

# **Handbook on Preventing the Proliferation of Weapons of Mass Destruction in the Asia-Pacific**

**Council for Security Cooperation in the Asia Pacific  
WMD Study Group**  
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Available online at: <http://www.cscap.org>.

Point of Contact: Carl Baker, USCSCAP  
Email: [carl@pacforum.org](mailto:carl@pacforum.org)  
Tel: 1(808) 521-6745



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The information provided in the handbook is drawn from a variety of sources and is intended to provide a one-source document that summarizes the various treaties, conventions, and regimes that have been established to prevent the spread of WMD and related materials. While we have tried to be as inclusive and accurate as possible in the describing the various regimes, we recognize that the information is subject to change. Therefore, we consider this a living document and are committed to providing updates as policies change and new developments occur. As such, Pacific Forum CSIS encourages your feedback and comments on the content of the handbook and will continually strive to keep the information current and relevant.



# **Chapter 1**

## **Statement of Objectives and Basic Principles**

### **Objectives**

Weapons of Mass Destruction (WMD) pose a serious threat to all nations and peoples; these dangers are heightened by further proliferation by states and to nonstate actors. All Asia Pacific governments should therefore commit themselves to active efforts to help prevent and stop the proliferation of WMD and their means of delivery. At the same time, all states that possess WMD must reaffirm their commitment to the objective of eliminating these weapons.

This handbook provides in a single document a summary of the threats and challenges posed by WMD and a description of the global nonproliferation regime that has been developed over the years in response. The descriptions of the various components of the regime highlight its key aspects. In all cases where more information is available on the internet, a link has been provided for those seeking a more detailed account of the specific component. Likewise, a summary of participation by states in the Asia-Pacific is provided in the handbook with a link to a website that provides detailed information regarding participation in a particular component of the regime.

### **Basic Principles**

Adherence to the global nonproliferation regime rests on the following basic principles:

- a commitment by individual nations and the region as a whole to prevent and stop the proliferation of WMD, their delivery systems, and related materials, including dual-use goods and technology;
- a commitment to prevent and stop WMD terrorism;
- a commitment to support effective multilateralism that acknowledges a key role for the United Nations and its instruments in global nonproliferation work, but includes regional, subregional, and plurilateral initiatives. This includes the commitment by individual nations to comply with both the spirit and the letter of their nonproliferation commitments and disarmament obligations under relevant UN resolutions and the international treaties to which they are party;
- a commitment to take all measures to ensure proper protection and safeguarding of nuclear facilities and relevant materials in their territory;
- a commitment to a wide spectrum of measures, ranging from peaceful dispute resolution to the elimination of conditions that lead nations to develop WMD to consequence management if WMD are used. Prevention, counter- and nonproliferation should be included;

- a recognition of the growing possibility that nonstate actors may acquire or develop WMD, components, materials, or know-how and that because deterrence is less applicable to them, non-state actors may be more likely to use WMD if acquired;
- a recognition of the centrality of export controls in any effort to stem the proliferation of WMD, their components, materials, and know how;
- a recognition that the prevention of WMD proliferation should not hamper regional growth and development or international coordination in the use of materials, equipment, and technology for peaceful purposes and;
- a recognition that individual countries will take action in accordance with these commitments in ways that reflect their national interests and characteristics.

Underlying the above principles is the recognition that weapons of mass destruction pose a unique threat to the inalienable right of all nations and peoples to live in peace and pursue economic prosperity.

## **Chapter 2**

### **Threats and Challenges Posed by Weapons of Mass Destruction**

Weapons of mass destruction (WMD) have been used for a long time. Recorded use of biological weapons dates back to the Middle Ages. Chemical weapons were used on a massive scale in World War I and World War II saw the development and use of nuclear weapons. Recently, the potential use of radiological materials in making radiological dispersion devices or so-called “dirty bombs” has emerged as a new threat. The threat posed by WMD is critical to each individual state’s security, and to collective security on a global scale. The magnitude of destruction associated with the detonation of a single nuclear weapon in one of the world’s large population centers would be overwhelming. The large number of casualties and the massive damage to the economic infrastructure would be devastating to the individual country and the entire world. The use of chemical weapons or a biological agent could produce widespread death among an unprotected civilian population. Due to the varied nature of the WMD threats, it is impossible for any single mechanism to provide sufficient security. Instead, the threat is best addressed through multiple measures at the global, regional, and national level.

Five trends since the end of the Cold War have been identified that change the nature and increase the threat of an incident involving the use of WMD. They are:

- the growth in the number of nonstate groups motivated by various convictions with or without clear political motivation,
- the creation of a black market for WMD-related materials and expertise,
- the increased access to materials for developing chemical, biological, and nuclear weapons,
- advances in technology that have made it easier to carry out a WMD attack,
- and the involvement of organized crime networks in nuclear smuggling and trafficking.

These trends coupled with the presence of existing weapons stockpiles make proliferation to undesirable parties, especially terrorists, a growing concern.

There are three aspects to an effective response to the threat of proliferation of existing WMD weapons and materials. First, there must be effective security and safety measures for weapons stockpiles, civilian nuclear facilities, component materials, manufacturing facilities, and research laboratories. Second, measures must be taken to prevent the proliferation of the weapons themselves, component materials, delivery systems, and technology and expertise. This requires an effective global nonproliferation regime in which states work together to combat the threat in a cohesive and collective manner.

A third aspect of the response to the threat of proliferation is the commitment on the part of all states to the elimination of existing WMD. Public awareness of the everyday threat posed by WMD plays an important part in motivating states to reduce or eliminate dependence on WMD as means of providing security for its citizens. For biological and chemical weapons, a ban on all such weapons is called for in the respective treaties.

Currently, there are no states that acknowledge the possession of biological weapons although some are suspected of either maintaining a stockpile of biological agents for hostile purposes or of having an active offensive research program. Most chemical weapons have also been destroyed and all states that have signed the Chemical Weapons Convention (CWC) have committed to eliminating all stockpiles, although the process of demilitarizing these weapons has taken much longer than originally envisioned when the treaty entered into force.

The elimination of nuclear weapons has been much more difficult to achieve. First, although the Nuclear Nonproliferation Treaty (NPT) does call on all states to eliminate stockpiles of nuclear weapons, there is no timeline and for a variety of reasons, the five so-called nuclear weapon states (NWS) have continued to justify the need for retaining their stockpiles. In recent years, there has been renewed interest in the complete elimination of nuclear weapons, which is reflected in several initiatives included in this handbook. Many believe that a commitment by the NWS to halt efforts at vertical proliferation and then work to eliminate their stockpiles completely is a necessary condition for halting the horizontal proliferation of nuclear weapons.

### **Motivations for Development and Acquisition of WMD**

Two primary motivations have traditionally been cited to explain why states choose to develop or acquire WMD: prestige and deterrent value. The applicability of these motivations to the decision making process of nonstate groups is less certain. Although some have argued that these groups would also derive a great deal of prestige and deference from states if they developed a WMD capability, others have argued that these groups tend to be technologically conservative and their objectives can be better met with conventional capabilities.

Prestige has been an important consideration for states deciding to develop nuclear weapons, since the development of atomic weapons during World War II, although the number of States possessing NW has remained relatively small due to factors such as the financial, technical and human resources required to develop these weapons, their technical sophistication, and treaty limitations on their development. A common perception that has developed, especially among states aspiring to increase their status, is that a state is taken seriously in the international system if it possesses nuclear weapons.

The deterrent value of WMD to a state has traditionally been characterized in terms of the capacity to retaliate in response to an attack by another state, and in the case of biological or chemical weapons, for a relatively low price. Aggressors are deterred if they choose not to act, perceiving the cost of their action to be too high in relation to its likely success.

The end of the Cold War, and the growth of international terrorism as a problem of global importance, has seen the motivations for developing WMD evolve and change. While the sense of prestige associated with the possession of WMD remains an important factor, the deterrent value of maintaining a nuclear arsenal has come under serious question in the

face of continued proliferation and acquisition by an increasing number of states, especially unstable regimes.

