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**NUCLEAR NON-PROLIFERATION TREATY**

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## **NUCLEAR NON-PROLIFERATION TREATY**

### **Treaty on the Non-Proliferation of Nuclear Weapons**

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 measurements 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 cooperate 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 cooperation 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 cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon 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 fulfillment 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 cooperation 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 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 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.

#### **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 Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-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 realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

#### ARTICLE IX

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

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of 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 the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

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

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

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

#### ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United National Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized 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 to 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 Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

### Signature, Ratification, Acceptance, Approval or Accession by States or Organizations

Country	Date of Signature	Date of Deposit of Ratification	Date of Deposit of Accession (A) or Successions (S)
Afghanistan*	7/1/68.	2/4/70.	
Albania**			9/12/90(A)
Algeria			1/12/95(A)
Andorra			6/07/96(A)
Angola			10/14/96(A)
Antigua and Barbuda			6/17/85(S)
Argentina			2/10/95(A)
Armenia			7/15/93(A)
Australia*	2/27/70.	1/23/73.	
Austria*	7/1/68.	6/27/69.	
Azerbaijan			9/22/92(A)
Bahamas, The			8/11/76(S)
Bahrain			11/3/88(A)
Bangladesh*			8/31/79(A)
Barbados	7/1/68.	2/21/80.	
Belarus			7/22/93(A)
Belgium*	8/20/68.	5/2/75.	
Belize			8/9/85(S)
Benin	7/1/68.	10/31/72.	
Bhutan*			5/23/85(A)
Bolivia	7/1/68.	5/26/70.	
Bosnia and Herzegovina			8/15/94(S)
Botswana	7/1/68.	4/28/69.	
Brazil			9/18/98(A)
Brunei*			3/26/85(A)
Bulgaria*	7/1/68.	9/5/69.	
Burkina Faso	11/25/68.	3/3/70.	
Burundi			3/19/71(A)
Cambodia			6/2/72(A)
Cameroon	7/17/68.	1/8/69.	
Canada*	7/23/68.	1/8/69.	
Cape Verde			10/24/79(A)
Central African Republic			10/25/70(A)
Chad	7/1/68.	3/10/71.	
Chile			5/25/95(A)
China			3/9/92(A)

Country	Date of Signature	Date of Deposit of Ratification	Date of Accession (A) or Successions (S)
Colombia**	7/1/68.	4/8/86.	
Comoros			10/4/95(A)
Congo			10/23/78(A)
Costa Rica*	7/1/68.	3/3/70.	
Cote d'Ivoire*	7/1/68.	3/6/73.	
Croatia			6/29/92(S)
Cyprus*	7/1/68.	2/10/70.	
Czech Republic			1/1/93(S)
Denmark*	7/1/68.	1/3/69.	
Djibouti			10/16/96(A)
Dominica			8/10/84(S)
Dominican Republic*	7/1/68.	7/24/71.	
Ecuador*	7/9/68.	3/7/69.	
Egypt*	7/1/68.	2/26/81 <sup>1</sup> .	
El Salvador*	7/1/68.	7/11/72.	
Equatorial Guinea			11/1/84(A)
Eritrea			3/3/95(A)
Estonia			1/7/92(A)
Ethiopia*	9/5/68.	2/5/70.	
Fiji*			7/14/72(S)
Finland*	7/1/68.	2/5/69.	
Former Yugoslav Republic of Macedonia			4/12/95(A)
France			8/3/92(A)
Gabon			2/19/74(A)
Gambia*, The	9/4/68.	5/12/75.	
Georgia			3/7/94(A)
Germany*, Fed. Republic of	11/28/69.	5/2/75 <sup>1,2</sup> .	
Ghana*	7/1/68.	5/4/70.	
Greece*	7/1/68.	3/11/70.	
Grenada			9/2/75(S)
Guatemala*	7/26/68.	9/22/70.	
Guinea			4/29/85(A)
Guinea-Bissau			8/20/76(S)
Guyana			10/19/93(A)
Haiti	7/1/68.	6/2/70.	
Holy See*			2/25/71(A) <sup>1</sup>
Honduras*	7/1/68.	5/16/73.	
Hungary*, Republic of	7/1/68.	5/27/69.	
Iceland*	7/1/68.	7/18/69.	
Indonesia*	3/2/70.	7/12/79 <sup>1</sup> .	
Iran*	7/1/68.	2/2/70.	
Iraq*	7/1/68.	10/29/69.	
Ireland*	7/1/68.	7/1/68.	
Italy*	1/28/69.	5/2/75 <sup>1</sup> .	
Jamaica*	4/14/69.	3/5/70.	
Japan*	2/3/70.	6/8/76 <sup>1</sup> .	
Jordan*	7/10/68.	2/11/70.	

Country	Date of Signature	Date of Deposit of Ratification	Date of Deposit of Accession (A) or Successions (S)
Kazakhstan			2/14/94(A)
Kenya	7/1/68	6/11/70	
Kiribati			4/18/85(S)
Korea, Democratic People's Republic of			12/12/85(A)
Korea*, Republic of	7/1/68	4/23/75	
Kuwait	8/15/68	11/17/89	
Kyrgyzstan			7/5/94(A)
Laos	7/1/68	2/20/70	
Latvia			1/31/92(A)
Lebanon*	7/1/68	7/15/70	
Lesotho*	7/9/68	5/20/70	
Liberia	7/1/68	3/5/70	
Libya*	7/18/68	5/26/75	
Liechtenstein*			4/20/78(A) <sup>1</sup>
Lithuania			9/23/91(A)
Luxembourg*	8/14/68	5/2/75	
Madagascar*	8/22/68	10/8/70	
Malawi*			2/18/86(S)
Malaysia*	7/1/68	3/5/70	
Maldiv Islands*	9/11/68	4/7/70	
Mali	7/14/69	2/10/70	
Malta*	4/17/69	2/6/70	
Marshall Islands			1/30/95(A)
Mauritania			10/26/93(A)
Mauritius*	7/1/68	4/8/69	
Mexico*	7/26/68	1/21/69 <sup>1</sup>	
Micronesia			4/14/95(A)
Moldova			10/11/94(A)
Monaco			3/13/95(A)
Mongolia*	7/1/68	5/14/69	
Morocco*	7/1/68	11/27/70	
Mozambique			9/4/90(A)
Myanmar (Burma)			12/2/92(A)
Namibia			10/2/92(A)
Nauru*			6/7/82(A)
Nepal*	7/1/68	1/5/70	
Netherlands*	8/20/68	5/2/75 <sup>3</sup>	
New Zealand*	7/1/68	9/10/69	
Nicaragua*	7/1/68	3/6/73	
Niger			10/9/92(A)
Nigeria*	7/1/68	9/27/68	
Norway*	7/1/68	2/5/69	
Oman			1/23/97(A)
Palau			4/12/95(A)
Panama	7/1/68	1/13/77	
Papua New Guinea*			1/13/82(A)
Paraguay*	7/1/68	2/4/70	

Country	Date of Signature	Date of Deposit of Ratification	Date of Accession (A) or Successions (S)
Peru*	7/1/68.	3/3/70.	
Philippines*	7/1/68.	10/5/72.	
Poland*	7/1/68.	6/12/69.	
Portugal*			12/15/77(A)
Qatarv			4/3/89(A)
Romania*	7/1/68.	2/4/70.	
Russia <sup>5</sup>	7/1/68.	3/5/70.	
Rwanda			5/20/75(A)
St. Kitts and Nevis			3/22/93(S)
St. Lucia*			12/28/79(S)
St. Vincent and the Grenadines			11/6/84(S)
San Marino	7/1/68.	8/10/70.	
Sao Tome and Principe			7/20/83(A)
Saudi Arabia			10/3/88(A)
Senegal*	7/1/68.	12/17/70.	
Seychelles			3/12/85(A)
Sierra Leone			2/26/75(A)
Singapore*	2/5/70.	3/10/76.	
Slovakia			1/1/93(S)
Slovenia			4/7/92(S)
Solomon Islands			6/17/81(S)
Somalia	7/1/68.	3/5/70.	
South Africa*			7/10/91(A)
Spain*			11/5/87(A)
Sri Lanka*	7/1/68.	3/5/79.	
Sudan*	12/24/68.	10/31/73.	
Suriname*			6/30/76(S)(b)
Swaziland*	6/24/69.	12/11/69.	
Sweden*	8/19/68.	1/9/70.	
Switzerland*	11/27/69.	3/9/77 <sup>1</sup> .	
Syrian Arab Republic	7/1/68.	9/24/69.	
Taiwan <sup>7</sup>	7/1/68.	1/27/70.	
Tajikistan			1/17/95(A)
Tanzania			5/31/91(A)
Thailand*			12/2/72(A)
Togo	7/1/68.	2/26/70.	
Tonga			7/7/71(S)
Trinidad and Tobago	8/20/68.	10/30/86.	
Tunisia*	7/1/68.	2/26/70.	
Turkey*	1/28/69.	4/17/80 <sup>1</sup> .	
Turkmenistan			9/29/94(A)
Tuvalu*			1/19/79(S)
Uganda			10/20/82(A)
Ukraine			12/5/94(A)
United Arab Emirates			9/26/95(A)
United Kingdom	7/1/68.	11/27/68 <sup>4</sup> .	
United States	7/1/68.	3/5/70.	
Uruguay*	7/1/68.	8/31/70.	

Country	Date of Signature	Date of Deposit of Ratification	Date of Deposit of Accession (A) or Successions (S)
Uzbekistan*			5/2/92(A)
Vanuatu			8/26/95(A)
Venezuela*	7/1/68	9/25/75	
Vietnam*			6/14/82(A)
Western Samoa*			3/17/75(A)
Yemen <sup>6</sup>	11/14/68	6/1/79	
Yugoslavia, Federal Republic of	7/10/68	3/4/70	
Zaire*	7/22/68	8/4/70	
Zambia			5/15/91(A)
Zimbabwe			9/26/91(A)

TOTAL: 185 (Total does not include Taiwan or Yugoslavia, which has dissolved.)

\* - Entries with asterisk have NPT safeguards agreements that have entered into force as of 10/31/92.

\*\* - Non-NPT, full-scope safeguards agreement in force.

a - Dates given are the earliest dates on which a country signed the Treaty or deposited its instrument of ratification or accession—whether in Washington, London, or Moscow. In the case of a country that was a dependent territory which became a party through succession, the date given is the date on which the country gave notice that it would continue to be bound by the terms of the Treaty.

b - Effective 11/25/75.

<sup>1</sup> With Statement.

<sup>2</sup> The former German Democratic Republic, which united with the Federal Republic of Germany on 10/3/90, had signed the NPT on 7/1/68 and deposited its instrument of ratification on 10/31/69.

<sup>3</sup> Extended to Netherlands Antilles and Aruba.

<sup>4</sup> Extended to Aguilla and territories under the territorial sovereignty of the United Kingdom.

<sup>5</sup> Russia has given notice that it would continue to exercise the rights and fulfill the obligations of the former Soviet Union arising from the NPT.

<sup>6</sup> The Republic of Yemen resulted from the union of the Yemen Arab Republic and the People's Democratic Republic of Yemen. The table indicates the date of signature and ratification by the People's Democratic Republic of Yemen; the first of these two states to become a party to the NPT. The Yemen Arab Republic signed the NPT on 9/23/68 and deposited its instrument of ratification on 5/14/86.

<sup>7</sup> On 1/27/70, an instrument of ratification was deposited in the name of the Republic of China. Effective 1/1/79, the United States recognized the People's Republic of China

<sup>7</sup> On 1/27/70, an instrument of ratification was deposited in the name of the Republic of China. Effective 1/1/79, the United States recognized the People's Republic of China as the sole legal government of China. The authorities on Taiwan state that they will continue to abide by the provisions of the Treaty and the United States regards them as bound by the obligations imposed by the Treaty.

December 3, 1998

Treaty Affairs,  
Office of the Legal Advisor  
Department of State

## **THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL**

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 that 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 of 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 internal 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 of 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 presented in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing State.

#### **Article 9**

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to Article 8 and, where appropriate, all other States concerned.

#### **Article 10**

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

#### **Article 11**

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of Article 8.

#### **Article 12**

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

#### **Article 13**

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

#### **Article 14**

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

#### **Article 15**

The Annexes constitute an integral part of this Convention.

#### **Article 16**

1. A conference of States Parties shall be convened by the depositary of 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. 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.

3. 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.

(a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integration 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.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with 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 be held 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.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Convention, opened for signature at Vienna and at New York on 3 March 1980.

#### **ANNEX 1**

##### ***Levels of Physical Protection to be Applied in International Transport of Nuclear Materials as Categorized in Annex II***

1. Levels of physical protection for nuclear material during storage incidental to international nuclear transport include:

- (a) For Category III materials, storage within an area to which access is controlled;
- (b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;
- (c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose

trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category II and III materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces;

(c) For natural uranium other than in the form of ore or ore-residue; transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

**ANNEX II**

**TABLE: CATEGORIZATION OF NUCLEAR MATERIAL**

Material	Form	Category		
		I	II	III <sup>1</sup>
1. Plutonium <sup>2</sup>	Unirradiated <sup>3</sup>	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
2. Uranium-235	Unirradiated <sup>3</sup>			
	•uranium enriched to 20% <sup>235</sup> U or more	5 kg or more	Less than 5 kg but more than 1 kg	1 kg or less but more than 15 g
	•uranium enriched to 10% <sup>235</sup> U but less than 20%		10 kg or more	Less than 10 kg but more than 1 kg
	•uranium enriched above natural, but less than 10% <sup>235</sup> U			10 kg or more
3. Uranium-233	Unirradiated <sup>3</sup>	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
4. Irradiated fuel			Depleted or natural uranium, thorium or low-enriched fuel (less than 10% fissile content) <sup>4, 5</sup>	

<sup>1</sup>Quantities not falling in Category III and natural uranium should be protected in accordance with prudent management practice.

<sup>2</sup>All plutonium except that with isotopic concentration exceeding 80% in plutonium-238.

<sup>3</sup>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.

<sup>4</sup>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.

<sup>5</sup>Other fuel which by virtue of its original fissile material content is classified as Category I and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

## CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL

### Signature, Ratification, Acceptance, Approval or Accession by States or Organizations

State/Organization	Date of Signature	Means/Date of Deposit of Expression of Consent to be Bound	Entry into Force
Antigua/Barbuda		acceded	04 Aug 1993
Argentina	28 Feb 1986	ratified	06 Apr 1989
Armenia		acceded	24 Aug 1993
Australia	22 Feb 1984	ratified	22 Sep 1987
Austria <sup>a</sup>	03 Mar 1980	ratified	22 Dec 1988
Belarus		succession	09 Sep 1993
Belgium <sup>a</sup>	13 Jun 1980	ratified	06 Sep 1991
Bolivia		acceded	24 Jan 2002
Bosnia and Herzegovina		succession	30 Jun 1998
Botswana		acceded	19 Sep 2000
Brazil	15 May 1981	ratified	17 Oct 1985
Bulgaria	23 Jun 1981	ratified	10 Apr 1984
Canada	23 Sep 1980	ratified	21 Mar 1986
Chile		acceded	27 Apr 1994
China		acceded	10 Jan 1989
Croatia		succession	29 Sep 1992
Cuba		acceded	26 Sep 1997
Cyprus		acceded	23 Jul 1998
Czech Republic		succession	24 Mar 1993
Denmark	13 Jun 1980	ratified	06 Sep 1991
Dominican Republic	03 Mar 1980		
Ecuador	26 Jun 1986	ratified	17 Jan 1996
Estonia		acceded	09 May 1994
Finland <sup>a</sup>	25 Jun 1981	accepted	22 Sep 1989
France <sup>a</sup>	13 Jun 1980	approved	06 Sep 1991
Germany <sup>a</sup>	13 Jun 1980	ratified	06 Sep 1991
Greece <sup>a</sup>	03 Mar 1980	ratified	06 Sep 1991
Grenada		acceded	09 Jan 2002
Guatemala	12 Mar 1980	ratified	23 Apr 1985
Haiti	09 Apr 1980		
Hungary	17 Jun 1980	ratified	04 May 1984
Indonesia <sup>a</sup>	03 Jul 1986	ratified	05 Nov 1986
Ireland <sup>a</sup>	13 Jun 1980	ratified	06 Sep 1991
Israel	17 Jun 1983	ratified	22 Jan 2002
Italy <sup>a</sup>	13 Jun 1980	ratified	06 Sep 1991
Japan		acceded	28 Oct 1988
Kenya		acceded	11 Feb 2002
Korea, Republic of	29 Dec 1981	ratified	07 Apr 1982
Lebanon		acceded	16 Dec 1997
Libyan Arab Arab Jamahiriya		acceded	18 Oct 2000
Liechtenstein	13 Jan 1986	ratified	25 Nov 1986
Lithuania		acceded	07 Dec 1993
Luxembourg <sup>a</sup>	13 Jun 1980	ratified	06 Sep 1991
Mexico		acceded	04 Apr 1988
Monaco		acceded	09 Aug 1996
Mongolia	23 Jan 1986	ratified	28 May 1986
Morocco	25 Jul 1980		
Netherlands <sup>a</sup>	13 Jun 1980	accepted	6 Sep 1991
Niger	7 Jan 1985		
Norway <sup>a</sup>	26 Jan 1983	ratified	15 Aug 1985
Pakistan		acceded	12 Sep 2000

**CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR  
MATERIAL (Continued)**

<b>State/Organization</b>	<b>Date of Signature</b>	<b>Means/Date of Deposit of Expression of Consent to to Bound</b>	<b>Entry into Force</b>
Panama	18 Mar 1980	ratified	1 Apr 1999
Paraguay	21 May 1980	ratified	06 Feb 1985
Peru		acceded	11 Jan 1995
Philippines	19 May 1980	ratified	22 Sep 1981
Poland	06 Aug 1980	ratified	05 Oct 1983
Portugal <sup>*a</sup>	19 Sep 1984	ratified	06 Sep 1991
Republic of Moldova		acceded	07 May 1998
Romania	15 Jan 1981	ratified	23 Nov 1993
Russian Federation	22 May 1980	ratified	25 May 1983
Slovakia		succession	10 Feb 1993
Slovenia		succession	07 Jul 1992
South Africa	18 May 1981		
Spain <sup>*a</sup>	07 Apr 1986	ratified	06 Sep 1991
Sudan		acceded	18 May 2000
Sweden <sup>a</sup>	02 Jul 1980	ratified	01 Aug 1980
Switzerland <sup>a</sup>	09 Jan 1987	ratified	09 Jan 1987
Tajikistan		acceded	11 Jul 1996
The former Yugoslav Republic of Macedonia		succession	20 Sep 1996
Trinidad and Tobago		acceded	25 Apr 2001
Tunisia		acceded	08 Apr 1993
Turkey	23 Aug 1983	ratified	27 Feb 1985
Ukraine		acceded	06 Jul 1993
United Kingdom <sup>*a</sup>	13 Jun 1980	ratified	06 Sep 1991
United States of America	03 Mar 1980	ratified	13 Dec 1982
Uzbekistan		acceded	09 Feb 1998
Yugoslavia	15 Jul 1980	ratified	14 May 1986
EURATOM <sup>a</sup>	13 Jun 1980	confirmed	06 Sep 1991

\*Signed/ratified as a EURATOM Member State.  
<sup>a</sup>Deposited an objection to the declaration of Pakistan.

Note: The Convention entered into force on 8 February 1987, i. e., on the thirtieth day following the deposit of the twenty-first instrument of ratification, acceptance or approval with the Director General pursuant to Article 19, paragraph 1.

Status: 73 parties  
45 signatories

11 February 2002

**CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR  
ACCIDENT**

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## CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

Adopted September 26, 1986, Entered into Force October 27, 1986

THE STATES PARTIES TO THIS CONVENTION,  
AWARE that nuclear activities are being carried out in a number of States,  
NOTING THAT comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,

DESIRING to strengthen further international co-operation on the safe development and use of nuclear energy,

CONVINCED of the need for States to provide relevant information about nuclear accidents as early as possible in order that transboundary radiological consequences can be minimized,

NOTING the usefulness of bilateral and multilateral arrangements on information exchange in this area,

HAVE AGREED as follows:

### Article 1—Scope of Application

1. This Convention shall apply in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph 2 below, from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance for another State.

2. The facilities and activities referred to in paragraph 1 are the following:

- (a) any nuclear reactor wherever located;
- (b) any nuclear fuel cycle facility;
- (c) any radioactive waste management facility;
- (d) the transport and storage of nuclear fuels or radioactive wastes;
- (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
- (f) the use of radioisotopes for power generation in space objects.

### Article 2—Notification and Information

In the event of an accident specified in article 1 (hereinafter referred to as a “nuclear accident”), the State Party referred to in that article shall:

(a) forthwith notify, directly or through the International Atomic Energy Agency (hereinafter referred to as the “Agency”), those States which are or may be physically affected as specified in article 1 and the Agency of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate; and

(b) promptly provide the States referred to in subparagraph (a), directly or through the Agency, and the Agency with such available information relevant to minimizing the radiological consequences in those States, as specified in article 5.

### Article 3—Other Nuclear Accidents

With a view to minimizing the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in article 1.

#### **Article 4–Functions of the Agency**

The Agency shall:

(a) forthwith inform States Parties, Member States, other States which are or may be physically affected as specified in article 1 and relevant international intergovernmental organizations (hereinafter referred to as “international organizations”) of a notification received pursuant to subparagraph (a) of article 2; and

(b) promptly provide any State Party, Member State or relevant international organization, upon request, with the information received pursuant to sub-paragraph (b) of article 2.

#### **Article 5–Information to be Provided**

1. The information to be provided pursuant to subparagraph (b) of article 2 shall comprise the following data as then available to the notifying State Party:

(a) the time, exact location where appropriate, and the nature of the nuclear accident;

(b) the facility or activity involved;

(c) the assumed or established cause and the foreseeable development of the nuclear accident relevant to the transboundary release of the radioactive materials;

(d) the general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;

(e) information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;

(f) the results of environmental monitoring relevant to the transboundary release of the radioactive materials;

(g) the off-site protective measures taken or planned;

(h) the predicted behavior over time of the radioactive release.

2. Such information shall be supplemented as appropriate intervals by further relevant information on the development of the emergency situation, including its foreseeable or actual termination.

3. Information received pursuant to sub-paragraph (b) of article 2 may be used without restriction, except when such information is provided in confidence by the notifying State Party.

#### **Article 6–Consultations**

A State Party providing information pursuant to subparagraph (b) of article 2 shall, as far as is reasonably practicable, respond promptly to a request for further information or consultations sought by an affected State Party with a view to minimizing the radiological consequences in that State.

#### **Article 7–Competent Authorities and Points of Contact**

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact responsible for issuing and receiving the notification and information referred to in article

2. Such points of contact and a focal point within the Agency shall be available continuously. 2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.

3. The Agency shall maintain an up-to-date list of such national authorities and points of contact as well as points of contact of relevant international organizations and

shall provide it to States Parties and Member States and to relevant international organizations.

#### **Article 8—Assistance to State Parties**

The Agency shall, in accordance with its Statute and upon a request of a State Party which does not have nuclear activities itself and borders on a State having an active nuclear programme but not Party, conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system in order to facilitate the achievement of the objectives of this Convention.

#### **Article 9—Bilateral and Multilateral Arrangements**

In furtherance of their mutual interests, States Parties may consider, where deemed appropriate, the conclusion of bilateral or multilateral arrangements relating to the subject matter of this Convention.

#### **Article 10—Relationship to Other International Agreements**

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

#### **Article 11—Settlement of Disputes**

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it 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 cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may 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 for which such a declaration is in force.

4. A State Party which made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

#### **Article 12—Entry into Force**

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfill the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organization shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organization shall not hold any vote additional to those of its Member States.

#### **Article 13–Provisional Application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

#### **Article 14–Amendments**

1. 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 other States Parties.

2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin 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 laid down in a protocol which is open to signature in Vienna and New York by all States Parties.

3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

#### **Article 15–Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.

### Article 16-Depositary

1. The Director General of the Agency shall be the depositary of this Convention.
2. The Director General of the Agency shall promptly notify States Parties and all other States of:
  - (a) each signature of this Convention or any protocol of amendment;
  - (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
  - (c) any declaration or withdrawal thereof in accordance with article 11;
  - (d) any declaration of provisional application of this Convention in accordance with article 13;
  - (e) the entry into force of this Convention and of any amendment thereto; and
  - (f) any denunciation made under article 15.

