the construction in the recipient State of a facility of the following type, or major critical components thereof:

The following will be deemed to be facilities of the same type:

- |  |   |
|--|---|
| (a) an isotope separation plant of the gaseous diffusion type..... | any other isotope separation plant using the gaseous diffusion process. |
| (b) an isotope separation plant of the gas centrifuge type.....    | any other isotope separation plant using the gas centrifuge process.    |
| (c) an isotope separation plant of the jet nozzle type.....        | any other isotope separation plant using the jet nozzle process.        |

- |   |   |
|---|---|
| (d) an isotope separation plant of the vortex type.....                 | any other isotope separation plant using the vortex process.            |
| (e) a fuel reprocessing plant using the solvent extraction process..... | any other fuel reprocessing plant using the solvent extraction process. |
| (f) a heavy water plant using the exchange process.....                 | any other heavy water plant using the exchange process.                 |
| (g) a heavy water plant using the electrolytic process.....             | any other heavy water plant using the electrolytic process.             |
| (h) a heavy water plant using the hydrogen distillation process.....    | any other heavy water plant using the hydrogen distillation process.    |

Note: In the case of reprocessing, enrichment, and heavy water facilities whose design, construction, or operation processes are based on physical or chemical processes other than those enumerated above, a similar approach would be applied to define facilities 'of the same type', and a need to define major critical components of such facilities might arise.

6. The reference in paragraph 6(b) of the Guidelines to 'any facilities of the same type constructed during an agreed period in the recipient's country' is understood to refer to such facilities (or major critical components thereof), the first operation of which commences within a period of at least 20 years from the date of the first operation of (1) a facility which has been transferred or incorporates transferred major critical components or of (2) a facility of the same type built after the transfer of technology. It is understood that during that period there would be a conclusive presumption that any facility of the same type utilized transferred technology. But the agreed period is not intended to limit the duration of the safeguards imposed or the duration of the right to identify facilities as being constructed or operated on the basis of or by the use of transferred technology in accordance with paragraph 6(b) (2) of the Guidelines.

## Annex B

### Clarifications of Items On The Trigger List [Summary]

1. Reactors and equipment therefor
  - 1.1 Complete nuclear reactors
  - 1.2 Reactor pressure vessels
  - 1.3 Reactor fuel charging and discharging machines
  - 1.4 Reactor control rods
  - 1.5 Reactor pressure tubes
  - 1.6 Zirconium tubes
  - 1.7 Primary coolant pumps
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 vessel
  - 3.5 Plutonium nitrate to oxide conversion system
4. Plants for the fabrication of fuel elements
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 UF<sub>6</sub> 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 housing
- 5.3.3 Compressors and gas blowers
- 5.3.4 Rotary shaft seals
- 5.3.5 Heat exchangers for cooling UF<sub>6</sub>
- 5.4 Especially designed or prepared auxillary 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 UF<sub>6</sub> 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
  - 5.5.3 Rotary shaft seals
  - 5.5.5 Heat exchangers 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 UF<sub>6</sub> mass spectrometers/Ion sources
  - 5.5.12 UF<sub>6</sub>/carrier gas separation systems
- 5.6 Especially designed or prepared systems, equipment and components for use in chemical exchange or ion exchange enrichment plants
  - 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)
  - 5.6.5 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 plants
  - 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 and module housings (AVLIS)
  - 5.7.5 Supersonic expansion nozzles (MLIS)
  - 5.7.6 Uranium pentafluoride product collectors (MLIS)
  - 5.7.7 UF<sub>6</sub>/carrier gas compressors (MLIS)
  - 5.7.8 Rotary shaft seals
  - 5.7.9 Fluorination systems (MLIS)
  - 5.7.10 UF<sub>6</sub> mass spectrometers/ion sources (MLIS)
  - 5.7.11 Feed systems/product and tails withdrawal systems
  - 5.7.12 UF<sub>6</sub>/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 enrichment plants
  - 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 enrichment plants.
  - 5.9.1 Electromagnetic isotope separators
  - 5.9.2 High voltage power supplies
- 6. Plants for the production of heavy water, deuterium compounds and equipment especially designed or prepared therefor
  - 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
- 7. Plants for the conversion of uranium and equipment especially designed or prepared therefor
  - 7.1 Especially designed or prepared systems for the conversion of uranium ore concentrates to UO<sub>3</sub>
  - 7.2 Especially designed or prepared systems for the conversion of UO<sub>3</sub> to UF<sub>6</sub>
  - 7.3 Especially designed or prepared systems for the conversion of UO<sub>3</sub> to UO<sub>2</sub>
  - 7.4 Especially designed or prepared systems for the conversion of UO<sub>2</sub> to UF<sub>4</sub>
  - 7.5 Especially designed or prepared systems for the conversion of UF<sub>4</sub> to UF<sub>6</sub>
  - 7.6 Especially designed or prepared systems for the conversion of UF<sub>4</sub> to U metal
  - 7.7 Especially designed or prepared systems for the conversion of UF<sub>6</sub> to UO<sub>2</sub>
  - 7.8 Especially designed or prepared systems for the conversion of UF<sub>6</sub> to UF<sub>4</sub>

### Annex C Criteria for Levels of Physical Protection

1. The purpose of physical protection of nuclear materials is to prevent unauthorized use and handling of these materials. Paragraph 3 (a) of the Guidelines document calls for agreement among suppliers on the levels of protection to be ensured in relation to the type of materials, and equipment and facilities containing these materials, taking account of international recommendations.

2. Paragraph 3 (b) of the Guidelines document states that implementation of measures of physical protection in the recipient country is the responsibility of the Government of that country. However, the levels of physical protection on which these measures have to be based should be the subject of an agreement between supplier and recipient. In this context these requirements should apply to all States.
3. The document INFCIRC/225 of the International Atomic Energy Agency entitled 'The Physical Protection of Nuclear Material' and similar documents which from time to time are prepared by international groups of experts and updated as appropriate to account for changes in the state of the art and state of knowledge with regard to physical protection of nuclear material are a useful basis for guiding recipient States in designing a system of physical protection measures and procedures.
4. The categorization of nuclear material presented in the attached table or as it may be updated from time to time by mutual agreement of suppliers shall serve as the agreed basis for designating specific levels of physical protection in relation to the type of materials, and equipment and facilities containing these materials, pursuant to paragraph 3 (a) and 3 (b) of the Guidelines document.
5. The agreed levels of physical protection to be ensured by the competent national authorities in the use, storage and transportation of the materials listed in the attached table shall as a minimum include protection characteristics as follows:

### Category III

*Use and storage* within an area to which access is controlled.

*Transportation* under special precautions including prior arrangements among sender, recipient and carrier, and prior agreement between entities subject to the jurisdiction and regulation of supplier and recipient States, respectively, in case of international transport specifying time, place and procedures for transferring transport responsibility.

### Category II

*Use and Storage* within a protected area to which access is controlled, i.e. an area under constant surveillance by guards or electronic devices surrounded by a physical barrier with a limited number of points of entry under appropriate control, or any area with an equivalent level of physical protection.

*Transportation* under special precautions including prior arrangements among sender, recipient and carrier, and prior agreement between entities subject to the jurisdiction and regulation of supplier and recipient States, respectively, in case of international transport, specifying time, place and procedures for transferring transport responsibility.

### Category I

Materials in this Category shall be protected with highly reliable systems against unauthorized use as follows:

*Use and Storage* within a highly protected area, i.e. a protected area as defined for Category II above, to which, in addition, access is restricted to 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 objective the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

*Transportation* under specific precautions as identified above for transportation of Category II and III materials and, in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

6. Suppliers should request identification by recipients of those agencies or authorities having responsibility for ensuring that levels of protection are adequately met and having responsibility for internally co-ordinating response/recovery operations in the event of unauthorized use or handling of protected materials. Suppliers and recipients should also designate points of contact within their national authorities to co-operate on matters of out-of-country transportation and other matter of mutual concern.

## Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, And Related Technology

[Nuclear Suppliers Group, reproduced from INFCIRC/254/Rev.2/Part 2/Mod.1/Add. 1, June 1996]

### *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, material, 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, material, 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, material, 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 materials; 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, material, 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, material, 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, material, 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, material, 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, material, 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.

*Technology controls*

The transfer of 'technology' directly associated with any items in the List will be subject to as great a degree of scrutiny and control as will the equipment 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'.

*Statement of understanding*

The approval of any List 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.

**List of contents of Annex [summary]***Industrial Equipment*

Spin-forming and flow-forming machines and especially designed 'software'  
 'Numerical control units' — machine tools and especially designed 'software'  
 Dimensional inspection systems and especially designed 'software'  
 Vacuum induction furnaces and power supplies  
 Isostatic presses and especially designed 'software'  
 Robots and end effectors and controllers or especially designed software  
 Vibration test equipment and especially designed software  
 Furnaces — arc remelt, electron beam, and plasma and especially designed software

*Materials*

Aluminum alloys, high strength  
 Beryllium metal, alloys oxide or silicate  
 Bismuth, high purity  
 Boron, isotopically enriched in boron-10  
 Calcium, high purity  
 Chlorine trifluoride  
 Crucibles made of materials resistant to liquid actinide metals  
 Fibrous and filamentary materials  
 Hafnium  
 Lithium, isotopically enriched in lithium-6  
 Magnesium, high purity  
 Maraging steel, high strength  
 Radium-226  
 Titanium alloys  
 Tungsten  
 Zirconium  
 Nickel, high purity

*Uranium Isotope Separation Equipment and Components*

Electrolytic cells for fluorine production  
 Rotor and bellows equipment  
 Centrifugal multiplane balancing machines and especially designed 'software'  
 Filament winding machines and especially designed 'software'  
 Frequency changers or generators  
 Lasers, laser amplifiers and oscillators  
 Mass spectrometers and mass spectrometer ion sources  
 Pressure measuring instruments, corrosion-resistant  
 Valves, corrosion resistant  
 Superconducting solenoidal electromagnets

Vacuum pumps, high speed  
 Direct current high-power supplies, 100 V or greater  
 High voltage direct current power supplies. 20,000 V or greater  
 Electromagnetic isotope separators

*Heavy Water Production Plant Related Equipment (other than trigger list items)*

Specialized packing for water separation  
 Pumps for potassium amide/liquid ammonia  
 Water-hydrogen sulfide exchange tray columns  
 Hydrogen-cryogenic distillation columns  
 Ammonia converters or synthesis reactors  
 Turbo expanders or turbo-expander compressor sets

*Implosion Systems Development Equipment*

Flash X-ray equipment or pulsed electron accelerators  
 Multistage light gas guns/high velocity guns  
 Mechanical rotating mirror cameras  
 Electronic streak and framing cameras and tubes  
 Specialized instrumentation for hydrodynamic experiments

*Explosives and Related Equipment*

Detonators and multipoint initiation systems  
 Electronic components for firing sets  
 Switching devices  
 Capacitors  
 Firing sets and equivalent high-current pulsers, for controlled detonators  
 High explosives relevant to nuclear weapons

*Nuclear Testing Equipment and Components*

Oscilloscopes and transient recorders  
 Photomultiplier tubes  
 Pulse generators, high speed

*Other*

Neutron generator systems  
 General nuclear related equipment  
 Remote manipulators  
 Radiation shielding windows, high density  
 Radiation-hardened TV cameras  
 Tritium, tritium compounds and mixtures  
 Tritium facilities or plants and components therefor  
 Platinized carbon catalysts  
 Helium-3  
 Alpha-emitting radionuclides  
 Lithium isotope separation facilities

## **Fissile Material Cut-Off**



## **Prohibition of the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices**

[Resolution A/RES/48/75 L, adopted by the General Assembly at its 48th Session, 16 December 1993]

The General Assembly,

Welcoming the significant progress in reducing nuclear-weapon arsenals as evidenced by the substantive bilateral agreements between the Russian Federation and the United States of America and their respective unilateral undertakings regarding the disposition of Fissile Material,

Welcoming also the initiative of the United States of America concerning a multilateral, internationally and effectively verifiable treaty on the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices,

Welcoming further the decision taken by the Conference on Disarmament on 10 August 1993 to give its ad Hoc Committee on a Nuclear Test Ban a mandate to negotiate a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, and fully endorsing the contents of that decision,

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 non-proliferation in all its aspects,

1. Recommends the negotiation in the most appropriate international forum 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;
2. Requests the international Atomic Energy Agency to provide assistance for examination of verification arrangements for such a treaty as required;
3. Calls upon all States to demonstrate their commitment to the objectives of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices;
4. Decides to include in the provisional agenda of its forty-ninth session an item entitled 'Prohibition of the Production of fissile material for nuclear weapons or other nuclear explosive devices'.

**Report of Ambassador Gerald E. Shannon of Canada on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices**

[Reproduced from CD/1299, 24 March 1995]

At the beginning of last year's session, I was tasked with seeking the views of members on the most appropriate arrangement to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

As you know I held numerous consultations, both bilaterally and with groups and reported formally to this plenary on five occasions in 1994. Mid-way through the last session, consensus was reached that the CD was the appropriate forum to negotiate a treaty on this issue. At the end of the session in September, while there was no agreement on a mandate for an Ad Hoc Committee, there was agreement in principle, that an Ad Hoc Committee be established on this issue as soon as a mandate had been agreed. At that time, the CD asked me to continue consultations on an appropriate mandate for an Ad Hoc Committee in order to enable the convening of this Ad Hoc Committee as soon as possible.

At the beginning of this year's session, the Conference decided to continue consultations on a mandate.

I have since held numerous consultations, and am pleased to report that delegations have agreed that the mandate for such a Committee should be based on Resolution 48/75L of the UN General Assembly, and reads as follows:

1. The Conference on Disarmament decides to establish an Ad Hoc Committee on a "Ban on the production of fissile material for nuclear weapons or other nuclear explosive devices".
2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory, multilateral and

internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1995 session.

During the course of my consultation, many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the convention. Some delegations expressed the view that this mandate would permit consideration in the Committee only of the future production of fissile material. Other delegations were of the view that the mandate would permit consideration not only of future but also of past production. Still others were of the view that consideration should not only relate to production of fissile materials (past or future) but also to other issues, such as the management of such material.

Mr. President, it has been agreed by delegations that the mandate for the establishment of the Ad Hoc Committee does not preclude any delegation from raising for consideration in the Ad Hoc Committee any of the above noted issues.

Delegations with strong views were able to join consensus so we could all move forward on this issue. This means that an Ad Hoc Committee on Cut-Off can be established and negotiations can begin on this important topic. This has for some time been the common objective of all delegations of this Conference.

I have appreciated that the productive contribution and support of all delegations in arriving at this result.

### **The Formation of the Ad Hoc Committee on Fissile Materials in the Conference on Disarmament**

[extracted from the CD Report to the UNGA for 1998, CD/1557, 8 September 1998]

10. At the 802nd plenary meeting on 11 August 1998, the Conference adopted the decision on the establishment of an ad hoc committee under item 1 of the agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament' (CD/1547), which reads as follows:

"The Conference on Disarmament decides to establish, under item 1 of its agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament', an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 1998 session."