## **Stockpiles**

The existence of weapons stockpiles presents three distinct types of threats. First, there is the obvious danger associated with the decision of a state to use these weapons against enemies external or internal. Second, there is the danger of an accidental detonation of such a weapon. Third, there is the risk of theft or seizure by outside forces or diversion by corrupt or disaffected individuals. Ensuring robust command and control of these weapons is of particular concern in countries under societal stress.

### *Nuclear Weapons*

The five Nuclear Proliferation Treaty (NPT) recognized nuclear-armed powers (Russia, China, France, United Kingdom, and United States) all have declared stockpiles of nuclear weapons and have developed detailed command and control procedures for maintaining them. The US and Russia currently maintain larger nuclear weapons stockpiles than the other three recognized NPT states and also have the world's most advanced delivery systems. Although each state claims to maintain strict accounting of weapons in its possession, there have been reports of lapses in control and questionable security practices associated with these stockpiles.

Four countries have so far developed a nuclear weapon capability outside the framework of the NPT. Pakistan and India have conducted several nuclear tests and have declared that they possess nuclear arsenals. North Korea conducted a nuclear test in 2006 and another in 2009 and has declared that it is in possession of a "nuclear deterrent capability." It is generally accepted that Israel possesses a sizable and advanced nuclear arsenal, although it maintains a policy of nuclear ambiguity and there is no evidence that it has ever tested a nuclear weapon. Partly because these four states are not recognized in the NPT as nuclear powers, less is known about the size and security of these stockpiles.

### *Biological Weapons*

Biological weapons are relatively inexpensive to develop and deploy. The dual-use phenomenon – where the expertise, techniques, materials and equipment for weapons manufacture and legitimate uses are very similar – is particularly acute in the areas of biological research and development. Production can be divided into three main stages: a biological agent must first be chosen and acquired, then grown to sufficient quantities (it is here that the materials can be modified for different characteristics), and finally the agent must be prepared for delivery. Fortunately, stabilizing or weaponizing biological agents and disseminating them for maximum effect remain formidable technological challenges. There are three main types of organisms used in the production and transmission of the biological weapons. The first type is bacteria, which form to make many different diseases, some of which are the plague, leprosy, cholera, botulism,

tetanus, and typhoid fever. The next type of biological weapon is the virus which is much smaller than the bacteria cell. Unlike bacteria, the virus cannot reproduce or grow unless it is in a host. The last main type of agent that can be used for biological weapons is the prion (proteinaceous infectious particles). It is neither bacterial nor viral nor fungal and contains no genetic material. Although little is known about prions, we do know that infected proteins will enter the body and take normal proteins and modify them to adversely affect the brain and neurons.

Biological agents can be “silent killers.” With effects not immediately noticeable because of gestation periods and delays involved in identifying the agent, these weapons have the capability to spread their effects through large segments of a population before they are discovered or classified. The inability to control the effects once released make biological weapons more likely to be used by nonstate groups interested in disrupting society than by nation states that would normally be concerned about infections spreading to their own populations.

Information on biological weapons programs is highly classified and generally unavailable outside the intelligence community. While no country in the world acknowledges the existence of any stockpiles of biological agents for offensive purposes, several are believed to have biological weapons stockpiles and active offensive research and development programs. These assessments are generally denied by the suspect countries, tend to be based on sketchy information, and cannot be verified through an independent verification regime.

### *Chemical Weapons*

Following the extensive use of chlorine and mustard gas in WWI, the use of “asphyxiating, poisonous or other gases, and of bacteriological methods of warfare” was banned under the Geneva Convention of 1925, but not the production or stockpiling of such weapons. The development of nerve agents in the 1920s and 1930s – significantly more deadly and difficult to defend against – gave chemical warfare a new lease of life. Despite the fact that all the belligerents in World War II elected not to employ chemical warfare agents, the US, United Kingdom, Soviet Union, and possibly up to a score of other states deployed arsenals of chemical warfare agents and advanced delivery systems after that war’s conclusion.

The total declared stockpile of chemical weapons in the world was about 43,760 tons in early 2008. A total of 71,315 tons (excluding stockpiles of Iraq) have been declared to Organisation for the Prohibition of Chemical Weapons by seven state parties to the Chemical Weapons Convention (Albania, India, Iraq, Libya, Russia, South Korea and the US) of which about 29,602 tons had been destroyed by Sept. 30, 2008. Albania completed the destruction of its stockpile in 2007 and South Korea completed the destruction of its stockpile in 2008. All known chemical weapons production facilities have been deactivated.

According to the CWC, all stockpiles were to have been destroyed by April 29, 2007. However, due to a variety of difficulties, several countries have requested extensions to complete the process. India finished the destruction of its weapons in April 2009 and Libya is expected to complete the process in December 31, 2011. Russia and the US both have a deadline date of April 29, 2012, although both States have indicated that they do not expect to complete the destruction process until after that date. In addition, several other states are suspected to have undeclared stockpiles.

### *Radiological Weapons*

Crude radiological dispersal devices can be made by strapping explosive material to radioactive materials (radionuclides) commonly used in medical, industrial and agricultural applications. “Dirty bombs” can also take the form of radiological emission devices that spread radiation without an explosion. It should be noted, however, that only certain radioactive isotopes can be used for this purpose. While the immediate destructive force would cause limited casualties, the psychological impact could cause havoc and massive societal disruption as a result of panic and the economic impact of large city areas rendered unusable pending intensive clean-up efforts could be enormous. There are no known stockpiles of such weapons and the most serious threat is probably the use by terrorists. The nuclear fuel and radioactive waste stored at nuclear power plants also present a potential WMD risk, both for use in dirty bombs but more likely as targets of attack by conventional weapons in order to spread radiation.

### **Safeguarding Dual-use Components and Materials**

Many of the materials and components used to produce WMD also have legitimate civilian applications in medical, energy, and industrial fields. Such dual-use materials must be safeguarded against diversion for military purposes.

### *Uranium*

Uranium is the principle fuel component in the nuclear fuel cycle as well as an essential material used in the production of nuclear weapons. Natural uranium consists largely of the non-fissile isotope U-238, with only 0.7 percent of the radioactive isotope U-235. Uranium enrichment is the process whereby the percentage of U-235 is increased to the higher levels needed for use as fuel in reactors or for nuclear weapons. Some reactors run on natural uranium fuel (i.e., unenriched) but the most common nuclear power plants use uranium enriched to 3.5 to 5 percent in U-235. Enrichment can be accomplished in several ways; the most economical method is through the use of gas centrifuges.

Concentration of 20 percent U-235 is the accepted threshold between low enriched uranium (LEU) and highly enriched uranium (HEU). Although 20 percent HEU is theoretically weapons-usable, the necessary critical mass would be too large for practical use. In practice, the threshold for weapons grade HEU is considered to be 80 percent and the typical level of enrichment in deployed weapons is thought to be around 93-94 percent. It is often said that 25kg of weapons-grade HEU are required for an implosion-

type weapon, because this is the amount the IAEA has determined to be a “significant quantity,” or the minimum amount of fissile material which could be used "directly" to manufacture a nuclear explosive device. This threshold amount includes the material that will unavoidably be lost in manufacturing a nuclear explosive device, and should not be confused with the minimum critical mass needed for an explosive chain reaction, which is smaller. Gun-type weapons (in which one subcritical quantity of uranium is fired into another) can use HEU of as low as 80 percent, as was the case with *Little Boy*, the weapon dropped on Hiroshima in 1945, but requires a larger mass.

Naval reactors use HEU for ship propulsion, and approximately 135 research reactors in 40 countries run on HEU fuel. Due to the danger of HEU being diverted or stolen, the US, Russia, and the IAEA have been engaged for several years in efforts to convert these research reactors to run on LEU and to remove the fresh HEU. Given the lower technological hurdle of gun-barrel bomb designs, HEU is of greater concern than plutonium in respect of acquisition by nonstate actors.