### Article 17-Authentic Texts and Certified Copies

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 to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 12.

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

### CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

#### Signature, Ratification, Acceptance, Approval or Accession by States or Organizations

Country/ Organization	Date of Signature	Means/Date of Deposit of Expression of Consent to be Bound		D / W'	Entry into Force
		Instrument	Date of Deposit		
Afghanistan	26 Sep 1986			✓	
Algeria	24 Sep 1987			✓	
Argentina		accession	17 Jan 1990	✓	17 Feb 1990
Armenia		accession	24 Aug 1993		24 Sep 1993
Australia	26 Sep 1986	ratification	22 Sep 1987	✓	23 Oct 1987
Austria	26 Sep 1986	ratification	18 Feb 1988		20 Mar 1988
Bangladesh		accession	7 Jan 1988		7 Feb 1988
Belarus	26 Sep 1986	ratification	26 Jan 1987	✓	26 Feb 1987
Belgium	26 Sep 1986	ratification	4 Jan 1999		4 Feb 1999
Bosnia and Herzegovina		succession	30 Jun 1988		1 Mar 1992
Brazil	26 Sep 1986	ratification	4 Dec 1990		4 Jan 1991
Bulgaria	26 Sep 1986	ratification	24 Feb 1988	✓ ✓	26 Mar 1988
Cameroon	25 Sep 1987				
Canada	26 Sep 1986	ratification	18 Jan 1990	✓	18 Feb 1990
Chile	26 Sep 1986				
China	26 Sep 1986		ratification		

Country/ Organization	Date of Signature	Means/Date of Deposit of Expression of Consent to be Bound		D / W	Entry into Force
		Instrument	Date of Deposit		
China	26 Sep 1986	ratification	10 Sep 1987	✓	11 Oct 1987
Costa Rica	26 Sep 1986	ratification	16 Sep 1991		17 Oct 1991
Cote d'Ivoire	26 Sep 1986				
Croatia		succession	29 Sep 1992		8 Oct 1991
Cuba	26 Sep 1986	ratification	8 Jan 1991	✓	8 Feb 1991
Cyprus	26 Sep 1986	accession	4 Jan 1989		4 Feb 1989
Czech Republic		succession	24 Mar 1993		1 Jan 1993
Dem. P.R. of Korea	29 Sep 1986			✓	
Dem. Republic of the Congo	30 Sep 1986				
Denmark	26 Sep 1986	signature	26 Sep 1986		27 Oct 1986
Egypt	26 Sep 1986	ratification	6 Jul 1988	✓	6 Aug 1988
Estonia		accession	9 May 1994		9 Jun 1994
Finland	26 Sep 1986	approval	11 Dec 1986		11 Jan 1987
France	26 Sep 1986	approval	6 Mar 1989	✓	6 Apr 1989
Germany	26 Sep 1986	ratification	14 Sep 1989	✓	15 Oct 1989
Greece	26 Sep 1986	ratification	6 Jun 1991	✓	7 Jul 1991
Guatemala	26 Sep 1986	ratification	8 Aug 1988		8 Sep 1988
Holy See	26 Sep 1986				
Hungary	26 Sep 1986	ratification	10 Mar 1987	✓ ✓	10 Apr 1987
Iceland	26 Sep 1986	ratification	27 Sep 1989		28 Oct 1989
India	29 Sep 1986	ratification	28 Jan 1988	✓	28 Feb 1988
Indonesia	26 Sep 1986	ratification	12 Nov 1993	✓	13 Dec 1993
Iran, Islamic Republic of	26 Sep 1986	ratification	9 Oct 2000	✓	9 Nov 2000
Iraq	12 Aug 1987	ratification	21 Jul 1988	✓	21 Aug 1988
Ireland	26 Sep 1986	ratification	13 Sep 1991		14 Oct 1991
Israel	26 Sep 1986	ratification	25 May 1989	✓	25 Jun 1989
Italy	26 Sep 1986	ratification	8 Feb 1990	✓	11 Mar 1990
Japan	6 Mar 1987	acceptance	9 Jun 1987		10 Jul 1987
Jordan	2 Oct 1986	ratification	11 Dec 1987		11 Jan 1988
Korea, Republic of		accession	8 Jun 1990		9 Jul 1990
Latvia		accession	28 Dec 1992		28 Jan 1993
Lebanon	26 Sep 1986	ratification	17 Apr 1997		18 May 1997
Liechtenstein	26 Sep 1986	ratification	19 Apr 1994		20 May 1994
Lithuania		accession	16 Nov 1994		17 Dec 1994
Luxembourg	26 Sep 1986	ratification	26 Sep 2000		27 Oct 2000
Malaysia	1 Sep 1987	signature	1 Sep 1987	✓	2 Oct 1987
Mali	2 Oct 1986				
Mauritius		accession	17 Aug 1992	✓	17 Sep 1992
Mexico	26 Sep 1986	ratification	10 May 1988		10 Jun 1988
Monaco	26 Sep 1986	approval	19 Jul 1989	✓	19 Aug 1989
Mongolia	8 Jan 1987	ratification	11 Jun 1987	✓ ✓	12 Jul 1987
Morocco	26 Sep 1986	ratification	7 Oct 1993		7 Nov 1993
Myanmar		accession	18 Dec 1997	✓	18 Jan 1998

Country/ Organization	Date of Signature	Means/Date of Deposit of Expression of Consent to be Bound		D / W*	Entry into Force
		Instrument	Date of Deposit		
Netherlands	26 Sep 1986	acceptance	23 Sep 1991	✓	24 Oct 1991
New Zealand		accession	11 Mar 1987		11 Apr 1987
Nicaragua		accession	11 Nov 1993	✓	12 Dec 1993
Niger	26 Sep 1986				
Nigeria	21 Jan 1987	ratification	10 Aug 1990		10 Sep 1990
Norway	26 Sep 1986	signature	26 Sep 1986		27 Oct 1986
Pakistan		accession	11 Sep 1989	✓	12 Oct 1989
Panama	26 Sep 1986	ratification	1 Apr 1999		2 May 1999
Paraguay	2 Oct 1986				
Peru		accession	17 Jul 1995	✓	17 Aug 1995
Philippines		accession	5 May 1997		5 Jun 1997
Poland	26 Sep 1986	ratification	24 Mar 1988	✓	24 Apr 1988
Portugal	26 Sep 1986	ratification	30 Apr 1993	✓	31 May 1993
Republic of Moldova		accession	7 May 1998		7 Jun 1998
Romania		accession	12 Jun 1990	✓	13 Jul 1990
Russian Federation	26 Sep 1986	ratification	23 Dec 1986	✓	24 Jan 1987
St. Vincent & the Grenadines		accession	18 Sep 2001		19 Oct 2001
Saudi Arabia		accession	3 Nov 1989	✓	4 Dec 1989
Senegal	15 Jun 1987				
Sierra Leone	25 Mar 1987				
Singapore		accession	15 Dec 1997		15 Jan 1998
Slovakia		succession	10 Feb 1993	✓	1 Jan 1993
Slovenia		succession	7 Jul 1992	✓	25 Jun 1991
South Africa	10 Aug 1987	ratification	10 Aug 1987	✓	10 Sep 1987
Spain	26 Sep 1986	ratification	13 Sep 1989	✓	14 Oct 1989
Sri Lanka		accession	11 Jan 1991	✓	11 Feb 1991
Sudan	26 Sep 1986				
Sweden	26 Sep 1986	ratification	27 Feb 1987		30 Mar 1987
Switzerland	26 Sep 1986	ratification	31 May 1988		1 Jul 1988
Syrian Arab Republic	2 Jul 1987				
Thailand	25 Sep 1987	ratification	21 Mar 1989	✓	21 Apr 1989
The Fmr. Yug. Rep. of Macedonia		succession	20 Sep 1996		17 Nov 1991
Tunisia	24 Feb 1987	ratification	24 Feb 1989		27 Mar 1989
Turkey	26 Sep 1986	ratification	3 Jan 1991	✓	3 Feb 1991
Ukraine	26 Sep 1986	ratification	26 Jan 1987	✓	26 Feb 1987
United Arab Emirates		accession	2 Oct 1987	✓	2 Nov 1987
United Kingdom	26 Sep 1986	ratification	9 Feb 1990	✓	12 Mar 1990
United States of					

Country/ Organization	Date of Signature	Means/Date of Deposit of Expression of Consent to be Bound			Entry into Force
		Instrument	Date of Deposit	D / W*	
Zimbabwe	26 Sep 1986				
Food & Agriculture Org. (FAO)		accession	19 Oct 1990	✓	19 Nov 1990
World Health Org. (WHO)		accession	10 Aug 1988	✓	10 Sep 1988
World Meteorological Org. (WMO)		accession	17 Apr 1990	✓	18 May 1990

\*"D" denotes Declaration etc. "W" denotes Withdrawal.

**Note:** The Convention entered into force on 27 October 1986, *i.e.* thirty days after the date on which the third State expressed their consent to be bound, pursuant to Article 12, para. 3.

Number of Parties: 87  
Signatories: 70

18 September 2001

# CONVENTION ON NUCLEAR SAFETY

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## CONVENTION ON NUCLEAR SAFETY

Adopted September 20, 1994, Entered into Force October 27, 1986

### PREAMBLE

The Contracting Parties,

(i) Aware of the importance to the international community of ensuring that the use of nuclear energy is safe, well regulated and environmentally sound;

(ii) Reaffirming the necessity of continuing to promote a high level of nuclear safety worldwide;

(iii) Reaffirming that responsibility for nuclear safety rests with the State having jurisdiction over a nuclear installation;

(iv) Desiring to promote an effective nuclear safety culture;

(v) Aware that accidents at nuclear installations have the potential for transboundary impacts;

(vi) Keeping in mind the Convention on the Physical Protection of Nuclear Material (1979), the Convention on Early Notification of a Nuclear Accident (1986), and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986);

(vii) Affirming the importance of international cooperation for the enhancement of nuclear safety through existing bilateral and multilateral mechanisms and the establishment of this incentive Convention;

(viii) Recognizing that this Convention entails a commitment to the application of fundamental safety principles for nuclear installations rather than of detailed safety standards and that there are internationally formulated safety guidelines which are updated from time to time and so can provide guidance on contemporary means of achieving a high level of safety;

(ix) Affirming the need to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the ongoing process to develop waste management safety fundamentals has resulted in broad international agreement;

(x) Recognizing the usefulness of further technical work in connection with the safety of other parts of the nuclear fuel cycle, and that this work may, in time, facilitate the development of current or future international instruments;

Have agreed as follows:

### CHAPTER 1 OBJECTIVES, DEFINITIONS AND SCOPE OF APPLICATION

#### Article 1-Objectives

The objectives of this Convention are:

(i) to achieve and maintain a high level of nuclear safety worldwide through the enhancement of national measures and international co-operation including, where appropriate, safety-related technical co-operation;

(ii) to establish and maintain effective defenses in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;

(iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

## **Article 2—Definitions**

For the purpose of this Convention:

(i) "nuclear installation" means for each Contracting Party any land-based civil nuclear power plant under its jurisdiction including such storage, handling and treatment facilities for radioactive materials as are on the same site and are directly related to the operation of the nuclear power plant. Such a plant ceases to be a nuclear installation when all nuclear fuel elements have been removed permanently from the reactor core and have been stored safely in accordance with approved procedures, and a decommissioning program has been agreed to by the regulatory body;

(ii) "regulatory body" means for each Contracting Party any body or bodies given the legal authority by that Contracting Party to grant licences and to regulate the siting, design, construction, commissioning, operation or decommissioning of nuclear installations;

(iii) "licence" means any authorization granted by the regulatory body to the applicant to have the responsibility for the siting, design, construction, commissioning, operation or decommissioning of a nuclear installation.

## **Article 3—Scope of Application**

This Convention shall apply to the safety of nuclear installations.

## **CHAPTER 2 OBLIGATIONS**

### **(a) General Provisions**

#### **Article 4—Implementing Measures**

Each Contracting Party shall take, within the framework of its national law, the legislative, regulatory and administrative measures and other steps necessary for implementing its obligations under this Convention.

#### **Article 5—Reporting**

Each Contracting Party shall submit for review, prior to each meeting referred to in Article 20, a report on the measures it has taken to implement each of the obligations of this Convention.

#### **Article 6—Existing Nuclear Installations**

Each Contracting Party shall take the appropriate steps to ensure that the safety of nuclear installations existing at the time the Convention enters into force for that Contracting Party is reviewed as soon as possible. When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practicable improvements are made as a matter of urgency to upgrade the safety of the nuclear installation. If such upgrading cannot be achieved, plans should be implemented to shut down the nuclear installation as soon as practically possible. The timing of the shutdown may take into account the whole energy context and possible alternatives as well as the social, environmental and economic impact.

**(b) Legislation and Regulation**

**Article 7—Legislative and Regulatory Framework**

1. Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.
2. The legislative and regulatory framework shall provide for:
  - (i) the establishment of applicable national safety requirements and regulations;
  - (ii) a system of licensing with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a license;
  - (iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of licenses;
  - (iv) the enforcement of applicable regulations and of the terms of licenses, including suspension, modification or revocation.

**Article 8—Regulatory Body**

1. Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework referred to in Article 7, and provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities.
2. Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

**Article 9—Responsibility of the License Holder**

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant license and shall take the appropriate steps to ensure that each such license holder meets its responsibility.

**(c) General Safety Considerations**

**Article 10—Priority to Safety**

Each Contracting Party shall take the appropriate steps to ensure that all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

**Article 11—Financial and Human Resources**

1. Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life.
2. Each Contracting Party shall take the appropriate steps to ensure that sufficient numbers of qualified staff with appropriate education, training and retraining are available for all safety-related activities in or for each nuclear installation, throughout its life.

**Article 12—Human Factors**

Each Contracting Party shall take the appropriate steps to ensure that the capabilities and limitations of human performance are taken into account throughout the life of a nuclear installation.

### **Article 13–Quality Assurance**

Each Contracting Party shall take the appropriate steps to ensure that quality assurance programs are established and implemented with a view to providing confidence that specified requirements for all activities important to nuclear safety are satisfied throughout the life of a nuclear installation.

### **Article 14–Assessment and Verification of Safety**

Each Contracting Party shall take the appropriate steps to ensure that:

(i) comprehensive and systematic safety assessments are carried out before the construction and commissioning of a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body;

(ii) verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state and the operation of a nuclear installation continue to be in accordance with its design, applicable national safety requirements, and operational limits and conditions.

### **Article 15–Radiation Protection**

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and that no individual shall be exposed to radiation doses which exceed prescribed national dose limits.

### **Article 16–Emergency Preparedness**

1. Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency. For any new nuclear installation, such plans shall be prepared and tested before it commences operation above a low power level agreed by the regulatory body.

2. Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent authorities of the States in the vicinity of the nuclear installation are, provided with appropriate information for emergency planning and response.

3. Contracting Parties which do not have a nuclear installation on their territory, insofar as they are likely to be affected in the event of a radiological emergency at a nuclear installation in the vicinity, shall take the appropriate steps for the preparation and testing of emergency plans for their territory that cover the activities to be carried out in the event of such an emergency.

#### **(d) Safety of Installations**

### **Article 17–Siting**

Each Contracting Party shall take the appropriate steps to ensure that appropriate procedures are established and implemented:

(i) for evaluating all relevant site-related factors likely to affect the safety of a nuclear installation for its projected lifetime;

(ii) for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment;

(iii) for re-evaluating as necessary all relevant factors referred to in sub-paragraphs (i) and (ii) so as to ensure the continued safety acceptability of the nuclear installation; (iv) for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and, upon request providing the necessary information to such Contracting Parties, in order to enable them to evaluate and make their own assessment of the likely safety impact on their own territory of the nuclear installation.

#### **Article 18–Design and Construction**

Each Contracting Party shall take the appropriate steps to ensure that:

(i) the design and construction of a nuclear installation provides for several reliable levels and methods of protection (defense in depth) against the release of radioactive materials, with a view to preventing the occurrence of accidents and to mitigating their radiological consequences should they occur;

(ii) the technologies incorporated in the design and construction of a nuclear installation are proven by experience or qualified by testing or analysis;

(iii) the design of a nuclear installation allows for reliable, stable and easily manageable operation, with specific consideration of human factors and the man-machine interface.

#### **Article 19–Operation**

Each Contracting Party shall take the appropriate steps to ensure that:

(i) the initial authorization to operate a nuclear installation is based upon an appropriate safety analysis and a commissioning program demonstrating that the installation, as constructed, is consistent with design and safety requirements;

(ii) operational limits and conditions derived from the safety analysis, tests and operational experience are defined and revised as necessary for identifying safe boundaries for operation;

(iii) operation, maintenance, inspection and testing of a nuclear installation are conducted in accordance with approved procedures;

(iv) procedures are established for responding to anticipated operational occurrences and to accidents;

(v) necessary engineering and technical support in all safety related fields is available throughout the lifetime of a nuclear installation;

(vi) incidents significant to safety are reported in a timely manner by the holder of the relevant license to the regulatory body;

(vii) programs to collect and analyze operating experience are established, the results obtained and the conclusions drawn are acted upon and that existing mechanisms are used to share important experience with international bodies and with other operating organizations and regulatory bodies;

(viii) the generation of radioactive waste resulting from the operation of nuclear installation is kept to the minimum practicable for the process concerned, both in activity and in volume, and any necessary treatment and storage of spent fuel and waste directly related to the operation and on the same site as that of the nuclear installation take into consideration conditioning and disposal.

## **CHAPTER 3 MEETINGS OF THE CONTRACTING PARTIES**

### **Article 20—Review Meetings**

1. The Contracting Parties shall hold meetings (hereinafter referred to as "review meetings") for the purpose of reviewing the reports submitted pursuant to Article 5 in accordance with the procedures adopted under Article 22.
2. Subject to the provisions of Article 24 sub-groups comprised of representatives of Contracting Parties may be established and may function during the review meetings as deemed necessary for the purpose of reviewing specific subjects contained in the reports.
3. Each Contracting Party shall have a reasonable opportunity to discuss the reports submitted by other Contracting Parties and to seek clarification of such reports.

### **Article 21—Timetable**

1. A preparatory meeting of the Contracting Parties shall be held not later than six months after the date of entry into force of this Convention.
2. At this preparatory meeting, the Contracting Parties shall determine the date for the first review meeting. This review meeting shall be held as soon as possible, but not later than thirty months after the date of entry into force of this Convention.
3. At each review meeting, the Contracting Parties shall determine the date for the next such meeting. The interval between review meetings shall not exceed three years.

### **Article 22—Procedural Arrangements**

1. At the preparatory meeting held pursuant to Article 21 the Contracting Parties shall prepare and adopt by consensus Rules of Procedure and Financial Rules. The Contracting Parties shall establish in particular and in accordance with the Rules of Procedure:
  - (i) guidelines regarding the form and structure of the reports to be submitted pursuant to Article 5;
  - (ii) a date for the submission of such reports;
  - (iii) the process for reviewing such reports;
2. At review meetings the Contracting Parties may, if necessary, review the arrangements established pursuant to subparagraphs (i)-(iii) above, and adopt revisions by consensus unless otherwise provided for in the Rules of Procedure. They may also amend the Rules of Procedure and the Financial Rules, by consensus.

### **Article 23—Extraordinary Meetings**

An extraordinary meeting of the Contracting Parties shall be held:

- (i) if so agreed by a majority of the Contracting Parties present and voting at a meeting, abstentions being considered as voting; or
- (ii) at the written request of a Contracting Party, within six months of this request having been communicated to the Contracting Parties and notification having been received by the secretariat referred to in Article 28, that the request has been supported by a majority of the Contracting Parties.

### **Article 24—Attendance**

1. Each Contracting Party shall attend meetings of the Contracting Parties and be represented at such meetings by one delegate, and by such alternates, experts and advisers as it deems necessary.

2. The Contracting Parties may invite, by consensus, any intergovernmental organization which is competent in respect of matters governed by this Convention to attend, as an observers, any meeting, or specific sessions thereof. Observers shall be required to accept in writing, and in advance, the provisions of Article 27.

#### **Article 25–Summary Reports**

The Contracting Parties shall adopt, by consensus, and make available to the public a document addressing issues discussed and conclusions reached during a meeting.

#### **Article 26–Languages**

1. The languages of meetings of the Contracting Parties shall be Arabic, Chinese, English, French, Russian and Spanish unless otherwise provided in the Rules of Procedure.

2. Reports submitted pursuant to Article 5 shall be prepared in the national language of the submitting Contracting Party or in a single designated language to be agreed in the Rules of Procedure. Should the report be submitted in a national language other than the designated language, a translation of the report into the designated language shall be provided by the Contracting Party.

3. Notwithstanding the provisions of paragraph 2, if compensated, the secretariat will assume the translation into the designated language of reports submitted in any other language of the meeting.

#### **Article 27–Confidentiality**

1. The provisions of this Convention shall not affect the rights and obligations of the Contracting Parties under their law to protect information from disclosure. For the purposes of this Article, "information" includes, inter alia:

- (i) personal data;
- (ii) information protected by intellectual property rights or by industrial or commercial confidentiality; and
- (iii) information relating to national security or to the physical protection of nuclear materials or nuclear installations.

2. When, in the context of this Convention, a Contracting Party provides information identified by it as protected as described in paragraph 1, such information shall be used only for the purposes for which it has been provided and its confidentiality shall be respected.

3. The content of the debates during the reviewing of the reports by the Contracting Parties at each meeting shall be confidential.

#### **Article 28–Secretariat**

1. The International Atomic Energy Agency, (hereinafter referred to as the "Agency") shall provide secretariat for the meetings of the Contracting Parties.

2. The secretariat shall:

- (i) convene, prepare and service the meetings of the Contracting Parties;
- (ii) transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention.

The costs incurred by the Agency in carrying out the functions referred to in subparagraphs (i) and (ii) above shall be borne by the Agency as part of its regular budget.

3. The Contracting Parties may, by consensus, request the Agency to provide other services in support of meetings of the Contracting Parties. The Agency may provide such

services if they can be undertaken within its program and regular budget. Should this not be possible, the Agency may provide such services if voluntary funding is provided from another source.

## **CHAPTER 4 FINAL CLAUSES AND OTHER PROVISIONS**

### **Article 29—Resolution of Disagreements**

In the event of a disagreement between two or more Contracting Parties concerning the interpretation or application of this Convention, the Contracting Parties shall consult within the framework of a meeting of the Contracting Parties with a view to resolving the disagreement.

### **Article 30—Signature, Ratification, Acceptance, Approval, Accession**

1. This Convention shall be open for signature by all States at the Headquarters of the Agency in Vienna from 20 September 1994 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 shall be open for accession by all States.

4. (i) This Convention shall be open for signature or accession by regional organizations of an integration 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.

(ii) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfill the responsibilities which this Convention attributes to States Parties.

(iii) When becoming party to this Convention, such an organization shall communicate to the Depositary referred to in Article 34, a declaration indicating which States are members thereof, which articles of this Convention apply to it, and the extent of its competence in the field covered by those articles.

(iv) 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 31—Entry Into Force**

1. This Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the twenty-second instrument of ratification, acceptance or approval, including the instruments of seventeen States, each having at least one nuclear installation which has achieved criticality in a reactor core.

2. For each State or regional organization of an integration or other nature which ratifies, accepts, approves or accedes to this Convention after the date of deposit of the last instrument required to satisfy the conditions set forth paragraph 1, this Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the appropriate instrument by such a State or organization.

### **Article 32–Amendments to the Convention**

1. Any Contracting Party may propose an amendment to this Convention. Proposed amendments shall be considered at a review meeting or an extraordinary meeting.
2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting for which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.
3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or, in the absence of consensus, to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Contracting Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.
4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary and held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article. The Diplomatic Conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted with a two-thirds majority of all Contracting Parties.
5. Amendments to this Convention adopted pursuant to paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties which have ratified, accepted, approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For a Contracting Party which subsequently ratifies, accepts, approves or confirms the said amendments, the amendments will enter into force on the ninetieth day after that Contracting Party has deposited its relevant instrument.