Following the adoption of this decision, the President made the following statement (CD/1548):

"In connection with the decision we have just taken, I should like, in my capacity as President of the Conference, to state that the adoption of this decision is without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 which may result from the provisions of paragraph 1 of decision CD/1501, and that the presidency will continue to pursue intensive consultations and to seek the views of the members of the Conference on appropriate methods and approaches for dealing with agenda item 1, entitled 'Cessation of the nuclear arms race and nuclear disarmament', taking into consideration all proposals and views in this respect."

11. At the 804th plenary meeting on 20 August 1998, the Conference appointed Ambassador Mark Moher of Canada as Chairman of the Ad Hoc Committee under item 1 of the agenda entitled "Cessation of the nuclear arms race and nuclear disarmament".

**The Conference on Disarmament decision 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/53/77 I, adopted by the General Assembly at its 53rd Session, December 1998]

*The General Assembly,*

*Recalling* its resolution 48/75 L of 16 December 1993,

*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 non-proliferation in all its aspects,

*Noting* the report of the Conference on Disarmament, in which, *inter alia*, the Conference records that in proceeding to take a decision on this matter, that decision is without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 and that intensive consultations will 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. *Welcomes* the decision by 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. *Notes with satisfaction* that this ad hoc committee has already engaged in the first step in the substantive negotiations;
3. *Encourages* the Conference on Disarmament to re-establish its ad hoc committee at the beginning of the 1999 session.

## **Nuclear Disarmament and Bilateral Nuclear Arms Negotiations**



## **Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms**

[START II Treaty, signed 3 January 1993]

The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Reaffirming 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,

Stressing their firm commitment to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and their desire to contribute to its strengthening,

Taking into account the commitment by the Republic of Belarus, the Republic of Kazakhstan, and Ukraine to accede to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, as non-nuclear-weapon States Parties,

Mindful of their undertakings with respect to strategic offensive arms under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, as well as the provisions of the Joint Understanding signed by the Presidents of the United States of America and the Russian Federation on June 17, 1992, and of the Joint Statement on a Global Protection System signed by the Presidents of the United States of America and the Russian Federation on June 17, 1992,

Desiring to enhance strategic stability and predictability, and, in doing so, to reduce further strategic offensive arms, in addition to the reductions and limitations provided for in the START Treaty,

Considering that further progress toward that end will help lay a solid foundation for a world order built on democratic values that would preclude the risk of outbreak of war,

Recognizing their special responsibility as permanent members of the United Nations Security Council for maintaining international peace and security,

Taking note of United Nations General Assembly Resolution 47/52K of December 9, 1992.

Conscious of the new realities that have transformed the political and strategic relations between the Parties, and the relations of partnership that have been established between them,

Have agreed as follows:

### **Article I**

1. Each Party shall reduce and limit its intercontinental ballistic missiles (ICBMs) and ICBM launchers, submarine-launched ballistic missiles (SLBMs) and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber armaments, so that seven years after entry into force of the START Treaty and thereafter, the aggregate number for each Party, as counted in accordance with Articles III and IV of this Treaty, does not exceed, for warheads attributed to deployed ICBMs, deployed SLBMs, and deployed heavy bombers, a number between 3800 and 4250 or such lower number as each Party shall decide for itself, but in no case shall such number exceed 4250.

2. Within the limitations provided for in paragraph 1 of this Article, the aggregate numbers for each Party shall not exceed:

(a) 2160, for warheads attributed to deployed SLBMs;

(b) 1200, for warheads attributed to deployed ICBMs of types to which more than one warhead is attributed; and

(c) 650, for warheads attributed to deployed heavy ICBMs.

3. Upon fulfillment of the obligations provided for in paragraph 1 of this Article, each Party shall further reduce and limit its ICBMs and ICBM launchers, SLBMs and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber armaments, so that no later than January 1, 2003, and thereafter, the aggregate number for each Party, as counted in accordance with Articles III and IV of this Treaty, does not exceed, for warheads attributed to deployed ICBMs, deployed SLBMs, and deployed heavy bombers, a number between 3000 and 3500 or such lower number as each Party shall decide for itself, but in no case shall such number exceed 3500.

4. Within the limitations provided for in paragraph 3 of this Article, the aggregate numbers for each Party shall not exceed:

(a) a number between 1700 and 1750, for warheads attributed to deployed SLBMs or such lower number as each Party shall decide for itself, but in no case shall such number exceed 1750;

(b) zero, for warheads attributed to deployed ICBMs of types to which more than one warhead is attributed; and

(c) zero, for warheads attributed to deployed heavy ICBMs.

5. The process of reductions provided for in paragraphs 1 and 2 of this Article shall begin upon entry into force of this Treaty, shall be sustained throughout the reductions period provided for in paragraph 1 of this Article, and shall be completed no later than seven years after entry into force of the START Treaty. Upon completion of these reductions, the Parties shall begin further reductions provided for in paragraphs 3 and 4 of this Article, which shall also be sustained throughout the reductions period defined in accordance with paragraphs 3 and 6 of this Article.

6. Provided that the Parties conclude, within one year after entry into force of this Treaty, an agreement on a program of assistance to promote the fulfillment of the provisions of this Article, the obligations provided for in paragraphs 3 and 4 of this Article and in Article II of this Treaty shall be fulfilled by each Party no later than December 31, 2000.

### **Article II**

1. No later than January 1, 2003, each Party undertakes to have eliminated or to have converted to launchers of ICBMs to which one warhead is attributed all its deployed and non-deployed launchers of ICBMs to which more than one warhead is attributed under Article III of this Treaty (including test launchers and training launchers), with the exception of those launchers of ICBMs other than heavy ICBMs at space launch facilities allowed under the START Treaty, and not to have thereafter launchers of ICBMs to which more than one warhead is attributed. ICBM

launchers that have been converted to launch an ICBM of a different type shall not be capable of launching an ICBM of the former type. Each Party shall carry out such elimination or conversion using the procedures provided for in the START Treaty, except as otherwise provided for in paragraph 3 of this Article.

2. The obligations provided for in paragraph 1 of this Article shall not apply to silo launchers of ICBMs on which the number of warheads has been reduced to one pursuant to paragraph 2 of Article III of this Treaty.

3. Elimination of silo launchers of heavy ICBMS, including test launchers and training launchers, shall be implemented by means of either:

(a) elimination in accordance with the procedures provided for in Section II of the Protocol on Procedures Governing the Conversion or Elimination of the Items Subject to the START Treaty; or

(b) conversion to silo launchers of ICBMs other than heavy ICBMs in accordance with the procedures provided for in the Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, hereinafter referred to as the Elimination and Conversion Protocol. No more than 90 silo launchers of heavy ICBMs may be so converted.

4. Each Party undertakes not to emplace an ICBM, the launch canister of which has a diameter greater than 2.5 meters, in any silo launcher of heavy ICBMs converted in accordance with subparagraph 3(b) of this Article.

5. Elimination of launchers of heavy ICBMs at space launch facilities shall only be carried out in accordance with subparagraph 3(a) of this Article.

6. No later than January 1, 2003, each Party undertakes to have eliminated all of its deployed and non-deployed heavy ICBMs and their launch canisters in accordance with the procedures provided for in the Elimination and Conversion Protocol or by using such missiles for delivering objects into the upper atmosphere or space, and not to have such missiles or launch canisters thereafter.

7. Each Party shall have the right to conduct inspections in connection with the elimination of heavy ICBMs and their launch canisters, as well as inspections in connection with the conversion of silo launchers of heavy ICBMS. Except as otherwise provided for in the Elimination and Conversion Protocol, such inspections shall be conducted subject to the applicable provisions of the START Treaty.