Efforts to reduce the usage and stockpiles of HEU continue through various multilateral arrangements, however, significant quantities of the material still exist in national civilian stockpiles. While specific information regarding the amount of HEU is difficult to ascertain and in some cases is classified, the International Panel on Fissile Materials, which maintains a [database](#) on HEU inventories, estimates that the US and Russia have stockpiles of over 10,000 kilograms. It estimates that Canada, Japan, China, France, United Kingdom, and Germany each possess approximately 1,000-10,000 kilograms. Most estimates show that more than 1,600 metric tons of HEU exist in global stockpiles. The challenge is to ensure adequate measures to ensure control of this material.

### *Plutonium*

Plutonium is a man-made element, created by bombarding uranium with neutrons in a reactor, either as an unwanted byproduct of power generation for civilian purposes or as the intended product in a dedicated reactor. Estimates indicate there is more than 1,800 metric tons of plutonium in world stockpiles. The amount of plutonium required to reach critical mass is relatively small – 8 kg by the IAEA definition, but 5-6 kg or even less in practice. Even seemingly insignificant amounts of plutonium present a security threat.

Plutonium used in a nuclear weapon must be chemically separated, or “reprocessed,” from the other materials and fission products that make up the bulk of spent fuel. Reprocessing plutonium is a dangerous process that requires a heavily shielded facility. The International Panel of Fissile Materials estimates that the global stockpile of separated plutonium, all of which is weapon-usable, is about 500 tons. About half of this stockpile is civilian and continues to grow.

### *Biological Components*

There is little publicly-available, reliable information on the existence of biological weapons in State stockpiles, as they are relatively easy to make using dual-use materials,

equipment and technology, and there is no multilateral verification system to assess compliance with their prohibition. It is difficult to characterize the threat from biological weapons components because while materials and expertise for creating a bacteria or a virus are readily available, manufacturing them in large quantities and dispersing them over wide areas requires significant resources and sophisticated technology. Terrorists may use biological agents because they can create significant social disruption when deployed in relatively small quantities, they are extremely difficult to detect and some do not cause illness for several hours to several days. Some bioterrorism agents, like the smallpox virus, can be spread from person to person and some, like anthrax, cannot.

### *Chemical Components*

Although national stockpiles of chemical weapons are being painstakingly destroyed in CWC States Parties, the threat still manifests itself in the components that are used to make chemical weapons, especially in States outside the CWC. These components are known as toxic chemical precursors (TCPs), a variety of chemicals which when combined with other compounds create weapons such as sarin – the nerve agent used in the 1995 Aum Shinrikyo cult's attacks on the Tokyo subway which killed 12 people – and mustard gas. These TCPs are known to chemists as dual-use chemicals, which means they can be used in harmless industries like agriculture or turned into weapons of mass destruction when mixed with other chemicals.

### **Proliferation of Weapons of Mass Destruction**

Proliferation is generally defined as the spread of WMD and the corresponding technical knowledge. Military and political strategists distinguish between two types of nuclear weapons proliferation: vertical and horizontal. Vertical proliferation is the amassing of atomic weapons by established nuclear powers, as occurred during the 1960s when the US and the Soviet Union stockpiled thousands of nuclear arms and continued to develop more powerful and sophisticated weapons. Horizontal proliferation describes the spread of nuclear weapons to conventionally armed nations, as occurred when India acquired the bomb in 1974. Most proliferation in the past has been state-to-state, but the rise of nuclear black-market networks, such as the one led by Pakistani scientist A.Q. Khan until 2004, alerted the world to the new proliferation danger posed by nonstate actors. The emergence of international terrorism and the avowed intentions of some to acquire nuclear weapons heighten the proliferation threat.

WMD proliferation can manifest in four ways: proliferation of components and materials, proliferation of the weapons themselves, proliferation of delivery systems, and proliferation of technology and know-how. The nuclear nonproliferation regime has succeeded in limiting the number of states with nuclear weapons to nine to date. Belarus, Kazakhstan, and Ukraine all gave up nuclear weapons they inherited on the dissolution of the Soviet Union and Argentina, Brazil, Libya and South Africa voluntarily stopped their nuclear weapons programs, while Iraq was forced into nuclear disarmament through stringent United Nations sanctions. Yet the nuclear weapons tests conducted by India and Pakistan in 1998 and by North Korea in 2006 and 2009 and the 2002 revelations of

Iran's clandestine enrichment program have cast doubts regarding the effectiveness of the NPT regime. Withdrawal, circumvention, the threat of withdrawals, an increasingly dynamic security environment, and the increasing availability of sensitive technology all contribute to the challenges faced by the nonproliferation regime. Many states also express concern that the nonproliferation norm is weakened to the extent that the nuclear weapons states recognized by the NPT have not taken further steps to meet the disarmament obligations posed by Article VI of the Treaty.

#### *Illicit Trafficking in WMD Materials*

Trafficking of component materials used in the creation of WMD, particularly of nuclear weapons, is a serious concern. Since the early 1990s there has been a rise in the number of attempts to smuggle nuclear and other radioactive material. As of December 31, 2007, the IAEA Trafficking Data Base (ITDB) contained 1,340 confirmed incidents reported by the participating states and a few nonparticipating states. Of the 1,340 confirmed incidents, 303 incidents involved unauthorized possession and related criminal activity, 390 incidents involved theft or loss of nuclear or other radioactive materials, and 570 incidents involved other unauthorized activities. For the remaining 77 incidents, the reported information was not sufficient to determine the category of incident. It is becoming increasingly difficult to gauge the amount of potentially lost material. The vast majority of incidents have occurred throughout Eastern Europe and the former Soviet Union, traceable to Russian nuclear installations. Most importantly, the majority of incidents tend to be opportunistic and related to insider theft by individuals who attempt to find buyers using organized criminal networks. Few of the reported incidents are known to be demand-side driven.

The proliferation of chemical and biological weapons components also represents an inherent threat. Since chemical precursors and biological agents that form the basis for building chemical and biological weapons are easily accessible and used by civilian medical and industrial services throughout the world, it is possible to gain access to them through legitimate transactions. A limiting factor has been the difficulty in weaponizing biological agents to maximum lethal effect (for example, producing anthrax spores with the right qualities for effective aerosol dispersal).

#### *Proliferation of Delivery Systems*

The technology and systems engineering associated with delivery systems is also becoming rapidly available. Traditional delivery systems such as ballistic missiles, cruise missiles, and Unmanned Aerial Vehicles, are now becoming more wide spread. At the same time, recognition must be given to WMDs employed without traditional delivery systems. For example, toxins or a parasite may be delivered to a wide array of targets through an unprotected water supply.

Nonstate actors, specifically terrorist organizations, attempting to gain WMD technology are a major cause for concern. While the technical knowledge has been readily available

for a long time, the primary concern is to ensure that nations work together to prevent the spread of fissile material, toxic agents, and harmful biological organisms, etc.

### **The Proliferation of Technology and Expertise**

The globalization of commerce and the spread of technology through means such as the Internet have increased States' access to dual-use goods and technologies that are used in civilian applications but that also can be used for WMD purposes. The spread of nuclear energy creates concerns about diversion for other than the prescribed civilian purposes. It should be recognized, however, that nuclear power plants alone pose little proliferation threat. They can contribute to proliferation risks by providing cover for clandestine activities, however nuclear weapons cannot be produced without access to one of the two most sensitive areas of the nuclear fuel cycle: uranium enrichment and plutonium reprocessing.

Biological and chemical technology proliferation is also a serious threat. Dual-use technology is in extensive use in medical and industrial research labs throughout the world. Many harmful chemical and biological agents are developed for the sole purpose of developing antidotes or vaccines to protect against them. It is possible to misuse dual-use technology for a more nefarious purpose. The problems with radiological weapons are akin to that of chemical and biological weapons. Radiological components are used in a wide variety of technologies throughout the world, and misuse of such technology is a serious global threat.