### **Article 33–Denunciation**

1. Any Contracting Party may denounce this Convention by written notification to the Depositary.
2. Denunciation shall take effect one year following the date of the receipt of the notification by the Depositary, or on such later date as may be specified in the notification.

### **Article 34–Depositary**

1. The Director General of the Agency shall be the Depositary of this Convention.
2. The Depositary shall inform the Contracting Parties of:
  - (i) the signature of this Convention and of the deposit of instruments of ratification, acceptance, approval or accession, in accordance with Article 30;
  - (ii) the date on which the Convention enters into force, in accordance with Article 31;
  - (iii) the notifications of denunciation of the Convention and the date thereof, made in accordance with Article 33;
  - (iv) the proposed amendments to this Convention submitted by Contracting Parties, the amendments adopted by the relevant Diplomatic Conference or by the meeting of the Contracting Parties, and the date of entry into force of the said amendments, in accordance with Article 32.

### Article 35—Authentic Texts

The original of this Convention of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depository, who shall send certified copies thereof to the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE AT VIENNA on the 20th day of September 1994.

### SIGNATORIES AND PARTIES ON THE CONVENTION ON NUCLEAR SAFETY

#### Signature, Ratification, Acceptance, Approval or Accession by States or Organizations

State/ Organization	Date of Signature	Means and Date of Expression of Consent to be Bound	Entry into Force
Algeria	20 Sep 1994		
Argentina*	20 Oct 1994	ratified 17 Apr 1997	16 Jul 1997
Armenia*	22 Sep 1994	ratified 21 Sep 1998	20 Dec 1998
Australia	20 Sep 1994	ratified 24 Dec 1996	24 Mar 1997
Austria*	20 Sep 1994	ratified 26 Aug 1997	24 Nov 1997
Bangladesh	21 Sep 1995	accepted 21 Sep 1995	24 Oct 1996
Belarus		acceded 29 Oct 1998	27 Jan 1999
Belgium*	20 Sep 1994	ratified 13 Jan 1997	13 Apr 1997
Brazil*	20 Sep 1994	ratified 4 Mar 1997	2 Jun 1997
Bulgaria*	20 Sep 1994	ratified 8 Nov 1995	24 Oct 1996
Canada*	20 Sep 1994	ratified 12 Dec 1995	24 Oct 1996
Chile	20 Sep 1994	ratified 20 Dec 1996	20 Mar 1997
China*	20 Sep 1994	ratified 9 Apr 1996	24 Oct 1996
Croatia	10 Apr 1995	approved 18 Apr 1996	24 Oct 1996
Cuba	20 Sep 1994		
Cyprus		acceded 17 Mar 1999	15 Jun 1999
Czech Republic*	20 Sep 1994	approved 18 Sep 1995	24 Oct 1996
Denmark	20 Sep 1994	accepted 13 Nov 1998	11 Fed 1999
Egypt	20 Sep 1994		
Finland*	20 Sep 1994	accepted 22 Jan 1996	24 Oct 1996
France*	20 Sep 1994	approved 13 Sep 1995	24 Oct 1996
Germany*	20 Sep 1994	ratified 20 Jan 1997	20 Apr 1997
Ghana	6 Jul 1995		
Greece	1 Nov 1994	ratified 20 Jun 1997	18 Sep 1997
Hungary*	20 Sep 1994	ratified 18 Mar 1996	24 Oct 1996
Iceland	21 Sep 1995		
India*	20 Sep 1994		
Indonesia	20 Sep 1994		
Ireland	20 Sep 1994	ratified 11 Jul 1996	24 Oct 1996
Israel	22 Sep 1994		
Italy	27 Sep 1994	ratified 15 Apr 1998	14 Jul 1998
Japan*	20 Sep 1994	accepted 12 May 1995	24 Oct 1996

State/ Organization	Date of Signature	Means and Date of Expression of Consent to be Bound	Entry into Force
Jordan	6 Dec 1994		
Kazakhstan*	20 Sep 1996		
Korea*, Rep. of	20 Sep 1994	ratified 19 Sep 1995	24 Oct 1996
Latvia		acceded 25 Oct 1996	23 Jan 1997
Lebanon	7 Mar 1995	ratified 5 Jun 1996	24 Oct 1996
Lithuania*	22 Mar 1995	ratified 12 Jun 1996	24 Oct 1996
Luxembourg	20 Sep 1994	ratified 7 Apr 1997	6 Jul 1997
Mali	22 May 1995	ratified 13 May 1996	24 Oct 1996
Mexico*	9 Nov 1994	ratified 26 Jul 1996	24 Oct 1996
Monaco	16 Sep 1996		
Morocco	1 Dec 1994		
Netherlands <sup>a,b</sup>	20 Sep 1994	accepted 15 Oct 1996	13 Jan 1997
Nicaragua	23 Sep 1994		
Nigeria	21 Sep 1994		
Norway	21 Sep 1994	ratified 29 Sep 1994	24 Oct 1996
Pakistan*	20 Sep 1994	ratified 30 Sep 1997	29 Dec 1997
Peru	22 Sep 1994	ratified 1 Jul 1997	29 Sep 1997
Philippines	14 Oct 1994		
Poland	20 Sep 1994	ratified 14 Jun 1995	24 Oct 1996
Portugal	03 Oct 1994	ratified 20 May 1998	18 Aug 1998
Republic of Moldova		acceded 7 May 1998	05 Aug 1998
Romania*	20 Sep 1994	ratified 1 Jun 1995	24 Oct 1996
Russian Federation*	20 Sep 1994	accepted 12 Jul 1996	24 Oct 1996
Singapore		acceded 15 Dec 1997	15 Mar 1998
Slovakia*	20 Sep 1994	ratified 7 Mar 1995	24 Oct 1996
Slovenia*	20 Sep 1994	ratified 20 Nov 1996	18 Feb 1997
South Africa*	20 Sep 1994	ratified 24 Dec 1996	24 Mar 1997
Spain*	15 Nov 1994	ratified 4 Jul 1995	24 Oct 1996
Sri Lanka		acceded 11 Aug 1999	09 Nov 1999
Sudan	20 Sept 1994		
Sweden*	20 Sep 1994	ratified 11 Sep 1995	24 Oct 1996
Switzerland*	31 Oct 1995	ratified 12 Sep 1996	11 Dec 1996
Syrian Arab Republic	23 Sep 1994		
Tunisia	20 Sep 1994		
Turkey	20 Sep 1994	ratified 8 Mar 1995	24 Oct 1996
Ukraine*	20 Sep 1994	ratified 8 Apr 1998	07 Jul 1998
United Kingdom <sup>a,c</sup>	20 Sep 1994	ratified 17 Jan 1996	24 Oct 1996
United States*	20 Sep 1994	ratified 11 Apr 1999	10 Jul 1999
Uruguay	28 Feb 1996		
EURATOM		acceded 31 Jan 2000	30 Apr 2000

\* Indicates that the State has at least one nuclear installation which has achieved criticality in a reactor core; sources: Table 1 "Nuclear Power Reactors in Operation and Under Construction, 31 Dec 1997", Apr 1998 Edition of "Nuclear Power Reactors in the World", Reference Data Series No. 2, IAEA, Vienna; Government notification.

<sup>a</sup> On 9 April 1999, Austria deposited an objection to reservation by Ukraine.

<sup>b</sup> for the Kingdom in Europe.

° for the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man.

*Note:* The Convention, pursuant to Article 31.1, entered into force on the ninetieth day after the date of deposit with the Depository of the twenty-second instrument of ratification, acceptance or approval, including the instruments of seventeen States, each having at least one nuclear installation which has achieved criticality in a reactor core, i.e. 24 Oct 1996.

Number of Parties: 53  
Signatories: 65

31 January 2000

**CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR  
ACCIDENT OR RADIOLOGICAL EMERGENCY**

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# CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY

ADOPTED SEPTEMBER 26, 1986

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING THAT comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,

DESIRING to strength further international co-operation in the safe development and use of nuclear energy,

CONVINCED of the need for an international framework which will facilitate the prompt provision of assistance in the event of a nuclear accident or radiological emergency to mitigate its consequences,

NOTING the usefulness of bilateral and multilateral arrangements on mutual assistance in this area,

NOTING the activities of the International Atomic Energy Agency in developing guidelines for mutual emergency assistance arrangements in connection with a nuclear accident or radiological emergency,

HAVE AGREED as follows:

## Article 1 – General provisions

1. The States Parties shall cooperate between themselves and with the International Atomic Energy Agency (hereinafter referred to as the "Agency") in accordance with the provisions of this Convention to facilitate prompt assistance in the event of a nuclear accident or radiological emergency to minimize its consequences and to protect life, property and the environment from the effects of radioactive releases.

2. To facilitate such cooperation States Parties may agree on bilateral or multilateral arrangements or, where appropriate, a combination of these, for preventing or minimizing injury and damage which may result in the event of a nuclear accident or radiological emergency.

3. The States Parties request the Agency, acting within the framework of its Statute, to use its best endeavours in accordance with the provisions of this Convention to promote, facilitate and support the cooperation between States Parties provided for in this Convention.

## Article 2 – Provisions of Assistance

1. If a State Party needs assistance in the event of a nuclear accident or radiological emergency, whether or not such accident or emergency originates within its territory, jurisdiction or control, it may call for such assistance from any other State Party, directly or through the Agency, and from the Agency, or, where appropriate, from other international intergovernmental organizations (hereinafter referred to as "international organizations").

2. A State Party requesting assistance shall specify the scope and type of assistance required and, where practicable, provide the assistance party with such information as may be necessary for that party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the requesting State Party to specify the scope and type of assistance required, the requesting State Party and the assisting party shall, in consultation, decide upon the scope and type of assistance required.

3. Each State Party to which a request for such assistance is directed shall promptly decide and notify the requesting State Party, directly or through the Agency, whether it is in a position to render the assistance requested, and the scope and terms of the assistance that might be rendered.

4. States Parties shall, within the limits of their capabilities, identify and notify the Agency of experts, equipment and materials which could be made available for the provision of assistance to other States Parties in the event of a nuclear accident or radiological emergency as well as the terms, especially financial, under which such assistance could be provided.

5. Any State Party may request assistance relating to medical treatment or temporary relocation into the territory of another State Party of people involved in a nuclear accident or radiological emergency.

6. The Agency shall respond, in accordance with its Statute and as provided for in this Convention, to a requesting State Party's or a Member State's request for assistance in the event of a nuclear accident or radiological emergency by:

(a) making appropriate resources allocated for this purpose;

(b) transmitting promptly the request to other States and international organizations which, according to the Agency's information, may possess the necessary resources; and

(c) if so requested by the requesting State, co-ordinating the assistance at the international level which may thus become available.

### **Article 3 – Direction and Control of Assistance**

Unless otherwise agreed:

(a) the overall direction, control, co-ordination and supervision of the assistance shall be the responsibility within its territory of the requesting State. The assisting party should, where the assistance involves personnel, designate in consultation with the requesting State, the person who should be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person should exercise such supervision in cooperation with the appropriate authorities of the requesting State;

(b) the requesting State shall provide, to the extent of its capabilities, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the assisting party for such purpose;

(c) ownership of equipment and materials provided by either party during the periods of assistance shall be unaffected, and their return shall be ensured;

(d) a State Party providing assistance in response to a request under paragraph 5 of article 2 shall co-ordinate that assistance within its territory.

### **Article 4 – Competent authorities and Points of Contact**

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact authorized to make and receive requests for and to accept offers of assistance. Such points of contact and a focal point within the Agency shall be available continuously.

2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.

3. The Agency shall regularly and expeditiously provide to States Parties, Member States and relevant international organizations the information referred to in paragraphs 1 and 2.

## **Article 5 – Functions of the Agency**

The States Parties request the Agency, in accordance with paragraph 3 of article 1 and without prejudice to other provisions of this Convention, to:

- (a) collect and disseminate to States Parties and Member States information concerning:
  - (i) experts, equipment and materials which could be made available in the event of nuclear accidents or radiological emergencies;
  - (ii) methodologies, techniques and available results of research relating to response to nuclear accidents or radiological emergencies;
- (b) assist a State Party or a Member State when requested in any of the following or other appropriate matters:
  - (i) preparing both emergency plans in the case of nuclear accidents and radiological emergencies and the appropriate legislation;
  - (ii) developing appropriate training programmes for personnel to deal with nuclear accidents and radiological emergencies;
  - (iii) transmitting requests for assistance and relevant information in the event of nuclear accident or radiological emergency;
  - (iv) developing appropriate radiation monitoring programmes, procedures and standards;
  - (v) conducting investigations into the feasibility of establishing appropriate radiation monitoring systems; and public
- (c) make available to a State Party or a Member State requesting assistance in the event of a nuclear accident or radiological emergency appropriate resources allocated for the purpose of conducting an initial assessment of the accident or emergency;
- (d) offer its good offices to the States Parties and Member States in the event of a nuclear accident or radiological emergency;
- (e) establish and maintain liaison with relevant international organizations for the purposes of obtaining and exchanging relevant information and data, and make a list of such organizations available to States Parties, Member States and the aforementioned organizations.

## **Article 6 – Confidentiality and Public Statements**

1. The requesting State and the assisting party shall protect the confidentiality of any confidential information that becomes available to either of them in connection with the assistance in the event of a nuclear accident or radiological emergency. Such information shall be used exclusively for the purpose of the assistance agreed upon.

2. The assisting party shall make every effort to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a nuclear accident or radiological emergency.

## **Article 7 – Reimbursement of Costs**

1. An assisting party may offer assistance without costs to the requesting State. When considering whether to offer assistance on such a basis, the assisting party shall take into account:

- (a) the nature of the nuclear accident or radiological emergency;
- (b) the place of origin of the nuclear accident or radiological emergency;
- (c) the needs of developing countries;
- (d) the particular needs of countries without nuclear facilities; and
- (e) any other relevant factors.

2. When assistance is provided wholly or partly on a reimbursement basis, the requesting State shall reimburse the assisting party for the costs incurred for the services

rendered by persons or organizations acting on its behalf, and for all expenses in connection with the assistance to the extent that such expenses are not directly defrayed by the requesting State. Unless otherwise agreed, reimbursement shall be provided promptly after the assisting party has presented its request for reimbursement to the requesting State, and in respect of costs other than local costs, shall be freely transferable.

3. Notwithstanding paragraph 2, the assisting party may at any time waive, or agree to the postponement of, the reimbursement in whole or in part. In considering such waiver or postponement, assisting parties shall give due consideration to the needs of developing countries.

#### **Article 8 – Privileges, Immunities and Facilities**

1. The requesting State shall afford to personnel of the assisting party and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their assistance functions.

2. The requesting State shall afford the following privileges and immunities to personnel of the assisting party or personnel acting on its behalf who have been duly notified to and accepted by the requesting State:

(a) immunity from arrest, detention and legal process, including criminal, civil and administrative jurisdiction, of the requesting State, in respect of acts or omissions in the performance of their duties; and

(b) exemption from taxation, duties or other charges, except those which are normally incorporated in the price of goods or paid for services rendered, in respect of the performance of their assistance functions.

3. The requesting State shall:

(a) afford the assisting party exemption from taxation, duties or other charges on the equipment and property brought into the territory of the requesting State by the assisting party for the purpose of the assistance; and

(b) provide immunity from seizure, attachment, or requisition of such equipment and property.

4. The requesting State shall ensure the return of such equipment and property. If requested by the assisting party, the requesting State shall arrange, to the extent it is able to do so, for the necessary decontamination of recoverable equipment involved in the assistance before its return.

5. The requesting State shall facilitate the entry into, stay in and departure from its national territory of personnel notified pursuant to paragraph 2 and of equipment and property involved in the assistance.

6. Nothing in this article shall require the requesting State to provide its nationals or permanent residents with the privileges and immunities provided for in the foregoing paragraphs.

7. Without prejudice to the privileges and immunities, all beneficiaries enjoying such privileges and immunities under this article have a duty to respect the laws and regulations of the requesting State. They shall also have the duty not to interfere in the domestic affairs of the requesting State.

8. Nothing in this article shall prejudice rights and obligations with respect to privileges and immunities afforded pursuant to other international agreements or the rules of customary international law.

9. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound in whole or in part by paragraphs 2 and 3.

10. A State Party which has made a declaration in accordance with paragraph 9 may at any time withdraw it by notification to the depositary.

### **Article 9 – Transit of Personnel, Equipment and Property**

Each State Party shall, at the request of the requesting State or the assisting party, seek to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting State.

### **Article 10 – Claims and Compensation**

1. The States Parties shall closely cooperate in order to facilitate the settlement of legal proceedings and claims under this article.

2. Unless otherwise agreed, a requesting State shall in respect of death or injury to persons, damage to or loss of property, or damage to the environment caused within its territory or other area under its jurisdiction or control in the course of providing the assistance requested:

(a) not bring any legal proceedings against the assisting party or persons or other legal entities acting on its behalf;

(b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the assisting party or against persons or other legal entities acting on its behalf;

(c) hold the assisting party or persons or other legal entities acting on its behalf harmless in respect of legal proceedings and claims referred to in sub-paragraph (b); and

(d) compensate the assisting party or persons or other legal entities acting on its behalf for:

(i) death of or injury to personnel of the assisting party or persons acting on its behalf;

(ii) loss of or damage to non-consumable equipment or materials related to the assistance; except in cases of willful misconduct by the individuals who caused the death, injury, loss or damage.

3. This article shall not prevent compensation or indemnity available under any applicable international agreement or national law of any State.

4. Nothing in this article shall require the requesting State to apply paragraph 2 in whole or in part to its nationals or permanent residents.

5. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare:

(a) that it does not consider itself bound in whole or in part by paragraph 2;

(b) that it will not apply paragraph 2 in whole or in part in cases of gross negligence by the individuals who caused the death, injury, loss or damage.

6. A State Party which has made a declaration in accordance with paragraph 5 may at any time withdraw it by notification to the depositary.

### **Article 11 – Termination of Assistance**

The requesting State or the assisting party may at any time, after appropriate consultations and by notification in writing, request the termination of assistance received or provided under this Convention. Once such a request has been made, the parties involved shall consult with each other to make arrangements for the proper conclusion of the assistance.

### **Article 12 – Relationship to Other International Agreements**

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this

Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

#### **Article 13 – Settlement of Disputes**

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it 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 cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may 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 for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

#### **Article 14 – Entry into Force**

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfill the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organization shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organization shall not hold any vote additional to those of its Member States.

#### **Article 15 – Provisional Application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

#### **Article 16 – Amendments**

1. 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 other States Parties.

2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin 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 laid down in a protocol which is open to signature in Vienna and New York by all States Parties.

3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

#### **Article 17 – Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.

#### **Article 18 – Depositary**

1. The Director General of the Agency shall be the depositary of this Convention.  
2. The Director General of the Agency shall promptly notify States Parties and all other States of:

- (a) each signature of this Convention or any protocol of amendment;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
- (c) any declaration or withdrawal thereof in accordance with articles 8, 10 and 13;
- (d) any declaration of provisional application of this Convention in accordance with article 15;
- (e) the entry into force of this Convention and of any amendment thereto; and
- (f) any denunciation made under article 17.

#### **Article 19 – Authentic Texts and Certified Copies**

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 to States Parties and all other States.

**IN WITNESS WHEREOF** the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 14.

**ADOPTED** by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

**CONVENTION ON ASSISTANCE IN THE CASE OF A  
NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY**  
**Signature, Ratification, Acceptance, Approval or Accession by States or  
Organizations**

Country/ Organization	Date of Signature	Means and Date of Expression of Consent to be Bound		Entry into Force
Afghanistan	26 Sep 1986			
Algeria	24 Sep 1987			
Argentina		acceded	17 Jan 1990	17 Feb 1990
Armenia		acceded	24 Aug 1993	24 Sep 1993
Australia	26 Sep 1986	ratified	22 Sep 1987	23 Oct 1987
Austria	26 Sep 1986	ratified	21 Nov 1989	22 Dec 1989
Bangladesh		acceded	07 Jan 1988	07 Feb 1988
Belarus	26 Sep 1986	ratified	26 Jan 1987	26 Feb 1987
Belgium	26 Sep 1986	ratified	04 Jan 1999	04 Feb 1999
Bosnia and Herzegovina		succeeded	30 Jun 1998	01 Mar 1992
Brazil	26 Sep 1986	ratified	04 Dec 1990	04 Jan 1991
Bulgaria	26 Sep 1986	ratified	24 Feb 1988	26 Mar 1988
Cameroon	25 Sep 1987			
Canada	26 Sep 1986			
Chile	26 Sep 1986			
China	26 Sep 1986	ratified	10 Sep 1987	11 Oct 1987
Costa Rica	26 Sep 1986	ratified	16 Sep 1991	17 Oct 1991
Cote d'Ivoire	26 Sep 1986			
Croatia		succeeded	29 Sep 1992	08 Oct 1991
Cuba	26 Sep 1986	ratified	08 Jan 1991	08 Feb 1991
Cyprus		acceded	04 Jan 1989	04 Feb 1989
Czech Republic		succeeded	24 Mar 1993	01 Jan 1993
Dem. P.R. of Korea	29 Sep 1986			
Dem. Rep. Of the Congo	30 Sep 1986			
Denmark	26 Sep 1986			
Egypt	26 Sep 1986	ratified	17 Oct 1988	17 Nov 1988
Estonia		acceded	09 May 1994	09 Jun 1994
Finland	26 Sep 1986	approved	27 Nov 1990	28 Dec 1990
France	26 Sep 1986	approved	06 Mar 1989	06 Apr 1989
Germany	26 Sep 1986	ratified	14 Sep 1989	15 Oct 1989
Greece	26 Sep 1986	ratified	06 Jun 1991	07 Jul 1991
Guatemala	26 Sep 1986	ratified	08 Aug 1988	08 Sep 1988
Holy See	26 Sep 1986			
Hungary	26 Sep 1986	ratified	10 Mar 1987	10 Apr 1987
Iceland	26 Sep 1986			
India	29 Sep 1986	ratified	28 Jan 1988	28 Feb 1988
Indonesia	26 Sep 1986	ratified	12 Nov 1993	13 Dec 1993
Iran, Islamic Republic of	26 Sep 1986	ratified	09 Oct 2000	9 Nov 2000
Iraq	12 Aug 1987	ratified	21 Jul 1988	21 Aug 1988
Ireland	26 Sep 1986	ratified	13 Sep 1991	14 Oct 1991

Country/ Organization	Date of Signature	Means and Date of Expression of Consent to be Bound		Entry into Force
Israel	26 Sep 1986	ratified	25 May 1989	25 Jun 1989
Italy	26 Sep 1986	ratified	25 Oct 1990	25 Nov 1990
Japan	06 Mar 1987	accepted	09 Jun 1987	10 Jul 1987
Jordan	02 Oct 1986	ratified	11 Dec 1987	11 Jan 1988
Korea, Rep. of		acceded	08 Jun 1990	9 Jul 1990
Latvia		acceded	28 Dec 1992	28 Jan 1993
Lebanon	26 Sep 1986	ratified	17 Apr 1997	18 May 1997
Libyan Arab Jamahiriya		acceded	27 Jun 1990	28 Jul 1990
Liechtenstein	26 Sep 1986	ratified	19 Apr 1994	20 May 1994
Lithuania		acceded	21 Sep 2000	22 Oct 2000
Luxembourg		acceded	26 Sep 2000	27 Oct 2000
Malaysia	01 Sep 1987	signature	01 Sep 1987	02 Oct 1987
Mali	02 Oct 1986			
Mauritius		acceded	17 Aug 1992	17 Sep 1992
Mexico	26 Sep 1986	ratified	10 May 1988	10 Jun 1988
Monaco	26 Sep 1986	approval	19 Jul 1989	19 Aug 1989
Mongolia	08 Jan 1987	ratified	11 Jun 1987	12 Jul 1987
Morocco	26 Sep 1986	ratified	07 Oct 1993	07 Nov 1993
Netherlands	26 Sep 1986	accepted	23 Sep 1991	24 Oct 1991
New Zealand		acceded	11 Mar 1987	11 Apr 1987
Nicaragua		acceded	11 Nov 1993	12 Dec 1993
Niger	26 Sep 1986			
Nigeria	21 Jan 1987	ratified	10 Aug 1990	10 Sep 1990
Norway	26 Sep 1986	signature	26 Sep 1986	26 Feb 1987
Pakistan		acceded	11 Sep 1989	12 Oct 1989
Panama	26 Sep 1986	ratified	01 Apr 1999	02 May 1999
Paraguay	02 Oct 1986			
Peru		acceded	17 Jul 1995	17 Aug 1995
Philippines		acceded	05 May 1997	05 Jun 1997
Poland	26 Sep 1986	ratified	24 Mar 1988	24 Apr 1988
Portugal	26 Sep 1986			
Republic of Moldova		acceded	07 May 1988	07 Jun 1998
Romania		acceded	12 Jun 1990	13 Jul 1990
Russian Federation	26 Sep 1986	ratified	23 Dec 1986	26 Feb 1987
Saint Vincent & the Grenadines		acceded	18 Sep 2001	19 Oct 2001
Saudi Arabia		acceded	03 Nov 1989	04 Dec 1989
Senegal	15 Jun 1987			
Sierra Leone	25 Mar 1987			
Singapore		acceded	15 Dec 1997	15 Jan 1998
Slovakia		succeeded	10 Feb 1993	01 Jan 1993

Country/ Organization	Date of Signature	Means and Date of Expression of Consent to be Bound		Entry into Force
Slovenia		succeeded	07 Jul 1992	25 Jun 1991
South Africa	10 Aug 1987	ratified	10 Aug 1987	10 Sep 1987
Spain	26 Sep 1986	ratified	13 Sep 1989	14 Oct 1989
Sri Lanka		acceded	11 Jan 1991	11 Feb 1991
Sudan	26 Sep 1986			
Sweden	26 Sep 1986	ratified	24 Jun 1992	25 Jul 1992
Switzerland	26 Sep 1986	ratified	31 May 1988	01 Jul 1988
Syrian Arab Republic	02 Jul 1987			
Thailand	25 Sep 1987	ratified	21 Mar 1989	21 Apr 1989
The Frm. Yug. Rep. of Macedonia		succeeded	20 Sep 1996	17 Nov 1991
Tunisia	24 Feb 1987	ratified	24 Feb 1989	27 Mar 1989
Turkey	26 Sep 1986	ratified	03 Jan 1991	03 Feb 1991
Ukraine	26 Sep 1986	ratified	26 Jan 1987	26 Feb 1987
United Arab Emirates		acceded	02 Oct 1987	02 Nov 1987
United Kingdom	26 Sep 1986	ratified	09 Feb 1990	12 Mar 1990
United States of America	26 Sep 1986	ratified	19 Sep 1988	20 Oct 1988
Uruguay		acceded	21 Dec 1989	21 Jan 1990
Viet Nam		acceded	29 Sep 1987	30 Oct 1987
Yugoslavia		acceded	09 Apr 1991	10 May 1991
Zimbabwe	26 Sep 1986			
Food & Agriculture Org (FAO)		acceded	19 Oct 1990	19 Nov 1990
World Health Org Org (WHO)		acceded	10 Aug 1988	10 Sep 1988
World Meteorological Org (WMO)		acceded	17 Apr 1990	18 May 1990

**Note:** The Convention entered into force on 26 February 1987, *i.e.* thirty days after the date on which the third State expressed its consent to be bound, pursuant to Article 14, paragraph 3.