8. Each Party undertakes not to transfer heavy ICBMs to any recipient whatsoever, including any other Party to the START Treaty.

9. Beginning on January 1, 2003, and thereafter, each Party undertakes not to produce, acquire, flight-test (except for flight tests from space launch facilities conducted in accordance with the provisions of the START Treaty), or deploy ICBMs to which more than one warhead is attributed under Article III of this Treaty.

### Article III

1. For the purposes of attributing warheads to deployed ICBMs and deployed SLBMs under this Treaty, the Parties shall use the provisions provided for in Article III of the START Treaty, except as otherwise provided for in paragraph 2 of this Article.

2. Each Party shall have the right to reduce the number of warheads attributed to deployed ICBMs or deployed

SLBMs only of existing types, except for heavy ICBMS. Reduction in the number of warheads attributed to deployed ICBMs and deployed SLBMs of existing types that are not heavy ICBMs shall be carried out in accordance with the provisions of paragraph 5 of Article III of the START Treaty, except that:

(a) the aggregate number by which warheads are reduced may exceed the 1250 limit provided for in paragraph 5 of Article III of the START Treaty;

(b) the number by which warheads are reduced on ICBMs and SLBMS, other than the Minuteman III ICBM for the United States of America and the SS-N-18 SLBM for the Russian Federation, may at any one time exceed the limit of 500 warheads for each Party provided for in subparagraph 5(c)(I) of Article III of the START Treaty;

(c) each Party shall have the right to reduce by more than four warheads, but not by more than five warheads, the number of warheads attributed to each ICBM out of no more than 105 ICBMs of one existing type of ICBM. An ICBM to which the number of warheads attributed has been reduced in accordance with this paragraph shall only be deployed in an ICBM launcher in which an ICBM of that type was deployed as of the date of signature of the START Treaty; and

(d) the reentry vehicle platform for an ICBM or SLBM to which a reduced number of warheads is attributed is not required to be destroyed and replaced with a new reentry vehicle platform.

3. Notwithstanding the number of warheads attributed to a type of ICBM or SLBM in accordance with the START Treaty, each Party undertakes not to:

(a) produce, flight-test, or deploy an ICBM or SLBM with a number of reentry vehicles greater than the number of warheads attributed to it under this Treaty; and

(b) increase the number of warheads attributed to an ICBM or SLBM that has had the number of warheads attributed to it reduced in accordance with the provisions of this Article.

### Article IV

1. For the purposes of this Treaty, the number of warheads attributed to each deployed heavy bomber shall be equal to the number of nuclear weapons for which any heavy bomber of the same type or variant of a type is actually equipped, with the exception of heavy bombers reoriented to a conventional role as provided for in paragraph 7 of this Article. Each nuclear weapon for which a heavy bomber is actually equipped shall count as one warhead toward the limitations provided for in Article I of this Treaty. For the purpose of such counting, nuclear weapons include long-range nuclear air-launched cruise missiles (ALCMs), nuclear air-to-surface missiles with a range of less than 600 kilometers, and nuclear bombs.

2. For the purposes of this Treaty, the number of nuclear weapons for which a heavy bomber is actually equipped shall be the number specified for heavy bombers of that type and variant of a type in the Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, hereinafter referred to as the Memorandum on Attribution.

3. Each Party undertakes not to equip any heavy bomber with a greater number of nuclear weapons than the number specified for heavy bombers of that type or variant of a type in the Memorandum on Attribution.

4. No later than 180 days after entry into force of this Treaty, each Party shall exhibit one heavy bomber of each type and variant of a type specified in the Memorandum on Attribution. The purpose of the exhibition shall be to demonstrate to the other Party the number of nuclear weapons for which a heavy bomber of a given type or variant of a type is actually equipped.

5. If either Party intends to change the number of nuclear weapons specified in the Memorandum on Attribution, for which a heavy bomber of a type or variant of a type is actually equipped, it shall provide a 90-day advance notification of such intention to the other Party. Ninety days after providing such a notification, or at a later date agreed by the Parties, the Party changing the number of nuclear weapons for which a heavy bomber is actually equipped shall exhibit one heavy bomber of each such type or variant of a type. The purpose of the exhibition shall be to demonstrate to the other Party the revised number of nuclear weapons for which heavy bombers of the specified type or variant of a type are actually equipped. The number of nuclear weapons attributed to the specified type and variant of a type of heavy bomber shall change on the ninetieth day after the notification of such intent. On that day, the Party changing the number of nuclear weapons for which a heavy bomber is actually equipped shall provide to the other Party a notification of each change in data according to categories of data contained in the Memorandum on Attribution.

6. The exhibitions and inspections conducted pursuant to paragraphs 4 and 5 of this Article shall be carried out in accordance with the procedures provided for in the Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, hereinafter referred to as the Protocol on Exhibitions and Inspections.

7. Each Party shall have the right to reorient to a conventional role heavy bombers equipped for nuclear armaments other than long-range nuclear ALCMS. For the purposes of this Treaty, heavy bombers reoriented to a conventional role are those heavy bombers specified by a Party from among its heavy bombers equipped for nuclear armaments other than long-range nuclear ALCMs that have never been accountable under the START Treaty as heavy bombers equipped for long-range nuclear ALCMS. The reorienting Party shall provide to the other Party a notification of its intent to reorient a heavy bomber to a conventional role no less than 90 days in advance of such reorientation. No conversion procedures shall be required for such a heavy bomber to be specified as a heavy bomber reoriented to a conventional role.

8. Heavy bombers reoriented to a conventional role shall be subject to the following requirements:

(a) the number of such heavy bombers shall not exceed 100 at any one time;

(b) such heavy bombers shall be based separately from heavy bombers with nuclear roles;

(c) such heavy bombers shall be used only for non-nuclear missions. Such heavy bombers shall not be used in exercises for nuclear missions, and their aircrews shall not train or exercise for such missions; and

(d) heavy bombers reoriented to a conventional role shall have differences from other heavy bombers of that type or variant of a type that are observable by national technical means of verification and visible during inspection.

9. Each Party shall have the right to return to a nuclear role heavy bombers that have been reoriented in accordance with paragraph 7 of this Article to a conventional role. The Party carrying out such action shall provide to the other Party through diplomatic channels notification of its intent to return a heavy bomber to a nuclear role no less than 90 days in advance of taking such action. Such a heavy bomber returned to a nuclear role shall not subsequently be reoriented to a conventional role.

Heavy bombers reoriented to a conventional role that are subsequently returned to a nuclear role shall have differences observable by national technical means of verification and visible during inspection from other heavy bombers of that type and variant of a type that have not been reoriented to a conventional role, as well as from heavy bombers of that type and variant of a type that are still reoriented to a conventional role.

10. Each Party shall locate storage areas for heavy bomber nuclear armaments no less than 100 kilometers from any air base where heavy bombers reoriented to a conventional role are based.

11. Except as otherwise provided for in this Treaty, heavy bombers reoriented to a conventional role shall remain subject to the provisions of the START Treaty, including the inspection provisions.

12. If not all heavy bombers of a given type or variant of a type are reoriented to a conventional role, one heavy bomber of each type or variant of a type of heavy bomber reoriented to a conventional role shall be exhibited in the open for the purpose of demonstrating to the other Party the differences referred to in subparagraph 8(d) of this Article. Such differences shall be subject to inspection by the other Party.

13. If not all heavy bombers of a given type or variant of a type reoriented to a conventional role are returned to a nuclear role, one heavy bomber of each type and variant of a type of heavy bomber returned to a nuclear role shall be exhibited in the open for the purpose of demonstrating to the other Party the differences referred to in paragraph 9 of this Article. Such differences shall be subject to inspection by the other Party.