Another aspect of the proliferation of technology is through the diffusion of expertise or what has been described as the "know-how" proliferation threat. This was especially a concern in the 1990s after the Soviet Union dissolved in 1991 and tens of thousands of scientists, engineers, and technicians that comprised the backbone of the Soviets' unconventional weapons programs went from relative riches as an elite corps of patriots to highly skilled excess capacity residing in bloated weapons complexes throughout the region. Although most of these former Soviet workers have been absorbed in to the workforce, including through cooperative threat reduction programs, this worldwide excess capacity in WMD-related expertise continues to be a concern. Coupled with the large quantities of component materials available on the black market, the threat of this expertise being used by undesirable nonstate actors remains an important part of the proliferation threat.

It is imperative that all countries in the Asia-Pacific work in unison to defeat the threat. To ensure success against the threat dimensions posed by WMD, countries must adopt a multi-layered defense. Containing the threat posed by the presence of WMD and the proliferation of both the weapons and their components is in the interest of all countries and responsible international actors.



## **Chapter 3**

### **Global Nonproliferation and Disarmament Treaties and Conventions**

The purpose of this chapter is to provide a summary of the major treaties and the organizations that form the basis for the global nonproliferation regime. These agreements are open to all states and are legally binding on acceding parties. There is a separate treaty to address nuclear, biological, and chemical weapons. Each treaty has different requirements for elimination of weapons, compliance verification, and national implementation of the disarmament and nonproliferation regimes. These differences reflect the characteristics of the materials used in the weapons, the political will to address compliance and verification issues at the time these treaties were developed, and the inherent difficulties in establishing international governance mechanisms that deal with disarmament and the trade of strategic materials.

The 1968 Nuclear Non-Proliferation Treaty (NPT) does not prohibit states from maintaining nuclear materials and does not explicitly require states parties to adopt national implementation measures to give effect to the treaty. It does require states to enter into nuclear safeguards agreements with the International Atomic Energy Agency (IAEA), which has promulgated non-binding guidelines for national measures to protect nuclear materials and equipment from security breaches. There are also subsequent UN agreements that require compliance by states parties to several additional restrictions in their handling of nuclear materials. These agreements are covered separately in Chapter 4 of this handbook.

The 1972 Biological Weapons Convention (BWC) prohibits states from maintaining biological weapons in any form and requires them to take “any necessary measures” in accordance with their constitutional processes to implement the treaty. To do so effectively, States need a regulatory framework including criminal measures (to prohibit biological weapons activities and facilitate law enforcement), and transfer controls and measures to account for and physically secure potential bio-warfare agents, related materiel and delivery systems. While the treaty leaves the form of national implementation measures to states parties, the scope of obligations they must cover is clear: comprehensive measures are necessary to ensure compliance.

The 1993 Chemical Weapons Convention (CWC) requires the dismantlement of all existing chemical weapons and contains the most detailed national implementation provision of the three major agreements addressed in this chapter. In contrast to the BWC, it explicitly requires states parties to adopt criminal legislation for activities that violate the treaty and to extend these measures to offenses committed by their citizens outside of their territory. National laws are also necessary to establish and operate the National Authority required under the CWC. The prohibitions in the BWC and CWC apply equally to states and nonstate actors, while the NPT allows nuclear-weapon states recognized by the treaty to maintain nuclear weapons stockpiles during negotiations on nuclear disarmament.

## 1. Nuclear Nonproliferation Treaty (NPT)

### a. General Information

Title:	Treaty on the Nonproliferation of Nuclear Weapons
Opened for Signature:	1 July 1968
Number of Parties:	190
Status:	Entered into force on 5 March 1970
Inspection/verification:	Yes

Additional information:

<http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>

<http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf>

The NPT is a treaty to limit the spread of nuclear weapons. It recognizes five nuclear weapons states – the United States, the United Kingdom, France, Russia, and the People’s Republic of China – that, as defined in Article IX, manufactured and exploded a nuclear weapon device prior to January 1, 1967. All other signatories are obliged to forego nuclear weapons.

The NPT consists of a preamble and eleven articles. Although the concept of “pillars” appears nowhere in the NPT, the treaty is nevertheless sometimes interpreted as having three pillars: non-proliferation, disarmament, and the right to use nuclear technology for peaceful purposes. Under the first pillar, the five nuclear weapons states (NWS) agree not to transfer “nuclear weapons or other nuclear explosive devices” and “not in any way to assist, encourage, or induce” a non-nuclear weapon state (NNWS) to acquire nuclear weapons (Article I). NNWS parties to the NPT agree not to “receive, manufacture or acquire” nuclear weapons or to “seek or receive any assistance in the manufacture of nuclear weapons” (Article II). NNWS parties also agree to accept safeguards by the International Atomic Energy Agency (IAEA) to verify that they are not diverting nuclear energy from peaceful uses to nuclear weapons or other nuclear explosives devices (Article III).

Disarmament is a so-called second pillar of the treaty. The NPT’s preamble contains language affirming the desire to ease international tension and strengthen international trust in the hope of eliminating nuclear weapons and delivery vehicles from national arsenals. Article VI elaborates on the preamble’s language. It says that “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament.”

The third pillar concerns the transfer of nuclear technology and materials to NPT signatory countries for the development of civilian nuclear energy programs in those countries, as long as they can demonstrate that their nuclear programs are not being used for the development of nuclear weapons. Article IV.1 of the treaty recognizes the inalienable right of sovereign states to use nuclear energy for peaceful purposes, but restricts this right for NPT parties to be exercised “in conformity with Articles 1 and 2.” Article IV.2 says ‘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...’.

By consensus of the signing parties, the treaty was extended indefinitely and without conditions in 1995. However, the agreement requires that review conferences be held every five years to assess implementation of the Treaty. Preparatory work for the review conferences is done through a preparatory committee, which meets annually during the three years prior to the review conference. The next conference is scheduled to be held in 2010.

#### **b. Participation in the NPT by States in the Asia-Pacific**

Only three recognized sovereign states are not parties to the treaty: India, Israel, and Pakistan. India and Pakistan both possess and have openly tested nuclear bombs. Israel has had a policy of opacity regarding its own nuclear weapons program. North Korea acceded to the treaty in 1985, violated it, suspended its membership, and claimed to withdraw in 2003. However, because the withdrawal process is not considered complete, its current status is best described as undetermined. All other states in East Asia have ratified the treaty.

Specific information regarding individual country status with the NPT is provided at: <http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf>

#### **c. Organizational Aspects of the NPT**

The IAEA serves as the verification authority for safeguards agreements mandated in Article 3 of the NPT. The states parties have an obligation to declare to the IAEA all nuclear material and facilities subject to safeguards. The states also have an obligation to update this information and to declare all new nuclear materials and facilities which subsequently become subject to the terms of the agreement. Violations noted in the process of verification are reported to the UN Security Council, which is ultimately responsible for taking NPT enforcement action.

The UN Office of Disarmament Affairs (UNODA) plays an important role in implementation of the NPT by promoting the goals and strengthening the regimes of nuclear disarmament and non-proliferation. UNODA also provides substantive and organizational support for norm-setting in the area of disarmament through the work of the General Assembly and its First Committee, the Disarmament Commission, the Conference on Disarmament and other bodies.

## 2. Biological and Toxin Weapons Convention (BTWC/ BWC)

### a. General Information

Opened for Signature:	10 April 1972
Number of Parties:	163
Status:	Entered into force on 26 March 1975
Inspection / Verification:	No
Additional information:	<a href="http://www.unog.ch/bwc">http://www.unog.ch/bwc</a>

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction – more commonly known as the Biological and Toxin Weapons Convention (BTWC) – bans the development, production, stockpiling, acquisition and retention of microbial or other biological agents or toxins, in types and in quantities that have no justification for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. The actual use of biological weapons is prohibited by the 1925 Geneva Protocol and Article VIII of the BTWC recognizes that nothing contained in the Convention shall be construed as derogation from the obligations contained in the Geneva Protocol.