Number of Parties: 83  
Number of Signatories: 68

18 September 2001

**ADDITIONAL PROTOCOL I TO THE TREATY FOR THE  
PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA**

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## MULTILATERAL

### **Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America**

Done at Mexico February 14, 1967;  
Transmitted by the President of the United States of America to the Senate May 24, 1978  
(S. Ex. I, 95th Cong., 2d Sess.);  
Reported favorably by the Senate Committee on Foreign Relations October 19, 1981 (S.  
Ex. Rep. No. 97-23, 97th Cong., 1st Sess.);  
Advice and consent to ratification by the Senate, with understandings, November 13,  
1981;  
Ratified by the President, with said understandings, November 19, 1981;  
Ratification of the United States of America deposited with Mexico November 23, 1981;  
Proclaimed by the President December 14, 1981;  
Entered into force with respect to the United States of America  
November 23, 1981.

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**By the President of the United States of America**

#### **A PROCLAMATION**

Considering that:

Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America was signed on behalf of the United States of America at Mexico City on May 26, 1977, a certified copy of which is hereto annexed;<sup>1</sup>

The Senate of the United States of America by its resolution of November 13, 1981, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of Additional Protocol I, subject to the following understandings:

1) That the provisions of the Treaty made applicable by this Additional Protocol do not affect the exclusive power and legal competence under international law of a State adhering to this Protocol to grant or deny transit and transport privileges to its own or any other vessels or aircraft irrespective of cargo or armaments.

2) That the provisions of the Treaty made applicable by this Additional Protocol do not affect rights under the international law of a State adhering to this Protocol regarding the exercise of the freedom of the seas, or regarding passage through or over waters subject to the sovereignty of a State.

3) That the understandings and declarations attached by the United States to its ratification of Additional Protocol II (text attached)<sup>2</sup> apply also to its ratification of Additional Protocol I.

The President of the United States of America on November 19, 1981, ratified Additional Protocol I, subject to the said understandings, in pursuance of the advice and consent of the Senate, and the United States of America deposited its instrument of ratification with the Government of the United Mexican States on November 23, 1981;

Pursuant to the provisions of Additional Protocol I, Additional Protocol I, subject to the said understandings, entered into force for the United States of America on November 23, 1981;

Now, Therefore, I, Ronald Reagan, President of the United States of America, proclaim and make public Additional Protocol I, subject to the said understandings, to the end that

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<sup>1</sup>Texts of the English, French, Portuguese and Spanish languages as certified by the Department of Foreign Relations of Mexico.

<sup>2</sup>See pp. 1794-1795.

it shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

In testimony whereof, I have signed this proclamation and caused the seal of the United States of America to be affixed.

(seal)

Done at the city of Washington this fourteenth day of December in the year of our Lord one thousand nine hundred eighty-one and of the Independence of the United States of America the two hundred sixth.

Ronald Reagan

By the President:  
Alexander M. Hair, Jr.  
Secretary of State

#### **UNDERSTANDINGS AND DECLARATIONS ATTACHED BY THE UNITED STATES TO ITS RATIFICATION OF ADDITIONAL PROTOCOL II**

I.<sup>3</sup> That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purpose of this treaty and its protocols, or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-contracting parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article 1 of the treaty.

II. That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It also understood that Articles 1 and 5 restrict accordingly the activities of the contracting parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with contracting parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this

<sup>3</sup>May 8, 1971. TAIS 7137; 22 USED 760.

connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapons states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III. That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of contracting parties.

#### 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,<sup>4</sup> 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 at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

**ARTICLE 1.** To undertake to apply the status 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.

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:  
N.J.A. Cheetham

FOR THE KINGDOM OF THE NETHERLANDS:  
S. Van Heemstra

FOR THE UNITED STATES OF AMERICA:  
Jimmy Carter

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<sup>4</sup>Done Feb. 14, 1967. TAIS 7137; 22 USED 762.

## NUCLEAR FREE ZONE-LATIN AMERICA<sup>5</sup>

### NOTE:

Additional protocol I to the treaty of February 14, 1967 for the prohibition of nuclear weapons in Latin America. Done at Mexico February 14, 1967; entered into force December 11, 1969; for the United States November 23, 1981. 33 USED 1792; TAIS 10147; 634 UNTS 362. States which are parties: Netherlands,<sup>6</sup> United Kingdom,<sup>7</sup> United States<sup>8</sup>

Additional protocol II to the treaty of February 14, 1967 for the prohibition of nuclear weapons in Latin America. Done at Mexico February 14, 1967; entered into force December 11, 1969; for the United States May 12, 1971. 22 USED 754; TAIS 7137; 634 UNTS 364. States which are parties: China,<sup>9</sup> France,<sup>10</sup> Union of Soviet Socialist Reps.,<sup>11</sup> United Kingdom<sup>12</sup>,<sup>13</sup>, United States<sup>14</sup>

### **Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America**

Signed by the United States at Mexico April 1, 1968  
Underlying Treaty signed by others at Mexico February 14, 1967  
U.S. ratification with understandings and declarations deposited May 12, 1971  
Entered into force for the United States May 12, 1971<sup>15</sup>

## **BY THE PRESIDENT OF THE UNITED STATES OF AMERICA**

### **A PROCLAMATION**

#### CONSIDERING THAT:

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, done at the City of Mexico on February 14, 1967, was signed on behalf of the United States of America on April 1, 1968, the text of which Protocol is word for word as follows:

#### **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

<sup>5</sup>The United States is not a party to the treaty for the prohibition of nuclear weapon in Latin America (the Treaty of Tlatelolco). For the English text of the treaty, see 22 UST 762; TIAS 7137; for the text in other languages, see 634 UNTS 281.

<sup>6</sup>With statement(s).

<sup>7</sup>Applicable to Anguilla, British Virgin Is., Cayman Is., Falkland Is., Montserrat, Turks and Caicos Is.

<sup>8</sup>With understanding and declarations.

<sup>9</sup>With statement(s).

<sup>10</sup>With statement(s).

<sup>11</sup>With statement(s).

<sup>12</sup>With declaration.

<sup>13</sup>Applicable to Anguilla, British Virgin Is., Cayman Is., Falkland Is., Montserrat, Turks and Caicos Is.

<sup>14</sup>With understanding and declarations.

<sup>15</sup>The United Kingdom, France, and the People's Republic of China are also parties of Protocol II.

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, delineated 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.** The 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 Additional Protocol on behalf of their respective Governments.

The Senate of the United States of America by its resolution of April 19, 1971, two-thirds of the Senators present concurring, gave it advice and consent to the ratification of Additional Protocol II, with the following understandings and declarations:

## I

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-Contracting Parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the Treaty.

## II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of

making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore, the United States Government understands the definition contained in Article 5 of treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and the United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

### III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.

The President ratified Additional Protocol II on May 8, 1971, with the above-recited understandings and declarations, in pursuance of the advice and consent of the Senate. It is provided in Article 5 of Additional Protocol II that the Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

The instrument of ratification of the United Kingdom of Great Britain and Northern Ireland was deposited on December 11, 1969 with understandings and a declaration, and the instrument of ratification of the United States of America was deposited on May 12, 1971 with the above-recited understandings and declarations.

In accordance with Article 5 of Additional Protocol II, the Protocol entered into force for the United States of America on May 12, 1971, subject to the above recited understandings and declarations.

Now, *therefore*, I, Richard Nixon, President of the United States of America, proclaim and make public Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America to the end that it shall be observed and fulfilled with good faith, subject to the above-recited understandings and declarations, on and after May 12, 1971 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdictions thereof.

*In testimony whereof*, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

*Done* at the city of Washington this eleventh day of June in the year of our Lord one thousand nine hundred seventy-one and of the Independence of the United States of America the one-hundred ninety-fifth.

(Seal)

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

### ***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 (XI), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

*Recalling* that militarily denuclearized zones are not an end in themselves but rather a means of 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 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, and attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable.

That the 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 an agreement of 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 inevitable 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 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 of general and complete disarmaments, and

That Latin America, faithful to its tradition of universality, must not only endeavor 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 fulfillment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

*Have agreed as follows:*

#### **ARTICLE 1 – Obligations**

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under this 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.

#### **ARTICLE 2 – Definition of the Contracting Parties**

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

#### **ARTICLE 3 – Definition of Territory**

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.

#### **ARTICLE 4 – Zone of Application**

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

2. Upon fulfillment of the requirements of Article 28, paragraph 1, the zone of application of the Treaty shall also be that which is situated in the western hemisphere with 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 35° north latitude, 75°

west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there directly southward to a point at 60° south latitude, 20° west longitude; from there directly westward to a point at 60° south latitude, 115° west longitude; from there directly northward to a point at 0° latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

#### **ARTICLE 5 – Definition of Nuclear Weapons**

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.

#### **ARTICLE 6 – Meeting of Signatories**

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.

#### **ARTICLE 7 – Organization**

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 cooperation 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.

#### **ARTICLE 8 – Organs**

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.

#### **ARTICLE 9 – The General Conference**

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 fulfillment 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 organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the 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.

#### **ARTICLE 10 – *The Council***

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 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.

#### **ARTICLE 11 – *The Secretariat***

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference—the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

#### **ARTICLE 12 – *Control System***

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.

#### **ARTICLE 13 – *IAEA Safeguards***

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.

#### **ARTICLE 14 – Reports of the Parties**

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 to 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.

#### **ARTICLE 15 – Special Reports Requested by the General Secretary**

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 circumstances 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.

#### **ARTICLE 16 – Special Inspections**

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 requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article 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 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 Secretary 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, sub-paragraph (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.

#### **ARTICLE 17 – *Use of Nuclear Energy for Peaceful Purposes***

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.

#### **ARTICLE 18 – *Explosions for Peaceful Purposes***

1. 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, provide 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 cooperate 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.

#### **ARTICLE 19 – *Relations with Other International Organizations***

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.

#### **ARTICLE 20 – *Measures in the Event of Violation of the Treaty***

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 to 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.

#### **ARTICLE 21 – *United Nations and Organizations of American States***

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.

#### **ARTICLE 22 – *Privileges and Immunities***

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

#### **ARTICLE 23 – *Notification of Other Agreements***

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.

#### **ARTICLE 24 – Settlement of Disputes**

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.

#### **ARTICLE 25 – Signature**

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 admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity party 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.

#### **ARTICLE 26 – Ratification and Deposit**

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

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

#### **ARTICLE 27 – Reservations**

This Treaty shall not be subject to reservations.

#### **ARTICLE 28 – Entry into Force**

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 have *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a

declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (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.

#### **ARTICLE 29 – Amendments**

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.

#### **ARTICLE 30 – Duration and Denunciation**

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.

#### **ARTICLE 31 – Authentic Texts and Registration**

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 Whereof* the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

*Done* at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

### ADDITIONAL PROTOCOL

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments.<sup>16</sup>

*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 at peace, based on mutual respect and sovereign equality of States.

*Have agreed as follows:*

**Article 1.** To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 2, 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.

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<sup>16</sup>The United Kingdom and the Netherlands are parties to this Protocol. The United States has signed.

**TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN  
LATIN AMERICA**

**Signature and Ratification by States or Organizations**

Country	Date of Signature	Date of Deposit of Ratification
Antigua & Barbuda	10/11/83	10/11/83 <sup>1</sup>
Argentina	9/27/67	1/18/94
Bahamas, The	-	11/29/76 <sup>a</sup>
Barbados	10/18/68	4/25/69
Belize	2/14/92	-
Bolivia	2/14/67	2/18/69
Brazil	5/9/67	1/29/68 <sup>b</sup>
Chile	2/14/67	10/9/74 <sup>b</sup>
Colombia	2/14/67	8/4/72
Costa Rica	2/14/67	8/25/69
Cuba	-	-
Dominica	5/2/89	-
Dominican Republic	7/29/67	6/14/68
Ecuador	2/14/67	2/11/69
El Salvador	2/14/67	4/22/68
Grenada	4/29/75	6/20/75
Guatemala	2/14/67	2/6/70
Haiti	2/14/67	5/23/69
Honduras	2/14/67	9/23/68
Jamaica	10/26/67	6/26/69
Mexico	2/14/67	9/20/67
Nicaragua	2/15/67	10/24/68
Panama	2/14/67	6/11/71
Paraguay	4/26/67	3/19/69
Peru	2/14/67	3/4/69
St. Lucia	8/25/92	-
St. Vincent/Grenadines	2/14/92	2/14/92
Suriname	2/13/76	6/10/77
Trinidad & Tobago	6/27/67	12/3/70 <sup>c</sup>
Uruguay	2/14/67	8/20/68
Venezuela	2/14/67	3/23/70
<b>TOTAL</b>	29	26 (24 in force)

<sup>1</sup> Dates give are the earliest dates on which countries signed the agreements or deposited their ratifications or accessions – whether in Washington, London, Moscow, or New York. In the case of a country that was a dependent territory which became a party through succession, the date given is the date on which the country gave notice that it would continue to be bound by the terms of the agreement.

<sup>a</sup> This is date of notification of succession. The declaration of waiver was deposited 4/26/77, which is date of entry into force for The Bahamas.

<sup>b</sup> Not in force. No declaration of waver under Art. 28, para 2.

<sup>c</sup> The declaration of waiver was deposited 6/27/75, which is date of entry into force for Trinidad and Tobago.

**ADDITIONAL PROTOCOL I TO THE TREATY FOR THE  
PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA**

**Signature and Ratification by States or Organizations**

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<b>Country</b>	<b>Date of Signature</b>	<b>Date of Deposit of Ratification</b>
France .....	3/2/79.....	
Netherlands .....	4/1/68.....	7/26/71
United Kingdom .....	12/20/67.....	12/11/69
United States .....	5/26/77.....	11/23/81

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**ADDITIONAL PROTOCOL II TO THE TREATY FOR THE  
PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA**

**Signature and Ratification by States or Organizations**

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<b>Country</b>	<b>Date of Signature</b>	<b>Date of Deposit of Ratification</b>
China, Peoples Republic of .....	8/21/73.....	6/12/74
France .....	7/18/73.....	3/22/74
USSR .....	5/18/78.....	1/8/79
United Kingdom .....	12/20/67.....	12/11/69
United States .....	4/1/68.....	5/12/71

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**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND  
THE INTERNATIONAL ATOMIC ENERGY AGENCY  
FOR THE APPLICATION OF SAFEGUARDS  
IN THE UNITED STATES OF AMERICA**

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**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND  
THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE  
APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF  
AMERICA**

Whereas the United States of America (hereinafter referred to as the "United States") is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty") which was opened for signature at London, Moscow and Washington on 1 July 1968 and which entered into force on 5 March 1970;

Whereas States Parties to the Treaty undertake to co-operate in facilitating the application of International Atomic Energy Agency (hereinafter referred to as the "Agency") safeguards on peaceful nuclear activities;

Whereas non-nuclear-weapon States Parties to the Treaty undertake to accept safeguards, as set forth in an agreement to be negotiated and concluded with the Agency, on all source or special fissionable material in all their peaceful nuclear activities for the exclusive purpose of verification of the fulfillment of their obligations under the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices;

Whereas the United States, a nuclear-weapon State as defined by the Treaty, has indicated that at such time as safeguards are being generally applied in accordance with paragraph 1 of Article III of the Treaty, the United States will permit the Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance—by concluding a safeguards agreement with the Agency for that purpose;

Whereas the United States has made this offer and has entered into this agreement for the purpose of encouraging widespread adherence to the Treaty by demonstrating to non-nuclear-weapon States that they would not be placed at a commercial disadvantage by reason of the application of safeguards pursuant to the Treaty;

Whereas the purpose of a safeguard agreement giving effect to this offer by the United States would thus differ necessarily from the purposes of safeguards agreements concluded between the Agency and non-nuclear-weapon States Party to the Treaty;

Whereas it is in the interest of Members of the Agency, that, without prejudice to the principles and integrity of the Agency's safeguards system, the expenditure of the Agency's financial and other resources for implementation of such an agreement not exceed that necessary to accomplish the purpose of the Agreement;

Whereas the Agency is authorized, pursuant to Article III of the Statute of the International Atomic Energy Agency (hereinafter referred to as the "Statute"), to conclude such a safeguards agreement;

Now, therefore, the United States and the Agency have agreed as follows:

**PART I  
ARTICLE 1**

(a) The United States undertakes to permit the Agency to apply safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in all facilities within the United States, excluding only those facilities associated with activities with direct national security significance to the United States, which a view to enabling the Agency to verify that such material is not withdrawn, except as provided for in this Agreement, from activities in facilities while such material is being safeguarded under this Agreement.

(b) The United States shall, upon entry in force of this Agreement, provide the Agency with a list of facilities within the United States not associated with activities with direct national security significance to the United States and may, in accordance with the

procedures set forth in Part II of this Agreement, add facilities to or remove facilities from that list as it deems appropriate.

(c) The United States may, in accordance with the procedures set forth in this Agreement, withdraw nuclear material from activities in facilities included in the list referred to in Article 1(b).

#### **ARTICLE 2**

(a) The Agency shall have the right to apply safeguards in accordance with the terms of this Agreement on all source or special fissionable material in all facilities within the United States, excluding only those facilities associated with activities with direct national security significance to the United States, with a view to enable the Agency to verify that such material is not withdrawn, except as provided for in this Agreement, from activities in facilities while such material is being safeguarded under this Agreement.

(b) The Agency shall, from time to time, identify to the United States those facilities, selected from the then current list provided by the United States in accordance with Article 1(b) in which the Agency wishes to apply safeguards, in accordance with the terms of this Agreement.

(c) In identifying facilities and in applying safeguards thereafter on source or special fissionable material in such facilities, the Agency shall proceed in a manner which the Agency and the United States mutually agrees takes into account the requirement on the United States to avoid discriminatory treatment as between United States commercial firms similarly situated.

#### **ARTICLE 3**

(a) The United States and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.

(b) The source or special fissionable material subject to safeguards under this Agreement shall be that material in those facilities which shall have been identified by the Agency at any given time pursuant to Article 2(b).

(c) The safeguards to be applied by the Agency under this agreement on source or special fissionable materials in facilities in the United States shall be implemented by the same procedures followed by the Agency in applying its safeguards on similar material in similar facilities in non-nuclear-weapon States under agreement pursuant to paragraph 1 of Article III of the Treaty.

#### **ARTICLE 4**

The safeguards provided for in this Agreement shall be implemented in a manner designed:

(a) To avoid hampering the economic and technological development of the United States or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;

(b) To avoid undue interference in peaceful nuclear activities of the United States and in particular in the operation of the facilities; and

(c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

#### **ARTICLE 5**

(a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.

(b)(i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency (hereinafter referred to as "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 fulfill its responsibilities in implementing this Agreement.

(ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon the decision of the Board if the United States agrees thereto.

#### **ARTICLE 6**

(a) The Agency shall, in implementing safeguards pursuant to this Agreement, 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 this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.

(b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:

(i) Containment as a means of defining material balance areas for accounting purposes;

(ii) Statistical techniques and random sampling in evaluating the flow of nuclear material; and

(iii) 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 this Agreement.

#### **ARTICLE 7**

(a) The United States shall establish and maintain a system of accounting for and control of all nuclear material subject to safeguards under this Agreement.

(b) The Agency shall apply safeguards in accordance with Article 3(c) in such a manner as to enable the Agency to verify, in ascertaining that there has been no withdrawal of nuclear material, except as provided for in this Agreement, from activities in facilities while such material is being safeguarded under this Agreement, findings of the accounting and control system of the United States. 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. The Agency, in its verification, shall take due account of the technical effectiveness of the system of the United States.

#### **ARTICLE 8**

(a) In order to ensure the effective implementation of safeguards under this Agreement, the United States shall, in accordance with the provisions set out in Part II, provide the Agency with information concerning nuclear material subject to safeguards under this Agreement and the features of facilities relevant to safeguarding such material.

(b)(i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.

(ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.

(c) If the United States so requests, the Agency shall be prepared to examine on premises of the United States design information which the United States regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of the United States.

#### **ARTICLE 9**

(a)(i) The Agency shall secure the consent of the United States to the designation of Agency inspectors to the United States.

(ii) If the United States, either upon proposal of a designation or at any other time after designation has been made, objects to the designation, the Agency shall propose to the United States and alternative designation or designations.

(iii) If, as a result of the repeated refusal of the United States to accept the designation of the Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General") with a view to its taking appropriate action.

(b) The United States shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.

(c) The visits and activities of Agency inspectors shall be so arranged as:

(i) To reduce to a minimum the possible inconvenience and disturbance to the United States and to the peaceful nuclear activities inspected; and

(ii) To ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

#### **ARTICLE 10**

The Provisions of the International Organizations Immunities Act of the United States of America shall apply to Agency inspectors performing functions in the United States under this Agreement and to any property of the Agency used by them.

#### **ARTICLE 11**

Safeguards shall terminate on nuclear material upon determination by the Agency that the material 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.

#### **ARTICLE 12**

(a) If the United States intends to exercise its right to withdraw nuclear material from activities in facilities identified by the Agency pursuant to Article 2(b) and 39(b) (other than those facilities removed, pursuant to Article 34(b)(i) from the list provided for by Article 1(b)) and to transfer such material to a destination in the United States other than to a facility included in the list established and maintained pursuant to Article 1(b) and 34, the United States shall notify the Agency in advance of such withdrawal. Nuclear material in respect of which such notification has been given shall cease to be subject to safeguards under this Agreement as from the time of its withdrawal.