14. The exhibitions and inspections provided for in paragraphs 12 and 13 of this Article shall be carried out in accordance with the procedures provided for in the Protocol on Exhibitions and Inspections.

#### **Article V**

1. Except as provided for in this Treaty, the provisions of the START Treaty, including the verification provisions, shall be used for implementation of this Treaty.

2. To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Bilateral Implementation Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Bilateral Implementation Commission to:

(a) resolve questions relating to compliance with the obligations assumed; and

(b) agree upon such additional measures as may be necessary to improve the viability and effectiveness of this Treaty.

#### **Article VI**

1. This Treaty, including its Memorandum on Attribution, Elimination and Conversion Protocol, and Protocol on Exhibitions and Inspections, all of which are integral parts thereof, shall be subject to ratification in accordance with

the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification, but not prior to the entry into force of the START Treaty.

2. The provisions of paragraph 8 of Article II of this Treaty shall be applied provisionally by the Parties from the date of its signature.

3. This Treaty shall remain in force so long as the START Treaty remains in force.

4. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

#### **Article VII**

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing entry into force of this Treaty.

#### **Article VIII**

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

DONE at Moscow on January 3, 1993, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:

FOR THE RUSSIAN FEDERATION:

**Joint Statement On Parameters On Future Reductions In Nuclear Forces**

[Russian Federation & United States of America, Helsinki, 21 March 1997]

Presidents Clinton and Yeltsin underscore that, with the end of the Cold War, major progress has been achieved with regard to strengthening strategic stability and nuclear security. Both the United States and Russia are significantly reducing their nuclear forces. Important steps have been taken to detarget strategic missiles. The Start I Treaty has entered into force, and its implementation is ahead of schedule. Belarus, Kazakstan and Ukraine are nuclear-weapon free. The Nuclear Non-Proliferation Treaty was indefinitely extended on May 11, 1995 and the Comprehensive Nuclear Test Ban Treaty was signed by both the United States and Russia on September 24, 1996.

In another historic step to promote international peace and security, President Clinton and President Yeltsin hereby reaffirm their commitment to take further concrete steps to reduce the nuclear danger and strengthen strategic stability and nuclear security. The Presidents have reached an understanding on further reductions in and limitations on strategic offensive arms that will substantially reduce the roles and risks of nuclear weapons as we move forward into the next century. Recognizing the fundamental significance of the ABM Treaty for these objectives, the Presidents have, in a separate joint statement, given instructions on demarcation between ABM systems and theater missile defense systems, which will allow for deployment of effective theater missile defenses and prevent circumvention of the ABM Treaty.

With the foregoing in mind, President Clinton and President Yeltsin have reached the following understandings.

Once Start II enters into force, the United States and Russia will immediately begin negotiations on a Start III agreement, which will include, among other things, the following basic components:

- Establishment, by December 31, 2007, of lower aggregate levels of 2,000–2,500 strategic nuclear warheads for each of the parties.

- Measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads and any other jointly agreed technical and organizational measures, to promote the irreversibility of deep reductions including prevention of a rapid increase in the number of warheads.
- Resolving issues related to the goal of making the current Start treaties unlimited in duration.
- Placement in a deactivated status of all strategic nuclear delivery vehicles which will be eliminated under Start II by December 31, 2003, by removing their nuclear warheads or taking other jointly agreed steps. The United States is providing assistance through the Nunn-Lugar program to facilitate early deactivation.

The Presidents have reached an understanding that the deadline for the elimination of strategic nuclear delivery vehicles under the Start II Treaty will be extended to December 31, 2007. The sides will agree on specific language to be submitted to the Duma and, following Duma approval of Start II, to be submitted to the United States Senate.

In this context, the Presidents underscore the importance of prompt ratification of the Start II Treaty by the State Duma of the Russian Federation.

The Presidents also agreed that in the context of Start III negotiations their experts will explore, as separate issues, possible measures relating to nuclear long-range sea-launched cruise missiles and tactical nuclear systems, to include appropriate confidence-building and transparency measures.

Taking into account all the understandings outlined above, and recalling their statement of May 10, 1995, the Presidents agreed the sides will also consider the issues related to transparency in nuclear materials.

## 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 all 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.

**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.

### Reducing nuclear danger

[Resolution A/RES/53/77 F, adopted by the General Assembly at its 53rd Session, December 1998]

*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* 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 will have catastrophic consequences for all mankind,

*Conscious* that limited steps relating to detargeting have been taken by the nuclear-weapon States to address this concern and that further 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* the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

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 undertake measures towards the implementation of paragraph 1 of the present resolution;
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 ultimate objective of eliminating nuclear weapons;
4. *Decides* to include in the provisional agenda of its fifty-fourth session an item entitled 'Reducing nuclear danger'.

### Bilateral nuclear arms negotiations and nuclear disarmament

[Resolution A/RES/53/77 Z, adopted by the General Assembly at its 53rd Session, December 1998]

*The General Assembly,*

*Recalling* its previous relevant resolutions,

*Recognizing* the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

*Mindful* that it is the responsibility and obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security and, in this connection, to adopt and implement measures towards the attainment of general and complete disarmament under strict and effective international control,

*Appreciating* a number of positive developments in the field of nuclear disarmament, in particular the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, and the treaties on the reduction and limitation of strategic arms,

*Appreciating also* the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons and acknowledging the importance of 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,

*Welcoming* the steps that have already been taken by the Russian Federation and the United States of America to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on detargeting strategic nuclear missiles,

*Noting* the positive climate of relations between the States of the former Union of Soviet Socialist Republics and the United States of America, which permits them to intensify their cooperative efforts to ensure the safety, security, and environmentally sound destruction of nuclear weapons,

*Recalling* the Moscow Summit Declaration on Nuclear Safety and Security of April 1996,

*Urging* early action to complete the ratification of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms and further intensification of efforts to accelerate the implementation of agreements and unilateral decisions relating to nuclear arms reduction,

*Appreciating* the joint statement on future reductions in nuclear forces and the joint statement outlining the elements of an agreement for higher-velocity theatre missile defence systems, both issued on 21 March 1997 by the Russian Federation and the United States of America, as well as their joint statement of 10 May 1995 in connection with the Treaty on the Limitation of Anti-Ballistic Missile Systems,

*Welcoming* the joint statement issued at Helsinki on 21 March 1997, in which the Presidents of the Russian Federation and the United States of America reached an understanding that, after the entry into force of START II, their two countries would immediately commence negotiations on a START III agreement, which would

include the establishment, by 31 December 2007, of lower aggregate levels of 2,000 to 2,500 deployed warheads,

*Noting with satisfaction* the Protocol to START II, the Joint Agreed Statement, and the Letters on Early Deactivation, agreed to by the Russian Federation and the United States of America in New York on 26 September 1997, which are intended to take further concrete steps to reduce the nuclear danger and strengthen international stability and nuclear safety,

*Welcoming* the signing on 26 September 1997 by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America of a number of significant agreements that contribute to ensuring the viability of the Treaty on the Limitation of Anti-Ballistic Missile Systems,

*Welcoming* the significant reductions made by some of the other nuclear-weapon States, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