Article I defines the scope of the BTWC's prohibition (the so-called general purpose criterion, or GPC) as being all microbial and other biological agents or toxins that cannot be justified as being for a prophylactic, protective or other peaceful purpose, as well as weapons, equipment and means of delivery that are designed to use such agents or toxins for hostile purposes or in armed conflict. If biological agents and toxins are in types and quantities that cannot be justified for a permitted purpose, then they are prohibited. Subsequent Review Conferences have reaffirmed that the general purpose criterion encompasses all future scientific and technological developments relevant to the Convention.

Article II requires each state party to destroy or divert to peaceful purposes all agents, toxins, weapons, equipment and means of delivery specified in Article I no later than nine months after the Convention has entered into force.

Article III prohibits states parties from transferring or otherwise encouraging other states or organizations to acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I. Subsequent Review Conferences have affirmed that this prohibition extends to transfers to anyone, including nonstate actors or terrorists.

Article IV requires states parties to take any necessary national measures (e.g., passage of national laws, educating life scientists about the BW ban) to prohibit and prevent the misuse of biological agents, toxins, weapons, equipment and means of delivery within their territories. Only a small proportion of states Parties have comprehensively implemented this provision.

In Article V, states parties undertake to consult with one another and to cooperate in solving any problems that may arise in relation to the Convention. This compliance mechanism has been used on two occasions to date, in a bilateral mode and a multilateral mode involving a consultative meeting of interested States Parties.

Under Article VI, any state party finding another state acting in breach of the Convention may lodge a complaint with the United Nations Security Council, including all possible evidence confirming its validity. States parties undertake to cooperate in carrying out any investigation the Security Council may initiate on the basis of the complaint. The Security Council will inform states parties of the results of the investigation.

In Article VII, states parties undertake, if requested, to assist any party which the Security Council decides has been exposed to danger as a result of violation of the Convention.

Article VIII stipulates that nothing in the Convention shall in any way limit or detract from obligations assumed under the Geneva Protocol. Subsequent Review Conferences have affirmed that the BWC effectively prohibits States Parties using biological weapons and called upon States Parties that entered a reservation reserving the right to retaliate in kind using BW, or to use BW against non-States Parties to the Convention, to remove them.

In Article X, states parties undertake to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes.

Article XII provided for the convening of the first Review Conference five years after the Convention entered into force, with a mandate to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention are being realized. This first Review Conference, held in 1980, was also to review progress in negotiating a treaty prohibiting chemical weapons (which became the 1993 Chemical Weapons Convention). Subsequent Review Conferences are held at five-yearly intervals on the agreement of States Parties.

The Biological and Toxin Weapons Convention was the first multilateral disarmament treaty to ban an entire category of weapons. Based on a decision made at the Fifth Review Conference (RevCon) in 2002, there are now annual, one-week meetings of states parties (MSPs) in the years between RevCons, which take place every five years. Each of these 'intercessional' MSPs is immediately preceded by a one-week meeting of experts.

At the Sixth RevCon (2006), states parties agreed to a set of specific actions to strengthen the implementation of the BTWC. These included:

- Mandating a BWC Implementation Support Unit (ISU) within the UN Office of Disarmament Affairs to help States Parties to fulfill their obligations and to convene BWC meetings;
- establishing national BTWC contact points;
- reporting on national measures to implement the BTWC;
- annual reporting on the implementation of Confidence-Building Measures (CBMs) agreed to in 1986 and updated in 1991;
- reporting on whether member states required or could provide assistance to other states parties in the areas of CBMs, national implementation, or biosafety and biosecurity measures;
- working to obtain the universality of the BTWC.

#### **b. Participation in the BTWC by States in the Asia-Pacific**

Most states in the Asia Pacific region have signed and ratified/acceded to the Convention, although there are significant gaps among the Pacific Island States. The Cook Islands, Kiribati, Marshall Islands, Federated States of Micronesia, Nauru Niue, Samoa, and Tuvalu are non signatories. Myanmar has signed, but not yet acceded.

Specific information regarding the status of individual states is provided at: <http://www.unog.ch/80256EE600585943/%28httpPages%29/7BE6CBBEA0477B52C12571860035FD5C?OpenDocument>

#### **c. Significant Reservations to the BTWC / Explanations of Accession**

Significant issues identified in the reservations, declarations and explanations of accession to the BWC center on matters of neutrality, commitments of assistance, strength and effectiveness of the BWC. Those BWC States Parties that still maintain a reservation to the Geneva Protocol reserving the possibility of retaliating to BW use in kind (which is inconsistent with their BWC obligations) have been urged through numerous UN General Assembly resolutions and BWC Review Conferences to remove them.

India in a statement upon signature (15 January 1973) reiterated that assistance must be in conformity with the Charter of the United Nations, and stated that any assistance which might be furnished under the terms of the Convention, would be of medical or humanitarian nature

China in a statement upon ratification (15 November 1984) raised a number of issues concerning the lack of explicit terms in the Convention including reference to concrete and effective measures for the supervision and verification of biological weapons and forceful measures or sanctions for violations. India expressed concern that these will be addressed at an appropriate time. It hoped that a more extensive convention on complete

prohibition and thorough destruction will be completed. India identified the inseparable link between the BWC and the CWC as part of WMD security as a whole. This point was reiterated by China. Additionally, India cautioned that R&D on biological agents or toxins for legitimate defensive purposes should not be construed as a “loophole in regard to the production or retention of biological and toxic weapons.”

#### **d. Organizational Aspects of the BTWC**

The BTWC relies on states parties to develop national measures to prohibit and prevent the misuse of biological agents, toxins, and weapons. The Convention charges the UN Security Council with the responsibility to investigate violations brought to its attention by a state party to the Convention. The UN Secretary-General also has authority to investigate potential breaches of the Geneva Protocol, including alleged BW use, which he has done on a number of occasions; this mechanism was most recently updated in 2009. From 1994-2001, efforts by a specially mandated Ad Hoc Group to negotiate a legally binding verification protocol proved unsuccessful. The absence of a standing verification system continues to limit the effectiveness of the BTWC.

In an important step in the institutionalization process of the BTWC, the 2006 Review Conference established an Implementation Support Unit (ISU) to, inter alia, facilitate, collect and correlate data, and report on the implementation activities of states parties. The ISU is located within the Geneva Branch of the United Nations Office for Disarmament Affairs and has a permanent staff of three.

The UN Office of Disarmament Affairs (UNODA) plays an important role in implementation of the BTWC by providing substantive and organizational support for norm-setting in the area of disarmament through the work of the General Assembly and its First Committee, the Disarmament Commission, the Conference on Disarmament and other bodies.

### **3. Chemical Weapons Convention (CWC)**

#### **a. General Information**

Opened for Signature:	13 January 1993
Number of Parties:	188
Status:	Entered into force on 29 April 1997 following ratification by 65 signatories
Inspection / Verification:	Yes
Additional information:	<a href="http://www.opcw.org">http://www.opcw.org</a>

The Chemical Weapons Convention bans the development, production, stockpiling, transfer and use of chemical weapons and provides for their destruction within stipulated deadlines. States parties to the CWC undertake not to engage or assist anyone to engage in activity prohibited under the Convention and have an obligation to assist other states parties who are threatened by, or who have suffered, chemical attack.

The CWC defines chemical weapons as toxic chemicals and their precursors (aside from types and quantities of such agents consistent with and intended for peaceful applications); munitions and devices specifically designed to cause death or harm through the release of such agents; and any equipment designed specifically for use with such munitions or devices.

The convention distinguishes three classes of controlled substance, chemicals which can either be used as weapons themselves or used in the manufacture of weapons. The classification is based on the quantities of the substance produced commercially for legitimate purposes. Each class is split into Part A, which are chemicals that can be used directly as weapons, and Part B which are chemicals useful in the manufacture of chemical weapons.