(b) Nothing in this Agreement shall effect the right of the United States to transfer material subject to safeguards under this Agreement to destinations not within or under the jurisdiction of the United States. The United States shall provide the Agency with information with respect to such transfers in accordance with Article 89. The Agency shall keep records of each such transfer and, where applicable, of the re-application of safeguards to the transferred nuclear material.

#### **ARTICLE 13**

Where nuclear material subject to safeguards under this Agreement is to be used in non-nuclear activities, such as the production of alloys or ceramics, the United States shall agree with the Agency, before the material is so used, on the circumstances under which the safeguards on such material may be terminated.

#### **ARTICLE 14**

The United States and the Agency will bear the expenses incurred by them in implementing their respective responsibilities under this Agreement. However if, the United States 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.

#### **ARTICLE 15**

In carrying out its functions under this Agreement within the United States, the Agency and its personnel shall be covered to the same extent as nationals of the United States by any protection against third-party liability provided under the Price-Anderson Act, including insurance or other indemnity coverage that may be required by the Price-Anderson Act with respect to nuclear incidents.

#### **ARTICLE 16**

Any claim by the United States against the Agency or by the Agency against the United States in respect of any damage resulting from the implementation of safeguards under this Agreement, other than damage arising out of a nuclear incident, shall be settled in accordance with international law.

#### **ARTICLE 17**

If the Board, upon report of the Director General, decides that an action by the United States is essential and urgent in order to ensure compliance with this Agreement, the Board may call upon the United States to take the required action without delay, irrespective of whether procedures have been invoked pursuant to Article 21 for the settlement of a dispute.

#### **ARTICLE 18**

If the Board, upon examination of relevant information reported to it by the Director General, determines there has been any non-compliance with this Agreement, the Board may call upon the United States to remedy forthwith such non-compliance. In the event there is a failure to take fully corrective action within a reasonable time, the Board 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 United States every reasonable opportunity to furnish the Board with any necessary reassurance.

#### **ARTICLE 19**

The United States and the Agency shall, at the request of either, consult about any question arising out of the interpretation or application of this Agreement.

#### **ARTICLE 20**

The United States shall have the right to request that any question arising out of the interpretation or application of this Agreement be considered by the Board. The Board shall invite the United States to participate in the discussion of any such question by the Board.

#### **ARTICLE 21**

Any dispute arising out of the interpretation or application of this Agreement, except a dispute with regard to a determination by the Board under Article 18 or an action taken by the Board pursuant to such a determination which is not settled by negotiation or another procedure agreed to by the United States and the Agency shall, at the request of either, be submitted to an arbitral tribunal composed as follows: The United States and the Agency shall each designate one arbitrators, and the two arbitrators so designated shall elect a third, who shall be the Chairman. If, within thirty days of the request for arbitration, either the United States or the Agency has not designated an arbitrator, either the United States or the Agency may request the President of the International Court of Justice to appoint an arbitrator. The same procedure shall apply if, within thirty days of the designation or appointment of the second arbitrator, the third arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of two arbitrators. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on the United States and the Agency.

#### **ARTICLE 22**

The Parties shall institute steps to suspend the applications of Agency safeguards in the United States under other safeguards agreements with the Agency while this Agreement is in force. However, the United States and the Agency shall ensure that nuclear material being safeguarded under this Agreement shall be at all times at least equivalent in amount and composition to that which would be subject to safeguards in the United States under the agreements in question. The detailed arrangements for the implementation of this provision shall be specified in the subsidiary arrangements provided for in Article 39, and shall reflect the nature of any undertaking given under such other safeguards agreement.

#### **ARTICLE 23**

- (a) The United States and the Agency shall, at the request of either, consult each other on amendments to this Agreement.
- (b) All amendments shall require the agreement of the United States and the Agency.

#### **ARTICLE 24**

This Agreement or any amendment thereto shall enter into force on the date on which the Agency receives from the United States written notification that statutory and constitutional requirements of the United States for entry into force have been met.

#### **ARTICLE 25**

The Director General shall promptly inform all Member States of the Agency of the entry into force of this Agreement, or of any amendments thereto.

#### **ARTICLE 26**

The Agreement shall remain in force as long as the United States is a party to the Treaty except that the Parties to this Agreement shall, upon the request of either of them, consult and, to the extent mutually agreed, modify this Agreement in order to ensure that it continues to serve the purpose for which it was originally intended. If the Parties are unable after such consultation to agree upon necessary modifications, either Party may, upon six months' notice, terminate this Agreement.

### **PART II**

#### **ARTICLE 27**

The purpose of this part of the Agreement is to specify the procedures to be applied in the implementation of the safeguards provisions of Part I.

#### **ARTICLE 28**

The objective of the safeguards procedures set forth in this part of the Agreement is the timely detection of withdrawal, other than in accordance with the terms of this Agreement, of significant quantities of nuclear material from activities in facilities while such material is being safeguarded under this Agreement.

#### **ARTICLE 29**

For the purpose of achieving the objective set forth in Article 28, material accountancy shall be used as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

#### **ARTICLE 30**

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, and giving the limits of accuracy of the amounts stated.

#### **ARTICLE 31**

Pursuant to Article 7, the Agency, in carrying out its verification activities, shall make full use of the United States' system of accounting for and control of all nuclear material subject to safeguards under this Agreement and shall avoid unnecessary duplication of the United States' accounting and control activities.

#### **ARTICLE 32**

The United States' system of accounting for and control of all nuclear material subject to safeguards under this Agreement shall be based on a structure of material balance areas, and shall make provision, as appropriate and specified in the Subsidiary Arrangements, for the establishment of such measures as :

- (a) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) Procedure for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) Procedure for taking a physical inventory;
- (e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) A system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;
- (g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) Procedures for the provision of reports to the Agency in accordance with Article 57 through 63 and 65 through 67.

### **ARTICLE 33**

Safeguards under this Agreement shall not apply to material in mining or ore processing activities.

### **ARTICLE 34**

The United States may, at any time, notify the Agency of any facility or facilities to be added to or removed from the list provided for in Article 1(b):

- (a) In case of addition to the list, the notification shall specify the facility or facilities to be added to the list and the date upon which the addition is to take effect;
- (b) In the case of removal from the list of a facility or facilities then currently identified pursuant to Article 2(b) or 39(b):
  - (i) The Agency shall be notified in advance and the notification shall specify: the facility or facilities being removed, the date of removal, and the quantity and composition of the nuclear material contained therein at the time of notification. In exceptional circumstances, the United States may remove facilities without giving advance notification;
  - (ii) Any facility in respect of which notification has been given in accordance with sub-paragraph (i) shall be removed from the list and nuclear material contained therein shall cease to be subject to safeguards under this Agreement in accordance with and at the time specified in the notification by the United States.
- (c) In the case of removal from the list of a facility or facilities not then currently identified pursuant to Article 2(b) or 39(b), the notification shall specify the facility or facilities being removed and the date of removal. Such facility or facilities shall be removed from the list at the time specified in the notification by the United States.

### **ARTICLE 35**

(a) Safeguards shall terminate on nuclear material subject to safeguards under this Agreement, under the conditions set forth in Article 11. Where the conditions of the Article are not met, but the United States considers that the recovery of safeguarded nuclear material from residues is not for the time being practicable or desirable, the United States and the Agency shall consult on the appropriate safeguards measures to be applied.

(b) Safeguards shall terminate on nuclear material subject to safeguards under this Agreement, under the conditions set forth in Article 13, provided that the United States and the Agency agree that such nuclear material is practicably irrecoverable.

#### **ARTICLE 36**

At the request of the United States, the Agency shall exempt from the safeguards nuclear material, which would otherwise be subject to safeguards under this Agreement, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) Nuclear material, when it is used in non-nuclear activities in accordance with Article 13, if such nuclear material is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

#### **ARTICLE 37**

At the request of the United States, the Agency shall exempt from safeguards nuclear material that would otherwise be subject to safeguards under this Agreement, provided that the total quantity of nuclear material which has been exempt in the United States in accordance with this Article 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 by five times the square of its enrichment;
  - (b) Ten metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5%);
  - (c) Twenty metric tons of depleted uranium with an enrichment of 0.005 (0.5%) or below; and
  - (d) Twenty metric tons of thorium;
- or such greater amounts as may be specified by the Board for uniform application.

#### **ARTICLE 38**

If exempted nuclear material is to be processed or stored together with nuclear material subject to safeguards under this Agreement, provision shall be made for the re-application of safeguards thereto.

#### **ARTICLE 39**

- (a) The United States and the Agency shall make Subsidiary Arrangements which shall:
  - (i) contain a current listing of those facilities identified by the Agency pursuant to Article 2(b) and thus containing nuclear material subject to safeguards under this Agreement; and
  - (ii) specify in detail, to the extent necessary to permit the Agency to fulfill its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied.
- (b)(i) After entry into force of this Agreement, the Agency shall identify to the United States, from the list provided in accordance with Article 1(b), those facilities to be included in the initial Subsidiary Arrangements listing;

(ii) The Agency may thereafter identify for inclusion in the Subsidiary Arrangements listing additional facilities from the list provided in accordance with Article 1(b) as that list may have been modified in accordance with Article 34.

(c) The Agency shall also designate to the United States those facilities to be removed from the Subsidiary Arrangements listing which have not otherwise been removed pursuant to notification by the by the United States in accordance with Article 34. Such facility or facilities shall be removed from the Subsidiary Arrangements listing upon such designation to the United States.

(d) The Subsidiary Arrangements may be extended or changed by agreement between the Agency and the United States without amendment of this Agreement.

#### **ARTICLE 40**

(a) With respect to those facilities which shall have been identified by the Agency in accordance with Article 39(b)(i), such Subsidiary Arrangement shall enter into force at the same time as, or as soon as possible after, entry into force of this Agreement. The United States and the Agency shall make every effort to achieve their entry into force within 90 days after entry into force of this Agreement; an extension of that period shall require agreement between the United States and the Agency.

(b) With respect to facilities which, after the entry into force of this Agreement, have been identified by the Agency in accordance with Article 39(b)(ii) for inclusion in the Subsidiary Arrangements listing, the United States and the Agency shall make every effort to achieve the entry into force of such Subsidiary Arrangements within ninety days following such identification to the United States; an extension of that period shall require agreement between the Agency and the United States.

(c) Upon identification of a facility by the Agency in accordance with Article 39(b), the United States shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements, and the Agency shall have the right to apply the procedures set forth in this Agreement to the nuclear material listed in the inventory provided for in Article 41, even if the Subsidiary Arrangements have not yet entered into force.

#### **ARTICLE 41**

The Agency shall establish, on the basis of the initial reports referred to in Article 60(a) below, a unified inventory of all nuclear material in the United States subject to safeguards under this Agreement, irrespective of its origin, and shall maintain this inventory on the basis of subsequent reports concerning those facilities, of the initial reports referred to in Article 60(b), of subsequent reports concerning the facilities listed pursuant to Article 39(b)(ii), and of the results of its verification activities. Copies of the inventory shall be made available to the United States at intervals to be agreed.

#### **ARTICLE 42**

Pursuant to Article 8, design information in respect of facilities identified by the Agency in accordance with Article 39(b)(i) shall be provided to the Agency during the discussion of the Subsidiary Arrangements. The time limits for the provision of design information in respect of any facility which is identified by the Agency in accordance with Article 39(b)(ii) shall be specified in the Subsidiary Arrangements and such information shall be provided as early as possible after such identification.

#### **ARTICLE 43**

The design information to be provided to the Agency shall include, in respect of each facility identified by the Agency in accordance with Article 39(b), when applicable:

- (a) The identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) A description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) A description of features of the facilities relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

#### **ARTICLE 44**

Other information relevant to the application of safeguards shall also be provided to the Agency in respect of each facility identified by the Agency in accordance with Article 39(b), in particular on organizational responsibility for material accountancy and control. The United States shall provide the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which the inspectors shall comply at the facility.

#### **ARTICLE 45**

The Agency shall be provided with design information in respect of a modification relevant for safeguards purposes, for examination, and shall be informed of any change in the information provided to it under Article 44, sufficiently in advance for the safeguards procedures to be adjusted when necessary.

#### **ARTICLE 46**

The design information provided to the Agency shall be used for the following purposes:

- (a) To identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) To determine material balance areas 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 flow and inventory of nuclear material; in determining such material balance areas the Agency shall, inter alia, use the following criteria:
  - (i) The size of the material balance area shall be related to the accuracy with which the material balance can be established;
  - (ii) In determining the material balance area, advantage shall be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;
  - (iii) A number of material balance areas 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) A special material balance area may be established at the request of the United States around a process step involving commercially sensitive information;
  - (c) To establish the nominal timing and procedure for taking of physical inventory of nuclear material for the 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 quality and location of nuclear material; and
  - (f) To select appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied.
- The results of the examination of the design information shall be included in the Subsidiary Arrangements.

#### **ARTICLE 47**

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 Article 46.

#### **ARTICLE 48**

The Agency in co-operation with the United States, may send inspectors to facilities to verify the design information provided to the Agency pursuant to Article 42 through 45, for the purposes stated in Article 46.

#### **ARTICLE 49**

In establishing a national system of materials control as referred to in Article 7, the United States shall arrange that records are kept in respect of each material balance area determined in accordance with Article 46(b). The records to be kept shall be described in the Subsidiary Arrangements.

#### **ARTICLE 50**

The United States shall make arrangements to facilitate the examination of records referred to in Article 49 by inspectors.

#### **ARTICLE 51**

Records referred to in Article 49 shall be retained for at least five years.

#### **ARTICLE 52**

Records referred to in Article 49 shall consist, as appropriate, of

- (a) Accounting records of all nuclear material subject to safeguards under this Agreement; and
- (b) Operating records for facilities containing such nuclear material.

#### **ARTICLE 53**

The system of measurements on which the record used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

#### **ARTICLE 54**

The accounting records referred to in Article 52(a) shall set forth the following in respect of each material balance area determined in accordance with Article 46(b):

- (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.

#### **ARTICLE 55**

For all inventory changes and physical inventories the records referred to in Article 52(a) shall show, in respect of each batch of nuclear material: material identification, batch data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. For each inventory change, the data of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area of the recipient shall be indicated.

#### **ARTICLE 56**

The operating records referred to in Article 52(b) shall set forth, as appropriate, in respect of each material balance area determined in accordance with Article 46(b):

- (a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking a physical inventory, in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

#### **ARTICLE 57**

The United States shall provide the Agency with reports as detailed in Article 58 through 67 in respect of nuclear material subject to safeguards under this Agreement.

#### **ARTICLE 58**

Reports shall be made in English.

#### **ARTICLE 59**

Reports shall be based on the records kept in accordance with Article 49 through 56 and shall consist, as appropriate, of accounting reports and special reports.

#### **ARTICLE 60**

The United States shall provide the Agency with an initial report on all nuclear material contained in each facility which becomes listed in the Subsidiary Arrangements in accordance with Article 39(b):

- (a) With respect to those facilities listed pursuant to Article 39(b)(i), such reports shall be dispatched to the Agency within thirty days of the last day of the calendar month

in which this Agreement enters into force, and shall reflect the situations as of the last day of that month.

(b) With respect to each facility listed pursuant to Article 39(b)(ii), an initial report shall be dispatched to the Agency within thirty days of the last day of the calendar month in which the Agency identifies the facility of the United States and shall reflect the situation as of the last day of the month.

#### **ARTICLE 61**

The United States shall provide the Agency with the following accounting reports for each material balance area determined in accordance with Article 46(b):

(a) Inventory change reports showing all charges in the inventory of nuclear material. The reports shall be dispatched as soon as possible and in any event within thirty 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 reports shall be dispatched as soon as possible and in any event within thirty 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.

#### **ARTICLE 62**

Inventory change reports submitted in accordance with Article 61(a) 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 Article 56(a); and

(b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

#### **ARTICLE 63**

The United States shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the Subsidiary Arrangements, small changes in inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

#### **ARTICLE 64**

The Agency shall provide the United States with semi-annual statements of book inventory of nuclear material subject to safeguards under this Agreement, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

#### **ARTICLE 65**

Material balance reports submitted in accordance with Article 61(b) shall include the following entries, unless otherwise agreed by the United States and the Agency:

(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 unaccounted 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.

#### **ARTICLE 66**

The United States shall make special reports without delay:

- (a) If any unusual incident or circumstances lead the United States to believe that there is or may have been loss of nuclear material subject to safeguards under this Agreement that exceeds the limits specified for this purpose in the Subsidiary Arrangement; or
- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangement to the extent that unauthorized removal of nuclear material subject to safeguards under this Agreement has become possible.

#### **ARTICLE 67**

If the Agency so requests, the United States shall provide it with amplifications or clarifications of any report submitted in accordance with Article 57 through 63, 65 and 66, in so far as relevant for the purpose of safeguards.

#### **ARTICLE 68**

The Agency shall have the right to make inspections as provided for in Article 69 through 82.

#### **ARTICLE 69**

The Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial reports submitted in accordance with Article 60;
- (b) Identify and verify changes in the situation which have occurred since the date of the relevant initial report; and
- (c) Identify and if possible verify the quality and composition of the nuclear material subject to safeguards under this Agreement in respect of which the information referred to in Article 89(a) has been provided to the Agency.

#### **ARTICLE 70**

The Agency may make routine inspections in order to:

- (a) Verify that reports submitted pursuant to Articles 57 through 63, 65 and 66 are consistent with records kept pursuant to Articles 49 through 56;
- (b) Verify the location, identify, quantity and composition of all nuclear material subject to safeguards under this Agreement; and
- (c) Verify information on the possible causes of material unaccounted for, shipper/receiver differences and uncertainties in the book inventory.

#### **ARTICLE 71**

Subject to the procedures laid down in Article 75, the Agency may make special inspections:

- (a) In order to verify the information contained in special reports submitted in accordance with Article 66; or
- (b) If the Agency considers that information made available by the United States, including explanations from the United States and information obtained from routine inspections, is not adequate for the Agency to fulfill its responsibilities under this Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in Article 76 through 80, or involves access to information or locations in addition to the access specified in Article 74 for ad hoc and routine inspections, or both.

#### **ARTICLE 72**

For the purposes specified in Article 69 through 71, the Agency may:

- (a) Examine the records kept pursuant to Articles 49 through 56;
- (b) Make independent measurements of all nuclear material subject to safeguards under this Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

#### **ARTICLE 73**

Within the scope of Article 72, the Agency shall be enabled:

- (a) To observe that samples at key measurement points for material balance accountancy are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) To observe that the measurements of nuclear material at key measurement points for material balance accountancy are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with the United States that, if necessary:
  - (i) Additional measurements are made and additional samples taken for the Agency's use;
  - (ii) The Agency's standard analytical samples are analyzed;
  - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
  - (iv) Other calibrations are carried out;
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements to arrange to install such equipment;
- (e) To apply its seals and other identifying tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with the United States for the shipping of samples taken for the Agency's use.

#### **ARTICLE 74**

(a) For the purposes specified in Article 69(a) and (b) and until such time as the strategic points have been specified in the Subsidiary Arrangements, Agency inspectors shall have access to any location where the initial report or any inspections carried out therewith indicate that nuclear material subject to safeguards under this Agreement is present.

(b) For the purposes specified in Article 69(c), the inspectors shall have access to any facility identified pursuant to Article 2(b) or 39(b) in which nuclear material referred to in Article 69(c) is located.

(c) For the purposes specified in Article 70 the inspectors shall have access only to the strategic points specified in the Subsidiary Arrangements and to the records maintained pursuant to Articles 49 through 56; and

(d) In the event of the United States concluding that any unusual circumstances require extended limitations on access by the Agency, the United States 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.

#### **ARTICLE 75**

In circumstances which may lead to special inspections for purposes specified in Article 71 the United States and the Agency shall consult forthwith. As a result of such consultations the Agency may:

(a) Make inspections in addition to the routine inspection effort provided for in Article 76 through 80; and

(b) Obtain access, in agreement with the United States, to information or locations in addition to those specified in Article 74. Any disagreement concerning the need for additional access shall be resolved in accordance with Articles 20 and 21; in case action by the United States is essential and urgent, Article 17 shall apply.

#### **ARTICLE 76**

The Agency shall keep the number, intensity and duration of routine inspections, applying optimum timing, to the minimum consistent with the effective implementation of the safeguards procedures set forth in this Agreement, and shall make the optimum and most economical use of inspection resources available to it.

#### **ARTICLE 77**

The Agency may carry out one routine inspection per year in respect of facilities listed in the Subsidiary Arrangements pursuant to Article 39 with a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms.

#### **ARTICLE 78**

The number, intensity, duration, timing and mode of routine inspections in respect of facilities listed in the Subsidiary Arrangements pursuant to Article 39 with a content or annual throughput of nuclear material exceeding five effective kilograms 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, and the maximum routine inspection effort in respect of such facilities shall be determined as follows:

(a) For reactors and sealed storage installations 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.

(b) For facilities, other than reactors or sealed storage installations, involving plutonium or uranium enriched to more than 5 percent, the maximum total of routine inspection per year shall be determined by allowing for each facility  $30 \times E$  mandays 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 facilities not covered by paragraphs (a) or (b), 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 United States and the Agency may agree to amend the figures for the maximum inspection effort specified in this Article, upon determination by the Board that such amendment is reasonable.

#### ARTICLE 79

Subject to Articles 76 through 78 the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections in respect of any facility listed in the Subsidiary Arrangements pursuant to Article 39 shall include:

(a) The form of the nuclear material, in particular, whether the nuclear 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 United States' accounting and control system, including the extent to which the operators of facilities are functionally independent of the United States' accounting and control system; the extent to which the measures specified in Article 32 have been implemented by the United States; the promptness of reports provided 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 that part of the United States fuel cycle in which safeguards are applied under this Agreement, in particular, the number and types of facilities containing nuclear material subject to safeguards under this Agreement, 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 areas can be correlated;

(d) International interdependence; in particular the extent to which nuclear material, safeguarded under this Agreement, is received from or sent to other States for use or processing; any verification activities by the Agency in connection therewith; and the extent to which activities in facilities in which safeguards are applied under this Agreement 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.

#### ARTICLE 80

The United States and the Agency shall consult if the United States considers that the inspection effort is being deployed with undue concentration on particular facilities.

## ARTICLE 81

The Agency shall give advance notice to the United States of the arrival of inspectors at facilities listed in the Subsidiary Arrangements pursuant to Article 39, as follows:

(a) For ad hoc inspections pursuant to Article 69(c), at least 24 hours; for those pursuant to Article 69 (a) and (b), as well as the activities provided for in Article 48, at least one week;

(b) For special inspections pursuant to Article 71, as promptly as possible after the United States and the Agency have consulted as provided for in Article 75, it being understood that notification of arrival normally will constitute part of the consultations; and

(c) For routine inspections pursuant to Article 70 at least twenty-four hours in respect of the facilities referred to in Article 78(b) and sealed storage installations containing plutonium or uranium enriched to more than 5 percent and one week in all other cases.

Such notice of inspections shall include the names of the inspectors and shall indicate the facilities to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside the United States the Agency shall also give advance notice of the place and time of their arrival in the United States.

## ARTICLE 82

Notwithstanding the provisions of Article 81, the Agency may, as a supplementary measure, carry out without advance notification a portion of the routine inspections pursuant to Article 78 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 United States pursuant to Article 62(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the United States 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 the United States and facilities operators bearing in mind the relevant provisions of Articles 44 and 87. Similarly the United States shall make every effort to facilitate the task of the inspectors.

## ARTICLE 83

The following procedures shall apply to the designation of inspectors:

(a) The Director General shall inform the United States in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for the United States;

(b) The United States shall inform the District General within thirty 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 United States as one of the inspectors for the United States as one of the inspectors for the United States, and shall inform the United States of such designations; and

(d) The Director General, acting in response to a request by the United States or on his own initiative, shall immediately inform the United States of the withdrawal of the designation of any official as an inspector for the United States.

However, in respect of inspectors needed for the activities provided for in Article 48 and to carry out ad hoc inspections pursuant to Article 69 (a) and (b) the designation procedures shall be completed if possible within thirty days after the entry into force of this Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

#### **ARTICLE 84**

The United States shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for the United States.