1. *Welcomes* the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991 by the Union of Soviet Socialist Republics and the United States of America, including the Protocol to that Treaty signed at Lisbon on 23 May 1992 by the parties thereto, and the exchange of documents of ratification between Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America on 5 December 1994 at Budapest;
2. *Also welcomes* the signing of the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms in Moscow on 3 January 1993, and urges the parties to take the steps necessary to bring that Treaty into force at the earliest possible date;
3. *Expresses its satisfaction* with the reductions of strategic offensive arms being carried out in accordance with the 1991 Treaty as well as the advice and consent of the Senate of the United States of America to the 1993 Treaty in January 1996, and expresses its hope that it will soon be possible for the Russian Federation to take corresponding steps to ratify that Treaty and for the United States Senate and the State Duma of the Russian Federation to approve the Protocol to the 1993 Treaty and other documents signed on 26 September 1997, so that START II can enter into force;
4. *Expresses further satisfaction* at the continuing implementation of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, in particular at the completion by the parties of the destruction of all their declared missiles subject to elimination under the Treaty;
5. *Welcomes* the removal of all nuclear weapons from the territory of Kazakhstan as from 1 June 1995, from the territory of Ukraine as from 1 June 1996, and from the territory of Belarus as from 30 November 1996;
6. *Encourages* Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America to continue their cooperative efforts aimed at eliminating strategic offensive arms on the basis of existing

- agreements, and welcomes the contributions that other States are making to such cooperation as well;
7. *Welcomes* the participation in the Treaty on the Non-Proliferation of Nuclear Weapons of Belarus, Kazakhstan and Ukraine as non-nuclear-weapon States, which thereby provided notable enhancement of the non-proliferation regime;
  8. *Welcomes* the initiative signed by Presidents Yeltsin and Clinton on 2 September 1998, contained in the joint statement on the exchange of information on missile launches and early warning, to exchange information on the ballistic missiles and space launch vehicles derived from each side's missile launch warning system, including the possible establishment of a centre for the exchange of missile launch data operated by the Russian Federation and the United States of America and separate from their respective national centres, and takes note of the initiative to examine bilaterally the possibility of establishing a multilateral ballistic missile and space launch vehicle pre-launch notification regime in which other States could voluntarily participate;
  9. *Welcomes* the September 1998 pledge by the Russian Federation and the United States of America to remove by stages approximately fifty metric tons of plutonium from each of their nuclear weapons programmes, and to convert this material so that it can never be used in nuclear weapons;
  10. *Urges* the Russian Federation and the United States of America to commence negotiations on a START III agreement immediately after ratification by the Russian Federation of START II, thereby fulfilling the commitments they undertook in the joint statement issued in Moscow on 2 September 1998;
  11. *Encourages and supports* the Russian Federation and the United States of America in their efforts aimed at reducing and eliminating their nuclear weapons on the basis of existing agreements and to continue to give those efforts the highest priority in order to contribute to the ultimate goal of eliminating those weapons;
  12. *Invites* the Russian Federation and the United States of America to keep other States Members of the United Nations duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions.

### Nuclear disarmament

[Resolution A/RES/54/54 P, adopted by the General Assembly at its 54th Session, December 1999]

*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 and 53/77 X of 4 December 1998 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,

*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 negotiations 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,

*Noting* the reiteration by the State parties to the Treaty on the Non-Proliferation of Nuclear Weapons of their conviction that the Treaty is a cornerstone of nuclear non-proliferation and nuclear disarmament and the reaffirmation by the State parties of 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 on the Non-Proliferation of Nuclear Weapons 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,

*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,

*Recognizing* that the Comprehensive Nuclear-Test-Ban Treaty and any proposed treaty on fissile material for nuclear weapons or other nuclear explosive devices must constitute disarmament measures, and not only non-proliferation measures, and that these measures, together with an international legal instrument on the joint undertaking of no first use of nuclear weapons by the nuclear-weapon States and on adequate security assurances of non-use and non-threat of use of such weapons for non-nuclear-weapon States, respectively, and an

international convention prohibiting the use of nuclear weapons, should be integral measures in a programme leading to the total elimination of nuclear weapons,

*Welcoming* 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,

*Welcoming also* the conclusion of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (START II) by the Russian Federation and the United States of America and the ratification of that Treaty by the United States of America, and looking forward to the full implementation of the START I and START II Treaties by the States parties, and to further concrete steps for nuclear disarmament by all the nuclear-weapon States,

*Welcoming further* the joint declaration of the Russian Federation and the United States of America to commence START III negotiations, regardless of the status of completion of the START II process,

*Noting with appreciation* the unilateral measures by the nuclear-weapon States for nuclear arms limitation, and encouraging them to undertake further such measures,

*Recognizing* the complementarity of bilateral, plurilateral and multilateral negotiations on nuclear disarmament, and that bilateral negotiations can never replace multilateral negotiation 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 114 and other relevant recommendations in the Final Document of the Twelfth Conference of Heads of State or Government of the Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, calling upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee to commence negotiations in 1998 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons with a specified framework of time,

*Bearing in mind* the proposal of twenty-eight delegations to the Conference on Disarmament that are members of the Group of 21 for a programme of action for the elimination of nuclear weapons, and expressing its conviction that this proposal will be an important input and will contribute to negotiations on this question in the Conference,

*Commending* the initiative by twenty-six delegations to the Conference on Disarmament that are members of the Group of 21 proposing a comprehensive mandate for an ad

hoc committee on nuclear disarmament, which includes negotiations for, as a first step, a universal and legally binding multilateral agreement committing all States to the objective of the total elimination of nuclear weapons, an agreement on further steps required in a phased programme leading to the total elimination of these weapons and a convention on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices taking into account the report of the Special Coordinator on that item and the views relating to the scope of the treaty,

*Recalling* paragraphs 38 to 50 of the final communiqué of the meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 23 September 1999,

*Taking note* of the draft decision and mandate on the establishment of an ad hoc committee on nuclear disarmament proposed by the Group of 21,

1. *Recognizes* that, in view of recent political developments, the time is now opportune for all the nuclear-weapon States to undertake effective disarmament measures with a view to the total elimination of these weapons;
2. *Also recognizes* that there is a genuine need to de-emphasize the role of nuclear weapons and to review and revise nuclear doctrines accordingly;
3. *Urges* the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;
4. *Also urges* the nuclear-weapon States, as an interim measure, to de-alert and deactivate immediately their nuclear weapons;
5. *Calls* for the conclusion, as a first step, of a universal and legally binding multilateral agreement committing States to the process of nuclear disarmament leading to the total elimination of nuclear weapons;
6. *Reiterates its calls 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 the total elimination of these weapons;
7. *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 the 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;

8. *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;
9. *Welcomes* the establishment in the Conference on Disarmament in 1998 of the Ad Hoc Committee on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices, urges a speedy conclusion of a universal and non-discriminatory convention thereon, welcomes the establishment in 1998 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, and urges the pursuit of efforts in this regard as a matter of priority;
10. *Expresses its regret* that the Conference on Disarmament was unable to establish an ad hoc committee on nuclear disarmament at its 1999 session, as called for in General Assembly resolution 53/77 X;
11. *Reiterates* its call upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations early in 2000 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons, through a set of legal instruments, which may include a nuclear weapons convention;
12. *Calls* for the convening of an international conference on nuclear disarmament at an early date with the objective of arriving at an agreement or agreements on a phased programme of nuclear disarmament and for the eventual total elimination of nuclear weapons, through a set of legal instruments, which may include a nuclear weapons convention;
13. *Requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution;
14. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Nuclear disarmament".