- Schedule 1 chemicals have few, or no uses outside of chemical weapons. These may be produced or used for research, medical, pharmaceutical or chemical weapon defense testing purposes but production above 100 grams per year must be declared to the Organisation for the Prohibition of Chemical Weapons (OPCW). A country is limited to possessing a maximum of 1 ton of these materials. Examples are mustard and nerve agents, and substances which are solely used as precursor chemicals in their manufacture. A few of these chemicals have very small scale non-military applications, for example minute quantities of nitrogen mustard are used to treat certain cancers.
- Schedule 2 chemicals have legitimate small-scale applications. Manufacture must be declared and there are restrictions on export to countries which are not CWC signatories. An example is thiodiglycol which can be used in the manufacture of mustard agents, but is also used as a solvent in inks.
- Schedule 3 chemicals have large-scale uses apart from chemical weapons. Plants which manufacture more than 30 tons per year must be declared and can be inspected, and there are restrictions on export to countries which are not CWC signatories. Examples of these substances are phosgene, which has been used as a chemical weapon but which is also a precursor in the manufacture of many legitimate organic compounds and triethanolamine, used in the manufacture of nitrogen mustard but also commonly used in toiletries and detergents.

The Convention also deals with carbon compounds called in the treaty *Discrete organic chemicals*. These are any carbon compounds apart from long chain polymers, oxides, sulfides and metal carbonates, such as organophosphates. The OPCW must be informed of, and can inspect, any plant producing (or expecting to produce) more than 200 tons per

year, or 30 tons if the chemical contains phosphorus, sulfur or fluorine, unless the plant solely produces explosives or hydrocarbons.

#### **b. Participation in the CWC by States in the Asia-Pacific**

All countries in the Asia Pacific have signed and ratified/acceded to the CWC except North Korea and Myanmar. North Korea has neither signed nor ratified the Convention and Myanmar has signed but not ratified. Specific information regarding the status of individual states is provided at: <http://www.opcw.org/about-opcw/member-states/>

#### **c. Significant CWC Reservations & Declarations**

Significant issues identified in the reservations and declarations to the CWC center on matters of universality, verification, abandoned weapons, trade and export controls.

In a declaration upon signature (13 January 1993) and upon ratification (25 April 1997), China referred to the need for the countries with the largest chemical weapons arsenals to ratify the convention so as to increase the universality of the treaty and to attain the conventions purposes and objectives at an early date.

China also referred to the challenges facing verification systems, specifically the Article 9 provision for challenge inspections, stating that potential abuse would have a detrimental effect on ‘the security interests of states parties unrelated to chemical weapons’ and on state sovereignty. As a result China suggests that this would adversely affect the universality of the Convention. Challenge inspections allow state parties to request the OPCW Secretariat to conduct an on-site challenge inspection anywhere in the territory (or under the jurisdiction or control) of any other state party in order to clarify and resolve any questions concerning possible non-compliance with the CWC.

Reference was made to states parties who have abandoned chemical weapons on the territories of other states parties and the necessity to implement the relevant provisions of the Convention and undertake the obligation to destroy the abandoned chemical weapons.

Additionally, China reaffirmed the Convention’s role in promoting international trade, scientific and technological exchanges and operation for peaceful purposes in the field of chemical industry. The convention should “become an effective legal basis to regulate trade and exchange among the state parties in the field of chemical industry.” To do this export controls that are inconsistent with the convention should be abolished.

The United States in a reservation upon ratification (25 April 1997) stated that analysis of samples collected in the United States pursuant to the Convention cannot be transferred for analysis outside the territory of the United States. As a consequence, verification and the effective implementation of the Convention rely on the states parties’ capacity to regulate themselves.

#### **d. Organizational Aspects of the CWC**

Unlike the BTWC, the CWC has a comprehensive mechanism, in the form of the Organisation for the Prohibition of Chemical Weapons (OPCW), for verifying the compliance of states parties with their obligations under the Convention. The Technical Secretariat is responsible for the day-to-day administration and implementation of the Convention, including inspections mandated to monitor and verify the deactivation, then the destruction or conversion, of all declared chemical weapons production facilities and stockpiles. The Executive Council and the Conference of the States Parties are decision-making organs of the OPCW. The Technical Secretariat is headed by a Director-General, who is appointed by the Conference on the recommendation of the Council.

CWC Members must designate or establish a National Authority as a point of contact. These National Authorities are tasked with implementing the CWC at the national level and are obliged to report annually to the OPCW on progress in this regard. They also foster the development and sharing of chemistry for peaceful purposes.

## **Chapter 4**

### **Disarmament**

#### **1. WMD Treaties and Disarmament**

The elimination of WMD has been an integral part of the global WMD nonproliferation regime from its inception. The Biological and Toxin Weapons Convention (BTWC), the Chemical Weapons Convention (CWC), and the Nuclear Nonproliferation Treaty (NPT) all make specific mention of eliminating weapon stockpiles. However, there is considerable variation in how they deal with the issue of disarmament. Both the BTWC and the CWC prohibit the stockpiling of weapons, although there remains strong suspicion in both national and private assessments that some states continue to maintain arsenals of these weapons.

The NPT uses more ambiguous language regarding disarmament. Although it does not explicitly ban the stockpiling of nuclear weapons, the disarmament obligation arising from Article VI creates an inherent prohibition on their stockpiling. Unlike the BTWC and CWC, the NPT avoids a discussion of how or when disarmament should occur.

Due to the potential dual use (civilian/military) nature of the active ingredients used in biological, chemical, and nuclear weapons, all three WMD treaties refrain from prohibiting the use of these materials. Instead, they each place certain quantitative and qualitative restrictions and transparency requirements on the use of such materials by states parties to the Treaties.

#### **a. Biological and Toxin Weapons Convention**

Signed in 1972 and in force from March 1975, the BTWC commits states parties to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons. States parties to the Convention undertake never in any circumstances to develop, produce, stockpile, acquire, retain, transfer, or support the production of:

- Microbial or other biological agents or toxins of types and in quantities that have no justification for peaceful purposes
- Weapons, equipment or means of delivery designed or intended to weaponize such agents or toxins

The BTWC obliges states parties to have destroyed, or diverted to peaceful purposes, all agents, toxins, weapons, equipment and means of delivery designated under the Convention which they possess or control, within 9 months of its entry into force (i.e. by January 1976). It calls for issues of non-compliance to be referred to the UN Security Council. States parties have negotiated a draft inspection protocol to the Convention, although it has not yet entered into force. The BTWC has no formal verification mechanism or standing organization to oversee its implementation.

## **b. Chemical Weapons Convention**

The CWC, signed in 1993 and in force from April 1997, prohibits chemicals that can be used either as weapons themselves, or in the manufacture of weapons. Since chemical weapons agents can be produced with common industrial chemicals, the classification of prohibited materials is based on quantities of chemical substances that can legitimately be produced for peaceful or commercial purposes.

In contrast to the BTWC, the CWC has a detailed verification regime and a mechanism – the Organization for the Prohibition of Chemical Weapons (OPWC) – to monitor compliance among states that have ratified the Convention.

Under the CWC, each party undertakes never in any circumstance to acquire, stockpile, retain, transfer, use, or engage in preparations to use chemical weapons. The Convention contains strict disarmament and verification obligations, as well as mechanisms for dealing with cases of non-compliance. States parties are committed to destroying or converting to peaceful purposes all chemical weapons and production facilities that they own or possess or that are under their jurisdiction (including those abandoned on their territories). As a means of facilitating disarmament verification, the CWC obliges states parties, no later than 30 days after its entry into force (i.e. by the end of May, 1997), to make full declarations of locations, quantities and inventories of such weapons and related production facilities and equipment, as well as such items they have abandoned on any other state's territory. States parties are also required to include in this declaration:

- Any transfer or receipt of chemical weapons or related equipment and facilities they have been involved in since 1946
- The location, nature, and scope of activities of any facility they have used to develop chemical weapons since 1946
- A general plan for the destruction, or conversion to peaceful or disarmament purposes, of all chemical weapons, production facilities and equipment declared

Member states are required to submit annual declarations to the OPCW on progress with their chemical weapons destruction activities, and to accept “systematic on-site verification” inspections to clarify the accuracy of declarations and monitor the ongoing destruction of chemical weapons. States parties were obliged to destroy all chemical weapons they possessed or controlled within ten years of the entry into force of the treaty (i.e. by 2007). However, several states parties, including Russia and the United States, were granted extensions until 2012. While Russia remains committed to the 2012 deadline, the US announced in 2006 that it would not be able to meet the 2012 deadline.