#### **ARTICLE 85**

Inspectors, in exercising their functions under Articles 48 and 69 to 73, 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 paragraph 72 and 73, particular operations in a facility should be carried out by the operator, then shall make a request therefor.

#### **ARTICLE 86**

When inspectors require services available in the United States, including the use of equipment, in connection with the performance of inspections, the United States shall facilitate the procurement of such services and the use of such equipment by inspectors.

#### **ARTICLE 87**

The United States shall have the right to have inspectors accompanied during their inspections by its representatives, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

#### **ARTICLE 88**

The Agency shall inform the United States 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 United States, in particular by means of statements in respect of each material balance area determined in accordance with Article 46(b) 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.

#### **ARTICLE 89**

- (a) Information concerning nuclear material exported from and imported into the United States shall be provided to the Agency in accordance with arrangements made with the Agency as, for example, those set forth in INFCIRC/207.
- (b) In the case of international transfers to or from facilities identified by the Agency pursuant to Articles 2(b) and 39(b) with respect to which information has been provided to the Agency in accordance with arrangements referred to in paragraph(a), a special report, as envisaged in Article 66, shall be made if any unusual incidents or circumstances lead the United States to believe that there is or may have been loss of nuclear material, including the occurrence of significant delay, during the transfer.

#### **DEFINITIONS**

##### **ARTICLE 90**

For the purpose of this Agreement:

A Adjustment means an entry into and accounting record or a report showing a shipper/receiver difference of material unaccounted for.

**B** Annual throughput means, for the purposes of Article 77 and 78, the amount of nuclear material transferred annually out of a facility working at nominal capacity.

**C** 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.

**D** Batch data means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:

- (a) Grams of contained plutonium;
- (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
- (c) Kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weight of individual items in the batch shall be added together before rounding to the nearest unit.

**E** 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.

**F** 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 corrections must identify the entry to which it pertains.

**G** Effective kilogram means a special unit used in safeguarding nuclear material. The quantity in effective kilograms is obtained by taking :

- (a) For plutonium, its weight in kilograms;
- (b) For uranium with an enrichment of 0.01 (1 percent) and above, its weight in kilograms multiplied by the square of its enrichment;
- (c) For uranium with an enrichment below 0.01 (1 percent) and above 0.005 (0.5 percent), its weight in kilograms multiplied by 0.0001; and
- (d) For depleted uranium with an enrichment of 0.005 (0.5 percent) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

**H** Enrichment means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

**I** Facility means;

(a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or

(b) Any location where nuclear material in amounts greater than one effective kilogram is customarily used.

**J** Inventory change means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following:

(a) Increases:

- (i) Import;
- (ii) Domestic receipt: receipts from other material balance areas, receipts from a non-safeguarded activity or receipts at the starting point of safeguards;
- (iii) Nuclear production: production of special fissionable material in a reactor;

and

(iv) De-exemption: replication of safeguards on nuclear material previously exempted therefrom on account of its use or quantity.

(b) Decreases:

- (i) Export;
- (ii) Domestic shipments: shipments to other material balance areas or shipments for a non-safeguarded 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 measurement, 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.

K Key measurement point means a location where nuclear material appears in such a form that it may be measured to determined 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 areas.

L Man-year of inspection means, for the purposes of Article 78, 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.

M Material balance area means an area in our 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.

N Material unaccounted for means the difference between book inventory and physical inventory.

O 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 United States.

P 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.

Q 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 balance area.

R 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 relationships between plutonium produced and power generated.

S 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 where containment and surveillance measures are executed.

**PROTOCOL  
ARTICLE 1**

This Protocol specifies the procedures to be followed with respect to facilities identified by the Agency pursuant to Article 2 of this Protocol.

**ARTICLE 2**

(a) The Agency may from time to time identify to the United States those facilities included in the list, established and maintained pursuant to Article 1(b) and 34 of the Agreement, of facilities not associated with activities having direct national security significance to the United States, other than those which are then currently identified by the Agency pursuant to Article 2(b) and 39(b) of the Agreement, to which the provisions of this Protocol shall apply.

(b) the Agency may also include among the facilities identified to the United States pursuant to the foregoing paragraph, any facility which had previously been identified by the Agency pursuant to Article 2(b) and 39(b) of the Agreement but which had subsequently been designated by the Agency pursuant to Article 39(c) of the Agreement for removal from the Subsidiary Arrangements listing.

(c) In identifying facilities pursuant to the foregoing paragraphs and in the preparation of Transitional Subsidiary Arrangements pursuant to Article 3 of this Protocol, the Agency shall proceed in a manner which the Agency and the United States mutually agree takes into account the requirement on the United States to avoid discriminatory treatment as between United States commercial firms similarly situated.

**ARTICLE 3**

The United States and the Agency shall make Transitional Subsidiary Arrangements which shall:

(a) contain a current listing of those facilities identified by the Agency pursuant to Article 2 of this Protocol;

(b) specify in detail how the procedures set forth in this Protocol are to be applied.

**ARTICLE 4**

(a) The United States and the Agency shall make every effort to complete the Transitional Subsidiary Arrangements with respect to each facility identified by the Agency pursuant to Article 2 of this Protocol within ninety days following such identification to the United States.

(b) With respect to any facility identified pursuant to Article 2(b) of this Protocol, the information previously submitted to the Agency in accordance with Article 42 through 45 of the Agreement, the results of the examination of the design information and other provisions of the Subsidiary Arrangements relative to such facilities, to the extent that such information, results and provisions satisfy the provisions of this Protocol relating to the submission and examination of information and the preparation of Transitional Subsidiary Arrangements, shall constitute the Transitional Subsidiary Arrangements for such facility, until and unless the United States and the Agency shall otherwise complete Transitional Subsidiary Arrangements for such facility in accordance with the provisions of this Protocol.

**ARTICLE 5**

In the event that a facility currently identified by the Agency pursuant to Article 2(a) of this Protocol is identified by the Agency pursuant to Articles 2(b) and 39(b) of the Agreement, the Transitional Subsidiary Arrangements relevant to such facility shall, to

the extent that such Transitional Subsidiary Arrangements satisfy the provisions of the Agreement, be deemed to have been made part of the Subsidiary Arrangements to the Agreement.

#### **ARTICLE 6**

Design information in respect of each facility identified by the Agency pursuant to Article 2 of this Protocol shall be provided to the Agency during the discussion of the relevant Transitional Subsidiary Arrangements. The information shall include, when applicable:

- (a) The 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 purpose;
- (b) A description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) A description of features of the facility relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

#### **ARTICLE 7**

Other information relevant to the application of the provisions of this Protocol shall also be provided to the Agency in respect of each facility identified by the Agency in accordance with Article 2 of this Protocol in particular on organizational responsibility for material accountancy and control. The United States shall provide the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which inspectors shall comply when visiting the facility in accordance with Article II of this Protocol.

#### **ARTICLE 8**

The Agency shall be provided with design information in respect of a modification relevant to the application of the provisions of this Protocol, for examination, and shall be informed of any change in the information provided to it under Article 7 of this Protocol, sufficiently in advance for the procedures under this Protocol to be adjusted when necessary.

#### **ARTICLE 9**

The design information provided to the Agency in accordance with the provisions of this Protocol, in anticipation of the application of safeguards under the Agreement, shall be used for the following purposes:

- (a) To identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) To determine material balance areas 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 flow and inventory of nuclear material; in determining such material balance areas the Agency shall, inter alia, use the following criteria:
  - (i) The size of the material balance area shall be related to the accuracy with which the material balance can be established;

- (ii) In determining the material balance area, advantage shall be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;
  - (iii) A number of material balance areas 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) A special material balance area may be established at the request of the United States around a process step involving commercially sensitive information;
  - (c) To establish the nominal timing and procedures for taking of physical inventory of nuclear material 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.
- The results of the examination of the design information shall be included in the relevant Transitional Subsidiary Arrangements.

#### **ARTICLE 10**

Design information provided in accordance with the provisions of this Protocol 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 taken pursuant to Article 9 of this Protocol.

#### **ARTICLE 11**

(a) The Agency, in co-operation with the United States, may send inspectors to facilities identified by the Agency pursuant to Article 2 of this Protocol to verify the design information provided to the Agency in accordance with the provisions of this Protocol, for the purposes stated in Article 9 of this Protocol or for such other purposes as may be agreed between the United States and the Agency.

(b) The Agency shall give notice to the United States with respect to each such visit at least one week prior to the arrival of inspectors at the facility to be visited.

#### **ARTICLE 12**

In establishing a national system of materials control as referred to in Article 7(a) of the Agreement, the United States shall arrange that records are kept in respect of each material balance area determined in accordance with Article 9(b) of this Protocol. The records to be kept shall be described in the relevant Transitional Subsidiary Arrangements.

#### **ARTICLE 13**

Records referred to in Article 12 of this Protocol shall be retained for at least five years.

#### **ARTICLE 14**

Records referred to in Article 12 of this Protocol shall consist, as appropriate, of:

- (a) Accounting records of all nuclear material stored, processed, used or produced in each facility; and
- (b) Operating records for activities within each facility.

#### **ARTICLE 15**

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.

#### **ARTICLE 16**

The accounting records referred to in Article 14(a) of this Protocol shall set forth the following in respect of each material balance area determined in accordance with Article 9(b) of this Protocol:

- (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.

#### **ARTICLE 17**

For all inventory changes and physical inventories the records referred to in Article 14(a) of this Protocol shall show, in respect of each batch of nuclear material: material identification, batch data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. For each inventory change, 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.

#### **ARTICLE 18**

The operating records referred to in Article 14(b) of this Protocol shall set forth, as appropriate, in respect of each material balance area determined in accordance with Article 9(b) of this Protocol:

- (a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

#### **ARTICLE 19**

The United States shall provide the Agency with accounting reports as detailed in Article 20 through 25 of this Protocol in respect of nuclear material in each facility identified by the Agency pursuant to Article 2 of this Protocol.

#### **ARTICLE 20**

The accounting reports shall be based on the records kept in accordance with Articles 12 to 18 to this Protocol. They shall be made in English.

#### **ARTICLE 21**

The United States shall provide the Agency with an initial report on all nuclear material in each facility identified by the Agency pursuant to Article 2 of this Protocol. Such report shall be dispatched to the Agency within thirty days of the last day of the Calendar month in which the facility is identified by the Agency and shall reflect the situation as of the last day of that month.

#### **ARTICLE 22**

The United States shall provide the Agency with the following accounting reports for each material balance areas determined in accordance with Article 9(b) of this Protocol:

(a) Inventory change reports showing all changes in the inventory of nuclear material. The reports shall be dispatched as soon as possible and in any event within thirty 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 reports shall be dispatched as soon as possible and in any event within thirty 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.

#### **ARTICLE 23**

Inventory change reports submitted in accordance with Article 22(a) of this Protocol 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 in Article 18(a) of this Protocol; and

(b) Describing, as specified in the relevant Transitional Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

#### **ARTICLE 24**

The United States shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the relevant Transitional Subsidiary Arrangements, small changes in inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

#### **ARTICLE 25**

Material balance reports submitted in accordance with Article 22(b) of this Protocol shall include the following entries, unless otherwise agreed by the United States and the Agency:

(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 unaccounted 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.

#### **ARTICLE 26**

The Agency shall provide the United States with semi-annual statements of book inventory of nuclear material in facilities identified pursuant to Article 2 of this Protocol, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

#### **ARTICLE 27**

(a) If the Agency so requests, the United States shall provide it with amplifications or clarifications of any report submitted in accordance with Article 19 of this Protocol, insofar as consistent with the purpose of the Protocol.

(b) The Agency shall inform the United States of any significant observations resulting from its examination of reports received pursuant to Article 19 of this Protocol and from visits of inspectors made pursuant to Article 11 of this Protocol.

(c) The United States and the Agency shall, at the request of either, consult about any question arising out of the interpretation or application of this Protocol, including corrective action which, in the opinion of the Agency, should be taken by the United States to ensure compliance with its terms, as indicated by the Agency in its observations pursuant to paragraph (b) of this Article.

#### **ARTICLE 28**

The definition set forth in Article 90 of the Agreement shall apply, to the extent relevant, to this Protocol.

Done in Vienna on the 18th day of November, 1977, in duplicate, in the English language.

FOR THE UNITED STATES OF AMERICA:

FOR THE INTERNATIONAL ATOMIC ENERGY AGENCY:

## ADDITIONAL PROTOCOLS TO IAEA SAFEGUARDS AGREEMENTS

**The following States have signed or ratified Additional Protocols to their IAEA Safeguards Agreements for the Agency's application of strengthened safeguards.**

State	Board Approval	Date signed	In Force
Armenia	23 Sept 1997	29 Sept 1997	
Australia	23 Sept 1997	23 Sept 1997	12 Dec 1997
Austria <sup>1</sup>	11 June 1998	22 Sept 1998	
Belgium <sup>1</sup>	11 June 1998	22 Sept 1998	
Bulgaria	14 Sept 1998	24 Sept 1998	
Canada	11 June 1998	24 Sept 1998	
China	25 Nov 1998	31 Dec 1998	
Croatia	14 Sept 1998	22 Sept 1998	
Cuba	20 Sept 1999	15 Oct 1999	
Cyprus	25 Nov 1998	29 July 1999	
Czech Republic	20 Sept 1999	28 Sept 1999	
Denmark <sup>1</sup>	11 June 1998	22 Sept 1998	
Ecuador	20 Sept 1999	1 Oct 1999	
Finland <sup>1</sup>	11 June 1998	22 Sept 1998	
France <sup>1</sup>	11 June 1998	22 Sept 1998	
Georgia	23 Sept 1997	29 Sept 1997	
Germany <sup>1</sup>	11 June 1998	22 Sept 1998	
Ghana	11 June 1998	12 June 1998	
Greece <sup>1</sup>	11 June 1998	22 Sept 1998	
Holy See	14 Sept 1998	24 Sept 1998	24 Sept 1998
Hungary	25 Nov 1998	26 Nov 1998	
Indonesia	20 Sept 1999	29 Sept 1999	29 Sept 1999
Ireland <sup>1</sup>	11 June 1998	22 Sept 1998	
Italy <sup>1</sup>	11 June 1998	22 Sept 1998	
Japan	25 Nov 1998	4 Dec 1998	
Jordan	18 March 1998	28 July 1998	28 July 1998
Lithuania	1 Dec 1997	11 March 1998	
Luxembourg <sup>1</sup>	11 June 1998	22 Sept 1998	
Monaco	25 Nov 1998	30 Sept 1999	30 Sept 1999
Netherlands <sup>1</sup>	11 June 1998	22 Sept 1998	
New Zealand	14 Sept 1998	24 Sept 1998	24 Sept 1998
Norway	24 March 1999	29 Sept 1999	
Peru	10 Dec 1999		
Philippines	23 Sept 1997	30 Sept 1997	
Poland	23 Sept 1997	30 Sept 1997	
Portugal <sup>1</sup>	11 June 1998	22 Sept 1998	
Republic of Korea	24 March 1999	21 June 1999	
Romania	9 June 1999	11 June 1999	
Slovakia	14 Sept 1998	27 Sept 1999	

<b>State</b>	<b>Board Approval</b>	<b>Date signed</b>	<b>In Force</b>
Slovenia	25 Nov 1998	26 Nov 1998	
Spain <sup>1</sup>	11 June 1998	22 Sept 1998	
Sweden <sup>1</sup>	11 June 1998	22 Sept 1998	
United Kingdom of Great Britain and Northern Ireland	11 June 1998	22 Sept 1998	
United States of America	11 June 1998	12 June 1998	
Uruguay	23 Sept 1997	29 Sept 1997	
Uzbekistan	14 Sept 1998	22 Sept 1998	21 Dec 1998
<b>TOTALS</b>	<b>46</b>	<b>45</b>	<b>7</b>

<sup>1</sup> All 15 EU States have concluded Additional Protocols with EURATOM and the Agency.

## IAEA SUPPLY AGREEMENTS

**Agreements between the International Atomic Energy Agency, the United States, and other countries for Supply of Nuclear Material or Equipment pursuant to the Agreement for Peaceful Nuclear Cooperation between the United States and the IAEA.**

Agreement	Date Signed	IAEA Information Effective Date	Circular Number	U.S. Citation
Argentina .....	December 2, 1964	December 2, 1964	62	-
Argentina .....	December 13, 1964	December 30, 1965	62/Add. 1	-
Argentina-Peru .....	May 9, 1978	May 9, 1978	266	TIAS No. 9263, 30 UST 1539
Brazil .....	January 12, 1971	January 12, 1971	147, Part II	-
Canada-Jamaica .....	January 25, 1984	January 25, 1984	315	TIAS No. -, - UST -
Chile .....	December 19, 1969	December 19, 1969	137	-
Chile .....	December 31, 1974	December 31, 1974	137/Add. 1	-
Finland .....	December 30, 1960	December 30, 1960	24	-
Finland .....	July 8, 1966	July 8, 1966	24/Add. 2	-
Finland .....	November 5, 1967	November 5, 1967	24/Add. 3	-
Finland .....	-	November 27, 1969	24/Add. 4	-
Greece .....	March 1, 1972	March 1, 1972	163	-
Greece .....	March 1, 1974	March 1, 1974	163/Add. 1	-
Greece .....	December 15, 1977	December 15, 1977	163/Add. 2, Part II	-
India .....	December 9, 1966	December 9, 1966	94, Part II	-
India .....	July 2, 1970	July 2, 1970	94/Add. 1, Part I	-
India .....	November 16, 1970	November 16, 1970	94/Add. 1, Part II	-
India .....	July 1, 1971	July 1, 1971	94/Add. 2, Part I	-
India .....	August 20, 1971	August 20, 1971	94/Add. 2, Part II	-
India .....	October 1, 1971	October 1, 1971	94/Add. 2, Part III	-
Indonesia .....	December 19, 1969	December 19, 1969	136	-
Indonesia .....	April 7, 1975	April 7, 1975	135/Add. 1, Mod. 1	-
Indonesia .....	September 14, 1972	September 14, 1972	136/Add. 1	-
Indonesia .....	December 7, 1979	December 7, 1979	136/Add. 2	TIAS No. 9705, 32 UST 361
Iran .....	June 7, 1967	June 7, 1967	97	-
Iraq .....	December 28, 1972	December 28, 1972	195, Part II	-
Malaysia .....	September 22, 1980	September 22, 1980	287	TIAS No. 9863, - UST -
Malaysia .....	June 12 and July 22,	July 22, 1981	287/Mod. 1	TIAS No. 10202, - UST -
Mexico .....	December 18, 1963	December 18, 1963	52	TIAS No. 9906, - UST -
Mexico .....	June 20, 1966	June 20, 1966	82	-
Mexico .....	August 23, 1967	August 23, 1967	102	-
Mexico .....	October 4, 1972	October 4, 1972	52/Add. 1	TIAS No. 9906, - UST -
Mexico .....	December 12, 1972	December 12, 1972	194, Part II	-
Mexico .....	February 12, 1974	February 12, 1974	203	TIAS No. 10705, - UST -

Agreement	Date Signed	IAEA Information Effective Date	Circular Number	U.S. Citation
Mexico	June 14, 1974	June 14, 1974	203/Add. 1	TIAS No. 10705, - UST -
Morocco	December 2, 1983	December 2, 1983	313	TIAS No. -, - UST -
Norway	April 10, 1961	June 15, 1961	29	-
Norway	September 3, 1962	September 3, 1962	29/Add. 1	-
Norway	April 8, 1964	April 8, 1964	29/Add. 2, Part I & II	-
Norway	April 10, 1967	April 10, 1967	29/Add. 3	-
Pakistan	March 5, 1962	March 5, 1962	34	-
Pakistan	October 19, 1967	October 19, 1967	34/Add. 1	-
Pakistan	June 17, 1968	June 17, 1968	116	-
Pakistan	September 30, 1969	September 30, 1969	34/Add. 2	-
Pakistan	June 16, 1971	June 16, 1971	34/Add. 3	-
Pakistan	June 22, 1971	June 22, 1971	116/Add. 1	-
Pakistan	November 16, 1971	November 16, 1971	150/Add. 1	-
Philippines	September 28, 1966	September 28, 1966	88	-
Philippines	August 23, 1968	August 23, 1968	88/Add. 1	-
Romania	August 1, 1966	August 1, 1966	95, Part II	-
Romania	March 30, 1973	March 30, 1973	206	-
Romania	September 26, 1973	September 26, 1973	95/Add. 2	-
Romania	July 24, 1975	July 24, 1975	206/Mod. 1	-
Spain	June 23, 1967	June 23, 1967	99	-
Thailand		September 30, 1986	September 30, 1986	-
Turkey	February 8, 1966	February 8, 1966	83, Part II	-
Turkey	May 17, 1974	May 17, 1974	212	-
Uruguay	September 24, 1965	September 24, 1965	67	-
Venezuela	November 7, 1975	November 7, 1975	238	-
Yugoslavia	October 4, 1961	October 4, 1961	32	-
Yugoslavia	September 28, 1965	September 28, 1965	32/Add. 1	-
Yugoslavia	February 20, 1968	February 20, 1968	32/Add. 2	-
Yugoslavia	December 30, 1970	December 30, 1970	32/Add. 3	-
Yugoslavia	December 29, 1972	December 29, 1972	32/Add. 3/Mod. 1	-
Yugoslavia	June 14, 1974	June 14, 1974	213	TIAS No. 9728, - UST -
Yugoslavia	October 31, 1974	October 31, 1974	32/Add. 3/Mod. 1	-
Yugoslavia	January 16, 1980	July 14, 1980	32/Add. 4	TIAS No. 9767, 32 UST 1128
Yugoslavia	December 14, 15 and 20,	December 20, 1982	32/Add. 4/Mod. 1	TIAS No. 10621, - UST -
Yugoslavia	February 23, 1983	February 23, 1983	32/Add. 5	TIAS No. 10664, - UST -
Zaire	June 27, 1962	June 27, 1962	37, Part II	-
Zaire	February 14, 1968	February 14, 1968	37/Add. 2	-

Agreement	Date Signed	IAEA Information Effective Date	Circular Number	U.S. Citation
Zaire .....	December 9, 1970	December 9, 1970	37/Add. 3	-
Zaire .....	April 15, 1971	April 15, 1971	37/Add. 4	-

March, 1989  
Office of the Legal Adviser  
Department of State

## UNITED STATES AGREEMENTS FOR PEACEFUL NUCLEAR COOPERATION

### List of Agreements

Agreement	Date Signed	Effective Date	Termination Date	Citation
Argentina	June 25, 1969	July 25, 1969	July 24, 1999	TIAS No. 6721, 20 UST 2587
Australia	July 5, 1979	January 16, 1981	January 15, 2011	TIAS No. 9893
Brazil	October 14, 1997	September 15, 1999	September 14, 2029	TIAS No. 7439, 23 UST 2477
Bulgaria	June 21, 1994	March 29, 1996	March 28, 2026	
Canada	June 15, 1955	July 21, 1955		TIAS No. 3304, 6 UST 2595
amendment	June 26, 1956	March 4, 1957		TIAS No. 3771, 8 UST 275
amendment	June 11, 1960	July 14, 1960		TIAS No. 4518, 11 UST 1780
amendment	May 25, 1962	July 12, 1962		TIAS No. 5102, 13 UST 1400
amendment	April 23, 1980	July 9, 1980	January 1, 2000	TIAS No. 9759, 32 UST 1079
extension	June 23, 1999			
China	July 23, 1985	December 30, 1985	December 29, 2015	TIAS No. –, –UST–
Colombia	January 8, 1981	September 7, 1983	September 6, 2013	TIAS No. 10722, –UST–
Czech Republic	June 13, 1991	February 13, 1992 <sup>2</sup>	February 12, 2022	TIAS No. –, –UST–
Egypt	June 29, 1981	December 29, 1981	December 28, 2021	TIAS No. 10208, –UST–
European Atomic Energy Community (EURATOM) <sup>1</sup>	November 7, 1995 & March 29, 1996	April 12, 1996		
Hungary	June 10, 1991	February 13, 1992	February 12, 2022	TIAS No. –, –UST–
Indonesia	June 30, 1980	December 30, 1981		TIAS No. 10219, –UST–
extension	August 23, 1991	June 24, 1993	December 29, 2001	
International Atomic Energy Agency (IAEA)	May 11, 1959	August 7, 1959		TIAS No. 4291, 10 UST 1424
amendment	February 12, 1974	May 31, 1974	August 6, 2014	TIAS No. 7852, 25 UST 1199
Japan	November 4, 1987	July 17, 1988		TIAS No. –, –UST–
Kazakhstan	November 18, 1997	November 5, 1999	November 4, 2029	
Morocco	May 30, 1980	May 16, 1981	May 16, 2021	TIAS No. 10018, –UST–
Norway	January 12, 1984	July 2, 1984	July 1, 2014	TIAS No. 10979, –UST–
Peru	June 26, 1980	April 15, 1982	April 14, 2002	TIAS No. 10300, –UST–
Poland	September 18, 1991	September 3, 1992	September 2, 2022	TIAS No. –, –UST–

<sup>1</sup>Euratom comprises the following Member States: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

Agreement	Date Signed	Effective Date	Termination Date	Citation
Romania	July 15, 1998	August 25, 1999	August 24, 2029	
Slovakia	June 13, 1991 <sup>2</sup>	February 13, 1992 <sup>2</sup>	February 12, 2022	TIAS No. -, -UST-
South Africa	July 8, 1957	August 22, 1957		TIAS No. 3885, 8 UST 1367
amendment	June 12, 1962	August 23, 1962		TIAS No. 5129, 13 UST 1812
amendment	July 17, 1967	August 17, 1967		TIAS No. 6312, 18 UST 1671
amendment	May 22, 1974	June 28, 1974	August 21, 2007	TIAS No. 7845, 25 UST 1158
Switzerland				
Taiwan <sup>2</sup>	April 4, 1972	June 22, 1972		TIAS No. 7364, 23 UST 945
amendment	March 15, 1974	June 14, 1974	June 21, 2014	TIAS No. 7834, 25 UST 913
Thailand	May 14, 1974	June 27, 1974	June 26, 2014	TIAS No. 7850, 25 UST 1181
Ukraine	May 6, 1998	May 28, 1999	May 27, 2029	

July 1995

<sup>2</sup>Pursuant to Section 6 of the Taiwan Relations Act, P.L. 96-8, 93 Stat. 14, and Executive Order 12143, 44 F.R. 37191, all agreements concluded with the Taiwan authorities prior to January 1, 1979 are administered on a nongovernmental basis by the American Institute in Taiwan, a nonprofit District of Columbia corporation, and constitute neither recognition of Taiwan authorities nor the continuation of any official relationship with Taiwan.