### **Towards a nuclear-weapon-free world: the need for a new agenda**

[Resolution A/RES/54/54 G, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

*Convinced* that the existence of nuclear weapons is a threat to the survival of humanity,

*Concerned* at the prospect of the indefinite possession of nuclear weapons, believing that the contention that nuclear weapons can be retained in perpetuity and never used is not supported by the history of human experience, and convinced that the only complete defence is the elimination of nuclear weapons and the assurance that they will never be produced again,

*Concerned also* at the continued retention of the nuclear-weapons option by those three States that are nuclear-weapons-capable and that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, and concerned at their failure to renounce that option,

*Concerned further* that negotiations on nuclear arms reductions are currently stalled,

*Bearing in mind* that the overwhelming majority of States have entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and recalling that these undertakings were made in the context of the corresponding legally binding commitments by the nuclear-weapon States to the pursuit of nuclear disarmament,

*Recalling* 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,

*Stressing* that the international community must not enter the new millennium with the prospect that the possession of nuclear weapons will be considered legitimate for the indefinite future, and convinced of the imperative to proceed with determination to prohibit and eradicate them for all time,

*Recognizing* that the total elimination of nuclear weapons will require measures to be taken firstly by those nuclear-weapon States that have the largest arsenals, and stressing that these States must be joined in a seamless process by those nuclear-weapon States with lesser arsenals in the near future,

*Welcoming* the achievements to date and the future promise of the Strategic Arms Reduction Talks process and the possibility it offers for development as a plurilateral mechanism including all the nuclear-weapon States, for the practical dismantling and destruction of nuclear armaments undertaken in pursuit of the elimination of nuclear weapons,

*Welcoming also* the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency to ensure the irreversible removal of fissile materials from weapons programmes,

*Believing* that there are a number of practical steps that the nuclear-weapon States can and should take immediately before the actual elimination of nuclear arsenals and the development of requisite verification regimes take place, and in this connection noting certain recent unilateral and other steps,

*Underlining* that the Treaty on the Limitation of Anti-Ballistic Missile Systems remains a cornerstone of strategic stability,

*Stressing* that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the respective States parties at all times and in all circumstances,

*Stressing* the importance of pursuing negotiations in the Conference on Disarmament in the Ad Hoc Committee established under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", on the basis of the report of the Special Coordinator and the mandate contained therein, 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 considering that such a treaty must further underpin the process towards the total elimination of nuclear weapons,

*Emphasizing* that, for the total elimination of nuclear weapons to be achieved, effective international cooperation to prevent the proliferation of nuclear weapons is vital and must be enhanced through, *inter alia*, the extension of international controls over all fissile material for nuclear weapons or other nuclear explosive devices,

*Emphasizing* the importance of existing nuclear-weapon-free-zone treaties and of the early signature and ratification of the relevant protocols to these treaties,

*Noting* the Joint Ministerial Declaration of 9 June 1998 and its call for a new international agenda to achieve a nuclear-weapon-free world, through the pursuit, in parallel, of a series of mutually reinforcing measures at the bilateral, plurilateral and multilateral levels,

*Acknowledging* the report of the Secretary-General on the implementation of General Assembly resolution 53/77 Y of 4 December 1998,

*Taking note* of the observations of the Director-General of the International Atomic Energy Agency contained in the report of the Secretary-General,

1. *Calls upon* the nuclear-weapon States to make an unequivocal undertaking to accomplish the speedy and total elimination of their nuclear arsenals and to engage without delay in an accelerated process of negotiations, thus achieving nuclear disarmament, to which they are committed under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;
2. *Calls upon* the United States of America and the Russian Federation to bring the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (START II) into force without further delay and to commence negotiations on START III with a view to its early conclusion;
3. *Calls upon* the nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into the process leading to the total elimination of nuclear weapons;
4. *Calls* for the examination of ways and means to diminish the role of nuclear weapons in security policies so as to enhance strategic stability, facilitate the process of the elimination of these weapons and contribute to international confidence and security;

5. *Calls upon* the nuclear-weapon States, in this context, to take early steps:
  - (a) To reduce tactical nuclear weapons with a view to their elimination as an integral part of nuclear arms reductions;
  - (b) To examine the possibilities for and to proceed to the de-alerting and removal of nuclear warheads from delivery vehicles;
  - (c) To further examine nuclear weapons policies and postures;
  - (d) To demonstrate transparency with regard to their nuclear arsenals and fissile material inventories;
  - (e) To place all fissile material for nuclear weapons declared to be in excess of military requirements under International Atomic Energy Agency safeguards in the framework of the voluntary safeguards agreements in place;
6. *Calls upon* those three States that are nuclear weapons capable and that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to reverse clearly and urgently the pursuit of all 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 the proliferation of nuclear weapons;
7. *Calls upon* those States that have not yet done so to adhere unconditionally and without delay to the Treaty on the Non-Proliferation of Nuclear Weapons and to take all the necessary measures which flow from adherence to that instrument as non-nuclear-weapon States;
8. *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 approved by the Board of Governors of the Agency on 15 May 1997;
9. *Calls upon* those States that have not yet done so to sign and ratify, unconditionally and without delay, the Comprehensive Nuclear-Test-Ban Treaty and, pending the entry into force of the Treaty, to observe a moratorium on nuclear tests;
10. *Calls upon* those States that have not yet done so to adhere to the Convention on the Physical Protection of Nuclear Material and to work towards its further strengthening;
11. *Urges* the development of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency, and urges that similar arrangements be developed by the other nuclear-weapon States;
12. *Calls upon* the Conference on Disarmament to re-establish the Ad Hoc Committee under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", on the basis of the report of the Special Coordinator and the mandate contained therein, 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, taking into consideration both nuclear non-proliferation and nuclear disarmament objectives, and to pursue and conclude these negotiations without delay, and, pending the entry into force of the treaty, urges all States to observe a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices;
13. *Also calls upon* the Conference on Disarmament to establish an appropriate subsidiary body to deal with nuclear disarmament and, to that end, to pursue as a matter of priority its intensive consultations on appropriate methods and approaches with a view to reaching such a decision without delay;
14. *Considers* that an international conference on nuclear disarmament and nuclear non-proliferation, which would effectively complement efforts being undertaken in other settings, could facilitate the consolidation of a new agenda for a nuclear-weapon-free world;
15. *Notes*, in this context, that the Millennium Summit of the United Nations in 2000 will consider peace, security and disarmament;
16. *Stresses* the importance of the full implementation of the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and, in this connection, underlines the significance of the forthcoming Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be held in April/May 2000;
17. *Affirms* that the development of verification arrangements will be necessary for the maintenance of a world free from nuclear weapons, and requests the International Atomic Energy Agency, together with any other relevant international organizations and bodies, to continue to explore the elements of such a system;
18. *Calls for* the conclusion of an internationally legally binding instrument to effectively assure non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the use or threat of use of nuclear weapons;
19. *Stresses* that the pursuit, extension and establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at, especially in regions of tension, such as the Middle East and South Asia, represent a significant contribution to the goal of a nuclear-weapon-free world;
20. *Affirms* that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments;
21. *Requests* the Secretary-General, within existing resources, to compile a report on the implementation of the present resolution;
22. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Towards a nuclear-weapon-free world: the need for a new agenda", and to review the implementation of the present resolution.