## **c. Nuclear Nonproliferation Treaty**

The NPT was signed in 1968 and entered into force in 1970. It is much vaguer than either the BTWC or the CWC in terms of its disarmament provisions. It contains no timetable, framework, or verification mechanism to support progress toward the elimination of nuclear weapons. Unlike the BTWC and CWC, which outlaw their respective weapons classes, the NPT makes nuclear disarmament part of a trade-off, the so-called ‘grand

bargain'. The three 'pillars' of the grand bargain are as follows: the nuclear weapon states (NWS) agree to disarm; the non-nuclear weapon states (NNWS) agree not to acquire nuclear weapons; and all NPT signatories in compliance with their various obligations under the NPT are guaranteed the right to develop nuclear technology for peaceful purposes, with assistance from the NWS. The NPT's disarmament section, Article VI, commits states parties "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament."

This language has been the source of varying interpretations regarding the pace at which the five states acknowledged in the NPT as NWS should pursue the elimination of nuclear weapons. In particular, the apparent coupling in Article VI of nuclear disarmament with general and complete disarmament has been the source of a long-running debate. The NWS have often cited a lack of progress on general and complete disarmament as preventing progress on multilateral nuclear disarmament. Conversely, many NNWS contend that nuclear disarmament was never intended and should not be contingent on progress on general disarmament, perceiving the lack of progress as indicative of a failure by the NWS to pursue nuclear disarmament in good faith.

Broadly speaking, the division between NWS and NNWS regarding their thinking on multilateral nuclear disarmament can be characterized in terms of two schools of thought that have competed for recognition historically: the *incremental* and *comprehensive* approaches to disarmament.

The NWS and most of their allies have traditionally been much more concerned with non-proliferation than disarmament. They espoused an incremental approach to disarmament after the end of the Cold War only when it became clear that action on Article VI beyond expressions of commitment could not be avoided if non-proliferation was to be sustained. Incrementalists have opposed the imposition of a time-bound framework for nuclear disarmament. They have more recently emphasized a step-by-step approach, revolving around the universalization of the NPT, entry into force of the CTBT, negotiation of a FMCT, and progressive inclusion of all the nuclear armed-states in a nuclear arsenal reductions process.

The *comprehensive* approach has traditionally been favored by many NNWS, especially those of the Non-Aligned Movement (NAM), as well as by many non-governmental organisations (NGOs). This approach to disarmament focuses strongly on nuclear weapons elimination within a time-bound framework and argues that progress toward elimination aids non-proliferation.

For many advocates of comprehensive nuclear disarmament, a Nuclear Weapons Convention (NWC) represents the most appropriate model for eliminating nuclear weapons. A model NWC was developed in response to the unanimous finding of the International Court of Justice that there is a binding legal obligation to eliminate nuclear weapons. It has been an official UN document since 1997 and was updated and

republished in 2007 in book form, entitled “Securing Our Survival” to incorporate expert comment and criticism. It was officially introduced into the NPT process that year.

The model NWC prohibits the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. It includes disarmament verification mechanisms; compliance, cooperation and dispute settlement clauses; enforcement mechanisms; and national implementation measures. Proponents of a NWC argue that it is not, as some critics contend, designed to supplant or replace the NPT. While leaving decisions regarding an appropriate time frame for achieving elimination to future negotiators, the model NWC proposes a five-phase plan for the progressive, verifiable and irreversible drawdown of nuclear arsenals.

The divide between the NWS and the NNWS has led to a deadlock in negotiations that has prevented the UN Conference on Disarmament (CD), the only official forum for the negotiation of multilateral disarmament treaties, from agreeing to a negotiating mandate since 1997. Since the late 1990s a ‘third way’, the ‘comprehensive-incremental’ approach to disarmament, has gained more supporters, in particular as advocated by the New Agenda Coalition (NAC – a group of states comprising Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden).

## **2. Review Conferences**

At the 1995 NPT Review Conference (RevCon), states parties agreed to extend the Treaty indefinitely. The agreement was based on a set of “Principles and Objectives” in the Final Document and adhered to in the future implementation of the Treaty. Key objectives included the completion of a Comprehensive Test Ban Treaty (CTBT) by the end of 1996, along with the maintenance of voluntary moratoriums on nuclear testing by the NWS until this time; the commencement and early conclusion of negotiations on a fissile material cut-off treaty (FMCT); the “consideration” of steps to grant NNWS negative security assurances (guarantees that they will not be attacked with nuclear weapons) via a legally-binding international instrument; ensuring the exercise of the inalienable right of all the parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination; the creation of a zone free of WMD in the Middle East; and the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of elimination those weapons in the context of all states working toward general and complete disarmament.

The 2000 NPT RevCon produced a Final Document which, inter alia, committed all states parties to “systematic and progressive efforts to implement” Article VI of the NPT through specific practical measures, commonly known as the 13 Steps. They included urgent signature and ratification to achieve the early entry into force of the CTBT; a verifiable FMCT; the early entry into force and full implementation of START II and the conclusion of START III as soon as possible; further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements; and an unequivocal undertaking by the NWS to accomplish the

total elimination of their nuclear arsenals. For the first time, the commitment of total elimination by the NWS was made independent of the obligation of all states to work for general and complete disarmament. Progress in implementing the '13 Steps' has been very slow. None of the steps have been fully implemented, although they have served as the basis for discussions regarding the need to take specific operational steps to move towards complete disarmament.

The 2005 NPT RevCon is generally considered to have been a failure. For almost three weeks, delegates argued over the agenda and the program of work for the RevCon. With only a few days remaining for substantive discussion, the Conference ended in acrimony without any agreements. In late 2006, UN Secretary General Kofi Annan warned that the failure to implement past disarmament agreements or to advance them in 2005 sent a "terrible signal of disunity and waning respect for the Treaty's authority."

The 2010 Revcon did manage to reach agreement on a Final Document, though without substantive advances over the 1995 and 2000 positions on nuclear disarmament.

### **3. International Court of Justice Advisory Opinion**

In 1996, following two years' consideration of oral and written submissions, the International Court of Justice (ICJ) delivered an Advisory Opinion on the legality of the threat or use of nuclear weapons, in response to a request from the UN General Assembly for such an Opinion. This request was brought about by what has come to be known as the *World Court Project*: a world-wide NGO campaign seeking clarification of the legal status of nuclear weapons. The proceedings of the case attracted participation from more states than any case in ICJ history, with 44 states plus the WHO making submissions. Although several of these countries (including France, the US, Russia, UK and India) do not recognize the automatic jurisdiction of the ICJ, they participated in the proceedings.

For many disarmament advocates, the key significance of the ICJ Opinion was the unanimous section of the ruling agreed by all 14 of the Court's Judges, which stated, "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." This obligation was judged to exist independent of the obligation of all states to work towards general and complete disarmament, thus clarifying earlier disagreements regarding the nature of obligations arising from Article VI of the NPT. Though the legal status and significance of the ICJ's Advisory Opinion are contested, this unanimous finding has affected subsequent developments in the field of nuclear disarmament. Through mechanisms described below, this distinction filtered back into the NPT review process and was reflected in the Final Document of the 2000 NPT RevCon.

Proposals were made at the 1998 Rome Plenipotentiary Conference on the International Criminal Court (ICC) to include the use of nuclear weapons as a crime within the purview of the ICC. Voting on the proposal was prevented by a procedural 'no action' resolution.