**AGREEMENTS FOR COOPERATION IN THE USE OF  
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**AGREEMENTS FOR COOPERATION IN THE USE OF ATOMIC ENERGY**

**TRILATERALS BETWEEN THE UNITED STATES, THE INTERNATIONAL ATOMIC ENERGY AGENCY AND OTHER COUNTRIES FOR THE APPLICATION OF SAFEGUARDS BY THE INTERNATIONAL ATOMIC ENERGY AGENCY TO EQUIPMENT, DEVICES, AND MATERIALS SUPPLIED UNDER THE BILATERAL AGREEMENTS FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY.**

<b>Country</b>	<b>Effective Date</b>	<b>TIAS No.</b>
Argentina .....	July 25, 1969	6722
Australia .....	<sup>1</sup> Sep. 26, 1966	6117
Austria .....	<sup>2</sup> Jan. 24, 1970	6816
Brazil .....	Oct. 31, 1968	6583
Amended .....	July 27, 1972	7440
China, Republic of .....	Dec. 6, 1971	7228
Colombia .....	Dec. 9, 1970	7010
Extended .....	Mar. 28, 1977	8556
India .....	Jan. 27, 1971	7049
Indonesia .....	Dec. 6, 1967	6391
Iran .....	<sup>3</sup> Aug. 20, 1969	6741
Israel .....	Apr. 4, 1975	8051
Extended .....	Apr. 7, 1977	8554
Japan .....	July 10, 1968	6520
Korea .....	Jan. 5, 1968	6435
Amended .....	Nov. 30, 1972	7584
Philippines .....	<sup>4</sup> July 19, 1968	6524
Portugal .....	<sup>5</sup> July 19, 1969	6718
South Africa .....	July 26, 1967	6306
Amended .....	June 20, 1974	7848
Spain .....	Dec. 9, 1966	6182
Amended .....	June 28, 1974	7856
Sweden .....	<sup>6</sup> Mar. 1, 1972	7295
Switzerland .....	<sup>7</sup> Feb. 28, 1972	7294
Turkey .....	June 5, 1969	6692
Venezuela .....	Mar. 27, 1968	6433

**TRILATERALS BETWEEN THE UNITED STATES, THE INTERNATIONAL ATOMIC ENERGY AGENCY AND OTHER COUNTRIES FOR THE**

<sup>1</sup>Suspended by agreement signed July 10, 1974

<sup>2</sup>Suspended by agreement signed Sept. 21, 1971.

<sup>3</sup>Suspended by agreement signed June 19, 1973.

<sup>4</sup>Suspended by agreement signed Feb. 21, 1973.

<sup>5</sup>Suspended by agreement signed Sept. 23, 1980.

<sup>6</sup>Suspended by agreement signed Apr. 14, 1975.

<sup>7</sup>Suspended by agreement signed Sept. 23, 1980.

**SUSPENSION OF THE APPLICATION OF SAFEGUARDS PURSUANT TO THE  
NONPROLIFERATION TREATY**

<b>Country</b>	<b>Effective Date</b>	<b>TIAS No.</b>
Australia .....	July 10, 1974	7865
Austria .....	July 23, 1972	7409
Denmark .....	Mar. 1, 1972	7289
Greece .....	—00—	7290
Iran .....	May 15, 1974	7829
Norway .....	Sept. 25, 1973	7721
Philippines .....	Oct. 16, 1974	7957
Sweden .....	May 6, 1975	8046
Switzerland .....	Sept. 23, 1980	9900
Thailand .....	June 27, 1974	7849
Vietnam .....	Jan. 9, 1974	7780

**U.S. SENATE RESOLUTION**  
**Senate of the United States**

**IN EXECUTIVE SESSION**

July 2, 1980

**Resolved**, (two-thirds of the Senators present concurring therein), That the Senate advised and consent to the ratification of the Agreement between the United States of America and the International Atomic Energy Agency for the Application of the Safeguards in the United States of America, with attached Protocol, signed at Vienna on November 18, 1977 (Ex. B, Ninety-fifth Congress, second session, hereinafter referred to as "the Agreement"), subject to the following understandings:

1. That the President shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of any proposed addition to the list, to be provided to the International Atomic Energy Agency pursuant to Article 1(b) of the Agreement, of nuclear facilities within the United States eligible for International Atomic Energy Agency inspections, together with an explanation of the basis upon which the determination was made that any such facility did not have a direct national security significance, not less than 60 day prior to such proposed addition being provided to the International Atomic Energy Agency, during which period the Congress may disapprove such addition by joint resolution by reason of direct national security significance, under procedures identical to those provided for the consideration of resolutions pursuant to section 130 of the Atomic Energy Act of 1954 as amended.

2. That the President shall assure that concerned licensees within the United States are consulted in advance of, and that their views and interests are considered in, any negotiations with the International Atomic Energy Agency concerning the application to a particular facility of Subsidiary Arrangements made pursuant to Article 39 of the Agreement.

3. That the President shall establish and maintain an appropriate interagency mechanism, comprised of the relevant Executive Branch agencies, and with the participation of the Nuclear Regulatory Commission, under the chairmanship of the Department of State, for the purpose of coordinating policy, and of resolving disputes, relating to the implementation of International Atomic Energy Agency safeguards under the Agreement, and, further, that the Congress shall be kept informed of the functions and procedures of such interagency mechanism.

4. That in the event of any question of interpretation of the Agreement, the Nuclear Regulatory Commission shall seek and be bound by guidance from the President. Neither this understanding nor any other in this resolution shall in any way alter the responsibilities of the Nuclear Regulatory Commission under the Agreement or in any way limit the existing authority and responsibility of the Nuclear Regulatory Commission.

5. That the Agreement shall not be constructed to require the communication to the International Atomic Energy Agency of "Restricted Data" controlled by the provisions of the Atomic Energy Act of 1954, as amended, including data concerning the design, manufacture, or utilization of atomic weapons.

Attest:  
Secretary

**CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY  
DUMPING OF WASTES AND OTHER MATTERS, WITH ANNEXES**

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## CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTERS

*Convention done at London, Mexico City, Moscow and Washington, December 29, 1972  
Ratification of the United States of America deposited at Washington, London and Mexico  
City, April 29, 1974 and at Moscow, May 6, 1974*

*Entered into force, August 30, 1975*

*The Contracting Parties to this Convention,*

*Recognizing that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired.*

*Recognizing that the capacity of the sea to assimilate wastes and render them harmless and its ability to regenerate natural resources is not unlimited;*

*Recognizing that States have in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environment policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;*

*Recalling Resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;*

*Noting that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;*

*Being convinced that the international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and*

*Wishing to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;*

*Have agreed as follows:*

### ARTICLE I

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

### ARTICLE II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

### ARTICLE III

#### For the purposes of this Convention

1. (a) "Dumping" means:
  - (i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
  - (ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.
- (b) "Dumping" does not include:

(i) the disposal at sea 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;

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

(c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.

2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

3. "Sea" means all marine waters other than the internal waters of States.

4. "Wastes or other matter" means material and substance of any kind, form of description.

5. "Special permit" means permission granted specifically on application in advance and in accordance with Annex II and Annex III.

6. "General permit" means permission granted in advance and in accordance with Annex III.

7. "The Organization" means the Organization designated by the Contracting Parties in accordance with Article XIV(2).

#### ARTICLE IV

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:

(a) the dumping of wastes or other matter listed in Annex I is prohibited;

(b) the dumping of wastes or other matter listed in Annex II requires a prior special permit;

(c) the dumping of all other wastes or matter requires a prior general permit.

2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site, as set forth in Sections B and C of that Annex.

3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organization.

#### ARTICLE V

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life and shall be reported forthwith to the organization.

2. A Contracting Party may issue a special permit as an exception to Article IV(1)(a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organization which, after consulting other Parties, and international organizations as appropriate, shall, in accordance with Article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within

which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its right under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

#### ARTICLE VI

1. Each Contracting Party shall designate an appropriate authority or authorities to:

(a) issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V(2);

(b) issue general permits which shall be required prior to, and for, the dumping of all other matter;

(c) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;

(d) monitor individually, or in collaboration with other Parties and competent international organisations, the condition of the seas for the purposes of this Convention.

2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph (1) in respect of matter intended for dumping:

(a) loaded in its territory;

(b) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.

3. In issuing permits under sub-paragraphs (1)(a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organization, and where appropriate to other Parties, the information specified in sub-paragraphs (c) and (d) of paragraph (1) above, and the criteria, measures and requirements it adopts in accordance with paragraph (3) above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

#### ARTICLE VII

1. Each Contracting Party shall apply the measures required to implement the present Convention to all:

(a) vessels and aircraft registered in its territory or flying its flag;

(b) vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;

(c) vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.

4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organisation accordingly.

5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

#### **ARTICLE VIII**

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavor, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavor to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organisation. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to cooperation in the field of monitoring and scientific research.

#### **ARTICLE IX**

The Contracting Parties shall promote, through collaboration within the Organization and other international bodies, support for those Parties which request it for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for research and monitoring;
- (c) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping; preferably within the countries concerned, so furthering the aims and purposes of this Convention.

#### **ARTICLE X**

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

#### **ARTICLE XI**

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

#### **ARTICLE XII**

The Contracting Parties pledge themselves to promote, within the competent specialised agencies and other international bodies, measures to protect the marine environment against pollution caused by:

- (a) hydrocarbons, including oil, and their wastes;
- (b) other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (c) wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;
- (d) radio-active pollutants from all sources, including vessels;
- (e) agents of chemical and biological warfare;
- (f) wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organization, the codification of signals to be used by vessels engaged in dumping.

#### **ARTICLE XIII**

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature

and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organisation after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

#### ARTICLE XIV

1. The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later than three months after the entry into force of this Convention to decide on organisational matters.

2. The Contracting Parties shall designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organisation shall make an appropriate contribution to the expenses incurred by the Organisation in performing these duties.

3. The Secretariat duties of the Organisation shall include:

(a) the convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two-thirds of the Parties;

(b) preparing and assisting, in consultation with the Contracting Parties and appropriate International Organisations, in the development and implementation of procedures referred to in sub-paragraph (4)(e) of this Article;

(c) considering inquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organisations and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;

(d) conveying to the Parties concerned all notifications received by the Organisation in accordance with Articles IV(3), V(1) and (2), VI(4), XV, XX, and XXI.

Prior to the designation of the Organization these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4. Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, inter alia:

(a) review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

(b) invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organisation on any scientific or technical aspect relevant to this Convention, including particularly the content of this Annexes;

(c) receive and consider reports made pursuant to article VI(4);

(d) promote co-operation with and between regional organisations concerned with the prevention of marine pollution;

(e) develop or adopt, in consultation with appropriate International Organisations, procedures referred to in Article V(2), including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;

(f) consider any additional action that may be required.

5. The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

#### ARTICLE XV

1. (a) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organisation. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

(b) The organisation shall inform all Contracting Parties of any request made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.

2. Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the Annexes approved by a two-thirds majority of those present at a meeting called in accordance with Article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organisation and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organisation as soon as possible after approval at a meeting. A Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.

3. An acceptance or declaration of objection under this Article shall be made by the deposit of an instrument with the Organization. The Organisation shall notify all Contracting Parties of the receipt of such instruments.

4. Prior to the designation of the Organisation, the Secretarial functions herein attributed to it, shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositories of this Convention.

#### **ARTICLE XVI**

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

#### **ARTICLE XVII**

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

#### **ARTICLE XVIII**

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

#### **ARTICLE XIX**

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such Party of its instrument of ratification or accession.

#### **ARTICLE XX**

The depositories shall inform Contracting Parties:

- (a) of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI, and
- (b) of the date on which this Convention will enter into force, in accordance with Article XIX.

#### **ARTICLE XXI**

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

## ARTICLE XXII

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

In WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments have signed the present Convention.

DONE in quadruplicate at London, Mexico City, Moscow and Washington, this twenty-ninth day of December, 1972.

## ANNEX I

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these taken on board for the purpose of dumping.
6. High-level radioactive wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.
7. Materials in whatever form (e.g. solids, liquids, semi liquids, gases or in a living sates) produced for biological and chemical warfare.
8. The preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- (i) make edible marine organisms unpalatable, or
- (ii) endanger human health or that of domestic animals.

The consultative procedures provided for under Article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

9. This Annex does not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

## ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article VI(1)(a).

A. Wastes containing significant amounts of the matters listed below:

- arsenic
- lead and their compounds
- copper
- zinc
- organosilicon compounds
- cyanides
- fluorides
- pesticides and their by-products not covered in Annex I.

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

- beryllium
- chromium and their compounds
- nickel
- vanadium

C. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom may present a serious obstacle to fishing or navigation.

D. Radioactive wastes or other radioactive matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

### ANNEX III

Provisions be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article IV (2), include:

#### *A.—Characteristics and Composition of the Matter*

1. Total amount of average composition of matter dumped (e.g. per year).
2. Form, e.g. solid, sludge, liquid, or gaseous.
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

#### *B.—Characteristics of Dumping Site and Method of Deposit*

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to the other areas (e.g., amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outline in this Annex, taking into account seasonal variations.

#### *C.—General Considerations and Conditions*

1. Possible effects on amenities (e.g., presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid

objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

**Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other matter, with Annexes.**

**Done at Washington, London, Mexico City and Moscow**

**December 29, 1972; entered into force August 30, 1975.**

**26 UST 2403; TIAS 8165; 1046 UNTS 120.**

**Parties:**

Afghanistan	Kiribati
Antigua & Barbuda	Libya
Argentina <sup>1</sup>	Luxembourg
Australia	Malta
Barbados	Mexico
Belarus	Monaco
Belgium <sup>1</sup>	Morocco
Belize <sup>2</sup>	Nauru
Bosnia-Herzegovina	Netherlands <sup>6</sup>
Brazil	New Zealand <sup>7</sup>
Canada	Nigeria
Cape Verde	Norway
Chile	Oman
China	Panama
Costa Rica	Papua New Guinea
Cote d'Ivoire	Philippines
Cuba	Poland
Cyprus	Portugal
Denmark <sup>3</sup>	St. Lucia
Dominican Republic	Seychelles
Egypt	Slovenia
Finland	Solomon Islands
France <sup>1 4</sup>	South Africa
Gabon	Spain
Germany, Fed. Rep. <sup>5</sup>	Suriname
Greece <sup>4</sup>	Sweden
Guatemala	Switzerland
Haiti	Tonga
Honduras	Tunisia
Hungary	Tuvalu <sup>2</sup>
Iceland	Ukraine
Ireland	Union of Soviet Socialist Reps. <sup>8</sup>
Italy <sup>1</sup>	United Arab Emirates
Jamaica	United Kingdom <sup>9</sup>
Japan	United States
Jordan	Yugoslavia <sup>10</sup>
Kenya	Zaire

Amendment: November 12, 1993.

**NOTES:**

<sup>1</sup>With statement.

<sup>2</sup>See under country heading in the bilateral section for information concerning acceptance of treaty obligations.

<sup>3</sup>Extended to Faroe Is.

<sup>4</sup>With reservation.

<sup>5</sup>See note under GERMANY, FEDERAL REPUBLIC OF in bilateral section.

<sup>6</sup>Applicable to Netherlands Antilles and Aruba.

<sup>7</sup>Not applicable to Cook Is., Niue, and Tokalau Is.

<sup>8</sup>See note under UNION OF SOVIET SOCIALIST REPUBLICS in bilateral section.

<sup>9</sup>Extended to Bailiwick of Guernsey, Bermuda, British Indian Ocean Territory, British Virgin Is., Cayman Is., Ducie and Osno Is., Falkland Is. and dependencies, Henderson, Hong Kong, Isle of Man, Bailiwick of Jersey, Montserrat, Pitcairn, St. Helena and dependencies, Turks and Caicos Is., and United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia on the Island of Cyprus.

<sup>10</sup>See note under YUGOSLAVIA in bilateral section

**EXECUTIVE ORDERS AND PRESIDENTIAL STATEMENTS  
CONCERNING INTERNATIONAL ATOMIC ENERGY COOPERATION**

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**EXECUTIVE ORDERS AND PRESIDENTIAL STATEMENTS  
CONCERNING INTERNATIONAL ATOMIC ENERGY COOPERATION**

**EXECUTIVE ORDER 10841**

**PROVIDING FOR THE CARRYING OUT OF CERTAIN PROVISIONS OF THE  
ATOMIC ENERGY ACT OF 1954, AS AMENDED, RELATING TO  
INTERNATIONAL COOPERATION**

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 USC 201 *et seq.*), hereinafter referred to as the Act, and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

**Section 1.** Whenever the President, pursuant to section 123 of the Act, has approved and authorized the execution of a proposed agreement providing for cooperation pursuant to section 91c, 144a, 144b, or 144c of the Act (42 USC 2121(c), 2164(a), 2164(b), 2164(c)), such approval and authorization by the President shall constitute his authorization to cooperate to the extent provided for in the agreement and in the manner provided for in section 91c, 144a, 144b, or 144c, as pertinent. In respect of sections 91c, 144b, and 144c, authorizations by the President to cooperate shall be subject to the requirements of section 123d of the Act and shall also be subject to appropriate determinations made pursuant to section 2 of this order.

**Section 2.** (a) The Secretary of Defense and the Atomic Energy Commission are hereby designated and empowered to exercise jointly, after consultation with executive agencies as may be appropriate, the following-described authority without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 91c of the Act to determine that the proposed cooperation and each proposed transfer arrangement referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(2) The authority vested in the President by section 144b of the Act to determine that the proposed cooperation and the proposed communication of Restricted Data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(3) The authority vested in the President by section 144c of the Act to determine that the proposed cooperation and the communication of the proposed Restricted Data referred to in that section will promote and not constitute an unreasonable risk to the common defense and security.

(b) Whenever the Secretary of Defense and the Atomic Energy Commission are unable to agree upon a joint determination under the provisions of subsection (a) of this section, the recommendations of each of them, together with the recommendations of other agencies concerned, shall be referred to the President, and the determination shall be made by the President.

**Section 3.** This order shall not be construed as delegating the function vested in the President by section 91c of the Act of approving programs proposed under that section.

**Section 4.** (a) The functions of negotiating and entering into international agreements under the Act shall be performed by or under the authority of the Secretary of State.

(b) International cooperation under the Act shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States pertinent thereto.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE.  
September 30, 1959

## EXECUTIVE ORDER 10956

### AMENDMENT OF EXECUTIVE ORDER NO 10841, RELATING TO INTERNATIONAL COOPERATION UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 201 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Executive Order No. 10841 of September 30, 1959, entitled "providing for the Carrying Out of Certain Provisions of the Atomic Energy Act of 1954, as Amended, Relating to International cooperation," is hereby amended by changing the period at the end of paragraph 92) of section 2(a) thereof to a colon and adding to such paragraph the following: "Provided, that each determination made under this paragraph shall be referred to the President and, unless disapproved by him, shall become effective fifteen days after such referral or at such later time as may be specified in the determination."

JOHN F. KENNEDY.

THE WHITE HOUSE.  
August 10, 1961

## EXECUTIVE ORDER No. 12058

May 11, 1978, 43 F.R. 20947

### FUNCTIONS RELATING TO NUCLEAR NON-PROLIFERATION

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 120, 22 U.S.C. 3201) and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

#### **Section 1. Department of Energy.**

The following functions vested in the President by the Nuclear Non-Proliferation Act of 1978 (92 Stat. 120, 22 U.S.C. 3201), hereinafter referred to as the Act, and by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), hereinafter referred to as the 1954 Act, are delegated or assigned to the Secretary of Energy:

- (a) That function vested in Section 402(b) of the Act (92 Stat. 145, 42 U.S.C. 2153a).
- (b) Those functions vested by Sections 131a(2)(G), 131b(1), and 131f(2) of the 1954 Act (92 Stat. 127, 42 U.S.C. 2160).
- (c) That function vested by Section 131f(1)(A)(ii) of the 1954 Act to the extent it relates to the preparation of a detailed generic plan.

#### **Section 2. Department of State.**

The Secretary of State shall be responsible for performing the following functions vested in the President:

- (a) Those functions vested by Sections 104(a), 104(d), 105, 403, 404, 407, and 501 of the Act (92 Stat. 122, 123, 146, 147, and 22 U.S.C. 3223(a), 3223(d), 3224, and 42 U.S.C. 2153b, 2153c, 2153e, and 22 U.S.C. 3261).
- (b) That function vested by Section 128a(2) of the 1954 Act (92 Stat. 137, 42 U.S.C. 2157(a)(2)).
- (c) That function vested by Section 601 of the Act to the extent it relates to the preparation of an annual report.
- (d) The preparation of timely information and recommendations related to the President's functions vested by Section 126, 128b, and 129 of the 1954 Act (92 Stat. 131, 137, and 138, 42 U.S.C. 2155, 2157, and 2158).
- (e) That function vested by Section 131c of the 1954 Act (92 Stat. 129, 42 U.S.C. 2160(c)); except that, the Secretary shall not waive the 60-day requirement for the

preparation of a Nuclear Non-Proliferation Assessment Statement for more than 60 days without the approval of the President.

**Section 3. Department of Commerce.**

The Secretary of Commerce shall be responsible for performing the function vested in the President by Section 309(c) of the Act (92 Stat. 141, 42 U.S.C. 2139a).

**Section 4. Coordination.**

In performing the functions assigned to them by this Order, the Secretary of Energy and the Secretary of State shall consult and coordinate their actions with each other and with the heads of other concerned agencies.

**Section 5. General Provisions.**

(a) Executive Order No. 11902 of February 2, 1976<sup>1</sup> entitled "Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment," is revoked.

(b) The performance of functions under either the Act or the 1954 Act shall not be delayed pending the development of procedures, even though as many as 120 days are allowed for establishing them. Except where it would be inconsistent to do so, such functions shall be carried out in accordance with procedures similar to those in effect immediately prior to the effective date of the Act.