### Convening of the fourth special session of the General Assembly devoted to disarmament

[Resolution A/RES/54/54 U, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

Recalling its resolutions 49/75 I of 15 December 1994, 50/70 F of 12 December 1995, 51/45 C of 10 December 1996, 52/38 F of 9 December 1997 and 53/77 AA of 4 December 1998,

*Recalling also* that, there being a consensus to do so in each case, three special sessions of the General Assembly devoted to disarmament were held in 1978, 1982 and 1988, respectively,

*Bearing in mind* the Final Document of the Tenth Special Session of the General Assembly, adopted by consensus at the first special session devoted to disarmament, which included the Declaration, Programme of Action and Machinery for disarmament,

*Bearing in mind also* the objective of general and complete disarmament under effective international control,

*Taking note* of paragraph 145 of the Final Document 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, which supported the convening of the fourth special session of the General Assembly devoted to disarmament, which would offer an opportunity to review, from a perspective more in tune with the current international situation, the most critical aspects of the process of disarmament and to mobilize the international community and public opinion in favour of the elimination of nuclear and other weapons of mass destruction and of the control and reduction of conventional weapons,

*Taking note also* of the report of the 1999 substantive session of the Disarmament Commission and of the fact that no consensus was reached on the item entitled "Fourth

special session of the General Assembly devoted to disarmament",

*Desiring* to build upon the substantive exchange of views on the fourth special session of the General Assembly devoted to disarmament during the 1999 substantive session of the Disarmament Commission,

*Reiterating its conviction* that a special session of the General Assembly devoted to disarmament can set the future course of action in the field of disarmament, arms control and related international security matters,

*Emphasizing* the importance of multilateralism in the process of disarmament, arms control and related international security matters,

*Noting* that, with the recent accomplishments made by the international community in the field of weapons of mass destruction as well as conventional arms, the following years would be opportune for the international community to start the process of reviewing the state of affairs in the entire field of disarmament and arms control in the post-cold-war era,

1. *Decides*, subject to the emergence of a consensus on its objectives and agenda, to convene the fourth special session of the General Assembly devoted to disarmament;
2. *Requests* the Secretary-General to seek the views of Member States of the United Nations on the objectives, agenda and timing of the special session and to report to the General Assembly at its fifty-fifth session;
3. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Convening of the fourth special session of the General Assembly devoted to disarmament".

## **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.

## 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 a 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.



## **Physical Protection**



## 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 depositary shall communicate such information periodically to all States Parties.
2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

**Article 15**

The Annexes constitute an integral part of this Convention.

**Article 16**

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.
2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

**Article 17**

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.
2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.
3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.
4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

**Article 18**

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. After its entry into force, this Convention will be open for accession by all States.
4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.
- (b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.
- (c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.
- (d) Such an organization shall not hold any vote additional to those of its Member States.
5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

#### Article 19

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.
2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

#### Article 20

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.
2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

#### Article 21

1. Any State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

#### Article 22

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17.
- (d) any communication made by an organization in accordance with paragraph 4 (c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

#### Article 23

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

#### ANNEX 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.

<b>Annex II: Categorization of Nuclear Material</b>				
Material	Form	Category		
		I	II	III <sup>c</sup>
Plutonium <sup>a</sup>	Unirradiated <sup>b</sup>	2kg or more	Less than 2kg but more than 500g	500g or less but more than 15g
Uranium-235	Unirradiated <sup>b</sup> 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 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 <sup>b</sup>	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) <sup>d,e</sup>	

**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.

**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)  
Foreign Secretary  
For the Government of the  
Republic of India

(Humayun Khan)  
Foreign Secretary  
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.

## Measures against Illicit Trafficking in Nuclear Materials and other Radioactive Sources

[IAEA General Conference resolution GC(43)/L.14, adopted September 1999]

*The General Conference,*

(a) *Recalling* its resolutions GC(XXXVIII)/RES/15, GC(39)/RES/18, GC(40)/RES/17, GC(41)/RES/17 and GC(42)/RES/18 on measures against illicit trafficking in nuclear materials and other radioactive sources,

(b) *Noting* the programme for preventing and combating illicit trafficking in nuclear material agreed upon by the participants in the Moscow Nuclear Summit of April 1996 contained in document INFCIRC/509,

(c) *Welcoming* the confirmation of participants at the Denver Summit of June 1997 on their commitment to implement the 'Programme for Prevention and Combating Illicit Trafficking in Nuclear Materials',

(d) *Noting, also* that revised Recommendations for the Physical Protection of Nuclear Materials and Nuclear Facilities (INFCIRC/225/Rev.4) were issued after intensive consultations by Member States' and Agency experts,

(e) *Noting* further that an informal Open-Ended Experts Meeting will take place on 15–19 November 1999 to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material,

(f) *Noting further* that the Agency, together with the European Commission, the World Customs Organization and the International Criminal Police Organization (Interpol), organized the 'International Conference on the Safety of Radiation Sources and the Security of Radioactive Materials' in Dijon, France, from 14 to 18 September 1998, and that the results of this conference have had an important impact on the activities undertaken by the Agency,

(g) *Noting further* that some of the activities were covered by the Secretariat Action Plan regarding the safety of radiation sources and the security of radioactive materials developed pursuant to resolution GC(42)/RES/12, which was endorsed by the Board and by the General Conference in resolution GC(43)/RES/ ... [GC(43)/L.3], and

(h) *Noting further* that the UN General Assembly is continuing its elaboration of an international convention on the suppression of acts of nuclear terrorism (UNGA resolution 51/210 of 17 December 1996),

1. *Takes note* of the progress report submitted by the Secretariat in document GC(43)/13;

2. *Welcomes* the activities in the fields of prevention, detection and response undertaken by the Secretariat, in support of efforts against illicit trafficking, including activities to:

- improve the international standards for protecting nuclear and other radioactive material from illegal

uses, including the necessary guidelines for detecting and responding to illegal use of these materials,

- assist Member States to assess and to improve their systems for protection and control of nuclear material and the security of other radioactive material by implementing Agency standards and recommendations,
- assist Member States on request to improve border controls of nuclear and other radioactive materials, and
- provide training to staff in Member States for these purposes;

3. *Also welcomes* the activities undertaken to provide for an exchange of information with Member States, including continued maintenance of the illicit trafficking database programme, as well as to improve the exchange of information by making the best use of the database;

4. *Invites* all States to participate in the illicit trafficking database programme on a voluntary basis;

5. *Invites* the Director General to submit a report to the Board of Governors on the progress on the Secretariat's activities and on the possibilities:

- of further improving the international standards in this area, particularly with regard to security of radioactive material, and
- of enhancing co-operation and co-ordination with Member States and with other international organizations in preventing, detecting and responding to the illegal use of nuclear and other radioactive materials;

6. *Also invites* the Director General to develop within available resources a plan describing the future activities to be undertaken in these areas and the time schedule for their implementation;

7. *Further invites* the Director General to continue working during the coming years in accordance with the relevant conclusions of the Board of Governors;

8. *Requests* the Director General to submit a report to the General Conference at its forty-fourth session on activities undertaken by the Agency in the intervening period; and

9. *Requests* the Director General to bring the present resolution to the attention of the UN General Assembly and *invites* the UN General Assembly, in its continued elaboration of the above-mentioned convention, to bear in mind the Agency's activities in preventing and combating illicit trafficking in nuclear materials and other radioactive materials.

## **Declarations, Speeches and Other Relevant Documents**



## **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.
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 People's 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:

- (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.

**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.

...

\*

**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.

## Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

[Resolution A/RES/54/54 Q, adopted by the General Assembly at its 54th Session, December 1999]

*The General Assembly,*

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997 and 53/77 W of 4 December 1998,

*Convinced* that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

*Reaffirming* the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

*Mindful* of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

*Recalling* the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the objective of 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,

*Recalling also* the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

*Recognizing with satisfaction* that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

*Noting* the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral agreements or arrangements and unilateral decisions, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapon arsenals,

*Recognizing* the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

*Reaffirming* the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1999 session,

*Emphasizing* the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

*Desiring* to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

*Recalling* the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,

*Taking note* of the relevant portions of the note by the Secretary-General relating to the implementation of resolution 53/77 W,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;
2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations in 2000 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;
3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-fifth session;
4. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*".