Jimmy Carter

The White House,  
May 11, 1978

**SELECTED EXCERPTS OF EXECUTIVE ORDER No. 12656**

November 18, 1988, 53 F.R. 47491

**ASSIGNMENT OF EMERGENCY PREPAREDNESS RESPONSIBILITIES**

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national security emergency situation that might confront the Nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national security emergency preparedness plans and has provided funds for the accomplishment thereof;

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered that the responsibilities of the Federal departments and agencies in national security emergencies shall be as follows:

**PART 1—PREAMBLE**

**Section 101. National Security Emergency Preparedness Policy.**

(a) The policy of the United States is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A national security emergency is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States. Policy for national security emergency preparedness shall be established by the President. Pursuant to the President's direction, the National Security Council shall be responsible for developing and

<sup>1</sup>1978 U.S. Code Cong. and Adm. News Pamph. No. 4, p. 1159.

administering such policy. All national security emergency preparedness activities shall be consistent with the Constitution and laws of the United States and with preservation of the constitutional government of the United States.

(b) Effective national security emergency preparedness planning requires: identification of functions that would have to be performed during such an emergency; development of plans for performing these functions; and development of the capability to execute those plans.

**Section 102. Purpose.**

(a) The purpose of this Order is to assign national security emergency preparedness responsibilities to Federal departments and agencies. These assignments are based, whenever possible, on extensions of the regular missions of the departments and agencies.

(b) This Order does not constitute authority to implement the plans prepared pursuant to this Order. Plans so developed may be executed only in the event that authority for such execution is authorized by law.

**Section 103. Scope.**

(a) This Order addresses national security emergency preparedness functions and activities. As used in this Order, preparedness functions and activities include, as appropriate, policies, plans, procedure, and readiness measures that enhance the ability of the United States Government to mobilize for, respond to, and recover from a national security emergency.

(b) This Order does not apply to those natural disasters, technological emergencies, or other emergencies, the alleviation of which is normally the responsibility of individuals, the private sector, volunteer organizations, State and local governments, and Federal departments and agencies unless such situations also constitute a national security emergency.

(c) This Order does not require the provision of information concerning, or evaluation of, military policies, plans, programs, or states of military readiness.

(d) This Order does not apply to national security emergency preparedness telecommunications functions and responsibilities that are otherwise assigned by Executive Order 12472.

**Section 104. Management of National Security Emergency.**

(a) The National Security Council is the principal forum for consideration of national security emergency preparedness policy.

(b) The National Security Council shall arrange for Executive branch liaison with, and assistance to, the Congress and the Federal judiciary on national security-emergency preparedness matters.

(c) The Director of the Federal Emergency Management Agency shall serve as an advisor to the National Security Council on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate. Pursuant to such procedures for the organization and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council on implementation of national security emergency preparedness policy.

(d) National security emergency preparedness functions that are shared by more than one agency shall be coordinated by the head of the Federal department or agency having primary responsibility and shall be supported by the heads of other departments and agencies having related responsibilities.

(e) There shall be a national security emergency exercise program that shall be supported by the heads of all appropriate Federal departments and agencies.

(f) Plans and procedure will be designed and developed to provide maximum flexibility to the President for his implementation of emergency actions.

**Section 105. Interagency Coordination.**

(a) All appropriate Cabinet members and agency heads shall be consulted regarding national security emergency preparedness programs and policy issues. Each department and agency shall support interagency coordination to improve preparedness and response to a national security emergency and shall develop and maintain decentralized capabilities wherever feasible and appropriate.

(b) Each Federal department and agency shall work within the framework established by, and cooperate with those organizations assigned responsibility in Executive Order No. 12472, to ensure adequate national security emergency preparedness telecommunications in support of the functions and activities addressed by this Order.

**PART 2—GENERAL PROVISIONS**

**Section 201. General.**

The head of each Federal department and agency, as appropriate, shall:

(1) Be prepared to respond adequately to all national security emergencies, including those that are international in scope, and those that may occur within any region of the Nation;

(2) Consider national security emergency preparedness factors in the conduct of his or her regular functions, particularly those functions essential in time of emergency. Emergency plans and programs, and an appropriate state of readiness, including organizational infrastructure, shall be developed as an integral part of the continuing activities of each Federal department and agency;

(3) Appoint a senior policy official as Emergency Coordinator, responsible for developing and maintaining a multi-year, national security emergency preparedness plan for the department or agency to include objectives, programs, and budgetary requirements;

(4) Design preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:

(a) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies;

(b) Identification of actions that could be taken in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the lead times associated with full emergency action implementation;

(5) Base national security emergency preparedness measures on the use of existing authorities, organizations, resources, and systems to the maximum extent practicable;

(6) Identify areas where additional legal authorities may be needed to assist management and, consistent with applicable Executive orders, take appropriate measures toward acquiring those authorities;

(7) Make policy recommendations to the National Security Council regarding national security emergency preparedness activities and functions of the Federal Government;

(8) Coordinate with State and local government agencies and other organizations, including private sector organizations, when appropriate. Federal plans should include appropriate involvement of and reliance upon private sector organizations in the response to national security emergencies;

(9) Assist State, local, and private sector entities in developing plans for mitigating the effects of national security emergencies and for providing services that are essential to a national response;

(10) Cooperate, to the extent appropriate, in compiling, evaluating, and exchanging relevant data related to all aspects of national security emergency preparedness;

(11) Develop programs regarding congressional relations and public information that could be used during national security emergencies;

(12) Ensure a capability to provide, during a national security emergency, information concerning Acts of Congress, presidential proclamations, Executive orders, regulations, and notices of other actions to the Archivist of the United States, for

publication in the Federal Register, or to each agency designated to maintain the Federal Register in an emergency;

(13) Develop and conduct training and education programs that incorporate emergency preparedness and civil defense information necessary to ensure an effective national response;

(14) Ensure that plans consider the consequences for essential services provided by State and local governments, and by the private sector, if the flow of Federal funds is disrupted;

(15) Consult and coordinate with the Director of the Federal Emergency Management Agency to ensure that those activities and plans are consistent with current National Security Council guidelines and policies.

***Section 202. Continuity of Government.***

The head of each Federal department and agency shall ensure the continuity of essential functions in any national security emergency by providing for: succession to office and emergency delegation of authority in accordance with applicable law; safekeeping of essential resources, facilities, and records; and establishment of emergency operating capabilities.

***Section 203. Resource Management.***

The head of each Federal department and agency, as appropriate within assigned areas of responsibility, shall:

(1) Develop plans and programs to mobilize personnel (including reservist programs), equipment, facilities, and other resources;

(2) Assess essential emergency requirements and plan for the possible use of alternative resources to meet essential demands during and following national security emergencies;

(3) Prepare plans and procedures to share between and among the responsible agencies resources such as energy, equipment, food, land, materials, minerals, services, supplies, transportation, water, and workforce needed to carry out assigned responsibilities and other essential functions, and cooperate with other agencies in developing programs to ensure availability of such resources in a national security emergency;

(4) Develop plans to set priorities and allocate resources among civilian and military claimants;

(5) Identify occupations and skills for which there may be a critical need in the event of a national security emergency.

***Section 204. Protection of Essential Resources and Facilities.***

The head of each Federal department and agency, within assigned areas of responsibility, shall:

(1) Identify facilities and resources, both government and private, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national security emergency;

(2) Participate in interagency activities to assess the relative importance of various facilities and resources to essential military and civilian needs and to integrate preparedness and response strategies and procedures;

(3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies.

***Section 205. Federal Benefit, Insurance, and Loan Programs.***

The head of each Federal department and agency that administers a loan, insurance, or benefit program that relies upon the Federal Government payment system shall coordinate with the Secretary of the Treasury in developing plans for the continuation or restoration, to the extent feasible, of such programs in national security emergencies.

**Section 206. Research.**

The Director of the Office of Science and Technology Policy and the heads of Federal departments and agencies having significant research and development programs shall advise the National Security Council of scientific and technological developments that should be considered in national security emergency preparedness planning.

**Section 207. Redelegation.**

The head of each Federal department and agency is hereby authorized, to the extent otherwise permitted by law, to redelegate the functions assigned by this Order, and to authorize successive redelegations to organizations, officers, or employees within that department or agency.

**Section 208. Transfer of Functions.**

Recommendations for interagency transfer of any emergency preparedness function assigned under this Order or for assignment of any new emergency preparedness function shall be coordinated with all affected Federal departments and agencies before submission to the National Security Council.

**Section 209. Retention of Existing Authority.**

Nothing in this Order shall be deemed to derogate from assignments of functions to any Federal department or agency or officer thereof made by law.

\* \* \* \*

**PART 7-DEPARTMENT OF ENERGY**

**Section 701. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Energy shall:

(1) Conduct national security emergency preparedness planning, including capabilities development, and administer operational programs for all energy, resources, including:

(a) Providing information, in cooperation with Federal, State, and energy industry officials, on energy supply and demand conditions and on the requirements for and the availability of materials and services critical to energy supply systems;

(b) In coordination with appropriate departments and agencies and in consultation with the energy industry, develop implementation plans and operational systems for priorities and allocation of all energy resource requirements for national defense and essential civilian needs to assure national security emergency preparedness;

(c) Developing, in consultation with the Board of Directors of the Tennessee Valley Authority, plans necessary for the integration of its power system into the national supply system;

(2) Identify energy facilities essential to the mobilization, deployment, and sustainment of resources to support the national security and national welfare, and develop energy supply and demand strategies to ensure continued provision of minimum essential services in national security emergencies;

(3) In coordination with the Secretary of Defense, ensure continuity of nuclear weapons production consistent with national security requirements;

(4) Assure the security of nuclear materials, nuclear weapons, or devices in the custody of the Department of Energy, as well as the security of all other Department of Energy programs and facilities;

(5) In consultation with the Secretaries of State and Defense and the Director of the Federal Emergency Management Agency, conduct appropriate international liaison activities pertaining to matters within the jurisdiction of the Department of Energy;

(6) In consultation with the Secretaries of State and Defense, the Director of the Federal Emergency Management Agency, the Members of the Nuclear Regulatory Commission, and others, as required, develop plans and capabilities for identification, analysis, damage assessment, and mitigation of hazards from nuclear weapons, materials, and devices;

(7) Coordinate with the Secretary of Transportation in the planning and management of transportation resources involved in the bulk movement of energy;

(8) At the request of or with the concurrence of the Nuclear Regulatory Commission and in consultation with the Secretary of Defense, recapture special nuclear materials from Nuclear Regulatory Commission licensees where necessary to assure the use, preservation, or safeguarding of such material for the common defense and security;

(9) Develop national security emergency operational procedures for the control, utilization, acquisition, leasing, assignment, and priority of occupancy of real property within the jurisdiction of the Department of Energy;

(10) Manage all emergency planning and response activities pertaining to Department of Energy nuclear facilities.

**Section 702. Support Responsibilities.**

The Secretary of Energy shall:

(1) Provide advice and assistance, in coordination with appropriate agencies, to Federal, State, local officials and private sector organizations to assess the radiological impact associated with national security emergencies;

(2) Coordinate with the Secretaries of Defense and the Interior regarding the operation of hydroelectric projects to assure maximum energy output;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Coordinate with the Secretary of Agriculture regarding the emergency preparedness of the rural electric supply systems throughout the Nation and the assignment of emergency preparedness responsibilities to the Rural Electrification Administration.

\* \* \* \*

**PART 21—NUCLEAR REGULATORY COMMISSION**

**Section 2101. Lead Responsibilities.**

In addition to the applicable responsibilities covered in Parts 1 and 2, the Members of the Nuclear Regulatory Commission shall:

(1) Promote the development and maintenance of national security emergency preparedness programs through security and safeguards programs by licensed facilities and activities;

(2) Develop plans to suspend any licenses granted by the Commission; to order the operations of any facility licensed under Section 103 or 104; Atomic Energy Act of 1954, as amended (42 U.S.C. 2133 or 2134); to order the entry into any plant or facility in order to recapture special nuclear material as determined under Subsection (3) below; and operate such facilities;

(3) Recapture or authorize recapture of special nuclear materials from licensees where necessary to assure the use, preservation, or safeguarding of such materials for the common defense and security, as determined by the Commission or as requested by the Secretary of Energy.

**Section 2102. Support Responsibilities.**

The Members of the Nuclear Regulator Commission shall:

(1) Assist the Secretary of Energy in assessing damage to Commission-licensed facilities, identifying useable facilities, and estimating the time and actions necessary to restart inoperative facilities;

(2) Provide advice and technical assistance to Federal, State, and local officials and private sector organizations regarding radiation hazards and protective actions in national security emergencies.

\* \* \* \*

**PART 29—GENERAL**

**Section 2901.**

Executive Order Nos. 10421 and 11490, as amended, are hereby revoked. This Order shall be effective immediately.

Ronald Reagan

The White House,  
November 18, 1988

## EXECUTIVE ORDER No. 12657

Executive Order 12657 of November 18, 1988

### Federal Emergency Management Agency Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 225 *et seq.*), the Disaster Relief Act of 1974, as amended (42 U.S.C. 512 *et seq.*), the Atomic Energy Act of 1954, as amended (42 U.S.C. 201 *et seq.*), Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, and Section 301 of Title 3 of the United States Code, and in order to ensure that plans and procedures are in place to respond to radiological emergencies at commercial nuclear power plants in operation or under construction, it is hereby ordered as follows:

#### **Section 1. Scope.**

(a) This Order applies whenever State or local governments, either individually or together, decline or fail to prepare commercial nuclear power plant radiological emergency preparedness plans that are sufficient to satisfy Nuclear Regulatory Commission ("NRC") licensing requirements or to participate adequately in the preparation, demonstration, testing, exercise, or use of such plans.

(b) In order to request the assistance of the Federal Emergency Management Agency ("FEMA") provided for in this Order, an affected nuclear power plant applicant or licensee ("licensee") shall certify in writing to FEMA that the situation described in Subsection (a) exists.

#### **Section 2. General Applicable Principles and Directives.**

(a) Subject to the principles articulated in this Section, the Director of FEMA is hereby authorized and directed to take the actions specified in Sections 3 through 6 of this Order.

(b) In carrying out any of its responsibilities under this Order, FEMA:

(1) shall work actively with the licensee, and, before relying upon its resources or those of any other Department or agency within the Executive Branch, shall make maximum feasible use of the licensee's resources;

(2) shall take care not to supplant State and local resources. FEMA shall substitute its own resources for those of the State and local governments only to the extent necessary to compensate for the nonparticipation or inadequate participation of those governments, and only as a last resort after appropriate consultation with the Governors and responsible local officials in the affected area regarding State and local participation;

(3) is authorized, to the extent permitted by law, to enter into interagency Memoranda of Understanding providing for utilization of the resources of other Executive branch Departments and agencies and for delegation to other Executive branch Departments and agencies of any of the functions and duties assigned to FEMA under this Order; however, any such Memorandum of Understanding shall be subject to approval by the Director of the Office of Management and Budget ("OMB") and published in final form in the Federal Register, and

(4) shall assume for purposes of Sections 3 and 4 of this Order that, in the event of an actual radiological emergency or disaster, State and local authorities would contribute their full resources and exercise their authorities in accordance with their duties to protect the public from harm and would act generally in conformity with the licensee's radiological emergency preparedness plan.

(c) The Director of OMB shall resolve any issue concerning the obligation of Federal funds arising from the implementation of this Order. In resolving issues under this Subsection, the Director of OMB shall ensure:

(1) that FEMA has utilized to the maximum extent possible the resources of the licensee and State and local governments before it relies upon its appropriated and lawfully available resources or those of any Department or agency in the Executive branch;

(2) that FEMA shall use its existing resources to coordinate and manage, rather than duplicate, other available resources;

(3) that implementation of this Order is accomplished with an economy of resources; and

(4) that full reimbursement to the Federal Government is provided, to the extent permitted by law.

**Section 3. FEMA Participation in Emergency Preparedness Planning.**

(a) FEMA assistance in emergency preparedness planning shall include advice, technical assistance, and arrangements for facilities and resources as needed to satisfy the emergency planning requirements under the Atomic Energy Act of 1954, as amended, and any other Federal legislation or regulations pertaining to issuance or retention of a construction permit or an operating license for a nuclear power plant.

(b) FEMA shall make all necessary plans and arrangements to ensure that the Federal Government is prepared to assume any and all functions and undertakings necessary to provide adequate protection to the public in cases within the scope of this Order. In making such plans and arrangements,

(1) FEMA shall focus planning of Federal response activities to ensure that:

(A) adequate resources and arrangements will exist, as of the time when an initial response is needed, given the absence or inadequacy of advance State and local commitments; and

(B) attention has been given to coordinating (including turning over) response functions when State and local governments do exercise their authority, with specific attention to the areas where prior State and local participation has been insufficient or absent;

(2) FEMA's planning for Federal participation in responding to a radiological emergency within the scope of this Order shall include, but not be limited to, arrangements for using existing Federal resources to provide prompt notification of the emergency to the general public; to assist in any necessary evacuation; to provide reception centers or shelters and related facilities and services for evacuees; to provide emergency medical services at Federal hospitals, including those operated by the military services and by the Veteran's Administration; and to ensure the creation and maintenance of channels of communication from commercial nuclear power plant licensees or applicants to State and local governments and to surrounding members of the public.

**Section 4. Evaluation of Plans.**

(a) FEMA shall consider and evaluate all plans developed under the authority of this Order as though drafted and submitted by a State or local government.

(b) FEMA shall take all actions necessary to carry out the evaluation referred to in the preceding Subsection and to permit the NRC to conduct its evaluation of radiological emergency preparedness plans including, but not limited to, planning, participation in, and evaluating exercises, drills, and tests, on a timely basis, as necessary to satisfy NRC requirements for demonstrations of off-site radiological emergency preparedness.

**Section 5. Response to a Radiological Emergency.**

(a) In the event of an actual radiological emergency or disaster, FEMA shall take all steps necessary to ensure the implementation of the plans developed under this Order and shall coordinate the actions of other Federal agencies to achieve the maximum effectiveness of Federal efforts in responding to the emergency.

(b) FEMA shall coordinate Federal response activities to ensure that adequate resources are directed, when an initial response is needed, to activities hindered by the absence or

inadequacy of advance State and local commitments. FEMA shall also coordinate with State and local governmental authorities and turn over response functions as appropriate when State and local governments do exercise their authority.

(c) FEMA shall assume any necessary command-and-control function, or delegate such function to another Federal agency, in the event that no competent State and local authority is available to perform such function.

(d) In any instance in which Federal personnel may be called upon to fill a command-and-control function during a radiological emergency, in addition to any other powers it may have, FEMA or its designee is authorized to accept volunteer assistance from utility employees and other nongovernmental personnel for any purpose necessary to implement the emergency response plan and facilitate off-site emergency response.

**Section 6. Implementation of Order.**

(a) FEMA shall issue interim and final directives and procedures implementing this Order as expeditiously as is feasible and in any event shall issue interim directives and procedures not more than 90 days following the effective date of this Order and shall issue final directives and procedures not more than 180 days following the effective date of this order.

(b) Immediately upon the effective date of this Order, FEMA shall review, and initiate necessary revisions of all FEMA regulations, directives, and guidance to conform them to the terms and policies of this Order.

(c) Immediately upon the effective date of this Order, FEMA shall review, and initiate necessary renegotiations of, all interagency agreements to which FEMA is a party, so as to conform them to the terms and policies of this Order. This directive shall include, but not be limited to, the Federal Radiological Emergency Response Plan (50 Fed. Reg. 46542 (November 8, 1985)).

(d) To the extent permitted by law, FEMA is directed to obtain full reimbursement, either jointly or severally, for services performed by FEMA or other Federal agencies pursuant to this Order from any affected licensee and from any affected nonparticipating or inadequately participating State or local government.

**Section 7. Amendments.**

This Executive Order amends Executive Order Nos. 11490 (34 Fed. Reg. 17567 (October 28, 1969)), 12148 (44 Fed. Reg. 43239 (July 20, 1979)), and 12241 (45 Fed. Reg. 64879 (September 29, 1980)), and the same are hereby superseded to the extent that they are inconsistent with this Order.

Ronald Regan

The White House  
November 18, 1988

**EXECUTIVE ORDER No. 12730**

**Executive Order 12730 of September 30, 1990**

**Continuation of Export Control Regulations**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including but not limited to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereafter referred to as "the Act"),

I, GEORGE BUSH, president of the United States of America, find that the unrestricted access of foreign parties to U.S. goods, technology, and technical data and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and hereby declare a national emergency with respect to that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by U.S. persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

**Section 1.** Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), the provisions of that Act, the provisions for administration of that Act, and the delegations of authority set forth in Executive Order 12002 of July 7, 1977, Executive Order 12214<sup>2</sup> of May 2, 1980, and Executive Order No. 12131<sup>3</sup> of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986, shall, to the extent permitted by law, be incorporated in this order and shall continue in full force and effect.

**Section 2.** All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 768 to 799 inclusive, and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

**Section 3.** Provisions for administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this order also shall constitute authority for the issuance and continuation in full force and effect all rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, relating to the administration of section 38(e).

**Section 4.** This order shall be effective as of midnight between September 30, 1990, and October 1, 1990, and shall remain in effect until terminated. It is my intention to terminate this order upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

George Bush

THE WHITE HOUSE  
September 30, 1990

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<sup>2</sup>50 App. U.S.C.A. § 2403 nt.

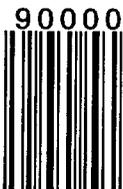
<sup>3</sup>50 App. U.S.C.A. § 2401 nt.

NRC FORM 335 (2-89) NRCM 1102, 3201, 3202	U.S. NUCLEAR REGULATORY COMMISSION	<b>1. REPORT NUMBER</b> (Assigned by NRC, Add Vol., Supp., Rev., and Addendum Numbers, if any.)				
<b>BIBLIOGRAPHIC DATA SHEET</b> (See instructions on the reverse)		NUREG 0980 Vol. 2, No. 6				
<b>2. TITLE AND SUBTITLE</b>  Nuclear Regulatory Legislation 107th Congress; 1st Session		<b>3. DATE REPORT PUBLISHED</b> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">MONTH</td> <td style="width: 50%;">YEAR</td> </tr> <tr> <td style="text-align: center;">June</td> <td style="text-align: center;">2002</td> </tr> </table>	MONTH	YEAR	June	2002
MONTH	YEAR					
June	2002					
<b>5. AUTHOR(S)</b>		<b>4. FIN OR GRANT NUMBER</b>  <b>6. TYPE OF REPORT</b> Compilation of Nuclear Legislation <b>7. PERIOD COVERED (Include Dates)</b> Through 107th Congress; 1st Session				
<b>8. PERFORMING ORGANIZATION - NAME AND ADDRESS (If NRC, provide Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address; if contractor, provide name and mailing address.)</b>  Office of the General Counsel U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001						
<b>9. SPONSORING ORGANIZATION - NAME AND ADDRESS (If NRC, type "Same as above"; if contractor, provide NRC Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address.)</b>  same as 8 above						
<b>10. SUPPLEMENTARY NOTES</b>						
<b>11. ABSTRACT (200 words or less)</b>  This document is a compilation of nuclear regulatory legislation and other relevant material through the 107th Congress; 1st Session. This compilation has been prepared for use as a resource document, which the NRC intends to update at the end of every Congress.  The contents of NUREG 0980 include The Atomic Energy Act of 1954, as amended; Energy Reorganization Act of 1974, as amended; Uranium Mill Tailings Radiation Control Act of 1978; Low-Level Radioactive Waste Policy Act; Nuclear Waste Policy Act of 1982; and NRC Authorization and Appropriations Acts. Other materials included are statutes and treaties on export licensing, nuclear non-proliferation, and environmental protection.						
<b>12. KEY WORDS/DESCRIPTORS (List words or phrases that will assist researchers in locating the report.)</b>  Nuclear Regulatory Legislation; Atomic Energy Act; Energy Reorganization Act; Nuclear Waste Policy Act; NRC Authorization and Appropriations Acts; Statutes; Treaties; Agreements on Export Licensing and Nuclear Non-Proliferation.		<b>13. AVAILABILITY STATEMENT</b> unlimited <b>14. SECURITY CLASSIFICATION</b> (This Page) unclassified (This Report) unclassified <b>15. NUMBER OF PAGES</b>  <b>16. PRICE</b>				



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ISBN 0-16-051174-7



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