#### **4. Disarmament Advocacy**

For decades, the Non-aligned Movement (NAM) played a significant role in advocating nuclear disarmament. By taking “nuclear disarmament” as one of its principled positions, the NAM has been a negotiating and voting bloc that has been seen as representing the aspirations and interests of NNWS in pursuing nuclear disarmament. A notable concrete and detailed proposal was the Rajiv Gandhi Action Plan for Nuclear Disarmament in 1988, which still retains a contemporary relevance. The position was supported by several NGOs in West European countries.

Shortly after the 1996 ICJ Advisory Opinion, the Australian government-sponsored *Canberra Commission on the Elimination of Nuclear Weapons* called on the NWS to give an “unequivocal commitment” to this end. Subsequently, the NAC repeated this call in its 1998 and subsequent, yearly UN General Assembly Resolutions entitled “Towards a nuclear-weapon-free world.”

A key contention of the NAC is that nuclear disarmament and non-proliferation are mutually reinforcing processes that can only be pursued effectively in parallel. This strategy enabled the NAC to take a lead role in the negotiation of disarmament commitments made at the 2000 NPT RevCon, leading to the “unequivocal undertaking” made by the NWS. The approach is similar to the earlier Rajiv Gandhi Action Plan and also reflected in US President Barack Obama’s Prague speech.

##### **a. Recent Momentum**

Despite the lack of progress on multilateral disarmament, there have been some advances in unilateral and bilateral nuclear disarmament measures. Russia and the US, who together hold around 95 percent of the world’s nuclear weapons, have reduced both stockpiled and operational nuclear warheads, bringing the global arsenal down from an estimated 70,000 weapons at the height of the Cold War to around 23,500 in 2009. This was accomplished within the framework of bilateral Russia-US agreements. However, the US has at the same time announced an expenditure of \$ 80 billion to upgrade its nuclear weapons facilities and Russia appears to have increased the salience of nuclear weapons in its national security doctrine.

The UK has reduced the operational readiness of its nuclear weapons, stating that it has reduced the time-to-fire of its submarine-launched ballistic missiles (SLBMs) “from hours to days.” It has also reduced the number of its nuclear weapons delivery systems, and reduced its stockpile of nuclear warheads by 50 percent since 1997. However, contrasting these positive developments in the direction of disarmament, the UK announced in 2006 that it will spend around £20 billion replacing its four SLBM-capable submarines, thus enabling it to extend its nuclear weapons capabilities for several more decades. A decision has yet to be taken publicly regarding the possibility of renewing its arsenal of nuclear warheads.

France has also engaged in limited nuclear disarmament activities. It dismantled its ground-launched nuclear missiles and reduced its fleet of ballistic missile submarines by a third. In early 2008, President Sarkozy announced that France's operational nuclear warhead stockpile would be brought down to under 300, around half of its maximum Cold War arsenal. Nuclear weapons are apparently however intended to play a crucial role for the indefinite future in France's national security.

Despite these unilateral and bilateral efforts, the 2006 WMD Commission report, *Weapons of Terror*, argued such disarmament initiatives have limitations. "Some of them have not been verified, are not subject to any transparency or reporting requirements, are readily reversible, or are not legally binding." Additionally, the goodwill generated by these reductions has to a large degree been overshadowed by the increased reliance on nuclear weapons over the last decade.

Many influential figures have come out strongly in favor of nuclear weapons elimination in recent years. In early 2007 when four previously staunch advocates of US nuclear deterrence, former Secretaries of State George Shultz and Henry Kissinger, former Secretary of Defense Bill Perry and former Senator Sam Nunn, published an article in the *Wall Street Journal* calling for the elimination of nuclear weapons. This was quickly endorsed in another *Wall Street Journal* article by former Soviet leader Mikhail Gorbachev. In June 2007, then-UK Foreign Secretary Margaret Beckett also strongly endorsed the goal of eliminating nuclear weapons. A second article from the US Statesmen in early 2008 appeared to withdraw partially from their earlier position, recommending the continued maintenance of a robust nuclear deterrent. A supportive op-ed in *The Times* of London, was carried soon after by former Conservative Foreign Secretaries Lord Douglas Hurd and Sir Malcom Rifkind (who was also UK Defence Secretary), independent former Foreign Secretary Lord David Owen, and former Labour Defence Secretary and NATO Secretary General Lord George Robertson. Subsequently, there have been a series of statements and initiatives from many other high-level current and former officials advocating the elimination of nuclear weapons. These have appeared in Norway, Germany, Australia, Italy and Poland.

The ideas in these op-eds are not new; disarmament advocates have been promoting the ideas they contain for many years. Nonetheless they have been influential in both NWS and NNWS, for the fact that they were written by high-profile, formerly ardent advocates of nuclear weapons as security guarantors.

At the 2008 NPT Preparatory Commission (PrepCom), Norway proposed the formation of a high-level Intergovernmental Panel on Nuclear Disarmament to advise governments on the various requirements weapon free world. In July 2008, the Japanese and Australian Governments co-hosted an International Commission on Nuclear Non-proliferation and Disarmament. The Commission's report, released in late 2009, called for NWS to minimize the role of nuclear weapons in their security doctrines, give unequivocal NSAs to the NNWS, "rethink existing approaches to extended deterrence," and to devise a set of entitlements and corresponding obligations to make nuclear-armed non-NPT States stakeholders in the global nonproliferation regime.

In October 2008, UN Secretary General Ban Ki-moon presented a “5-Point Plan” designed to “revitalize the international disarmament agenda.” He urged the NWS to fulfill their NPT disarmament obligations either by agreement on a framework of separate, mutually reinforcing instruments or consider negotiating a Nuclear-Weapons Convention (NWC), backed by a verification system. He also circulated to all UN member states a draft of such a Convention.

Non-governmental initiatives have also increased in recent years, with a series of initiatives gaining media and political attention. Global Zero is an international campaign endorsed by over 100 high-level leaders which aims to elicit commitments from the NWS to eliminate nuclear weapons through phased and verified arsenal reductions. Another initiative is the Mayors for Peace 2020 Vision campaign which calls for the abolition of nuclear weapons and has been endorsed by over 3,200 Mayors from 134 countries and regions. Similarly, Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), a bipartisan organization bringing together over 700 parliamentarians from more than 75 countries, including several NWS, has released a “Parliamentarians’ Declaration Supporting a Nuclear Weapons Convention.” Other like-minded non-governmental initiatives include a joint statement by a group of Nobel Peace Prize Laureates calling for nuclear weapons elimination; the International Campaign to Abolish Nuclear Weapons (ICAN); and Abolition 2000 (over 2,000 organizations worldwide calling for a nuclear weapons convention).

In March 2009, UK Prime Minister Gordon Brown recommitted the UK to the goal of eliminating nuclear weapons and acknowledged the importance of disarmament in supporting non-proliferation. In April, Russian President Dmitry Medvedev and US President Barack Obama issued a joint statement committing their two nations to negotiating further nuclear stockpile reductions via a replacement for START. This was followed up by strong unilateral statements, first from Obama, then a few weeks later by Medvedev, which called for a nuclear-weapon-free world and recognized the linkage between progress on disarmament and support for nonproliferation.

## **b. Beyond Political Will**

There are several negative trends that could stymie further progress on disarmament. These include the refusal of some NNWS to comply with NPT commitments, the reluctance of some states to sign the IAEA Additional Protocol, the decision of others to engage in nuclear weapon development programs, factors complicating the Russia-US strategic reductions process; and the fact that several states continue to maintain and develop nuclear arsenals outside the constraints of the NPT. Given the disproportionately large stockpiles held by the US and Russia, it is incumbent on these two countries to take the lead in implementing further stockpile reductions. In April 2010, Medvedev and Obama signed a New Strategic Arms Reduction Treaty. At the end of 2010, the New START is pending ratification by the US Senate and the Russian Duma.

Meanwhile, arms control advocates have called on other NWS to engage constructively at the appropriate stage if the momentum in stockpile reductions is to be converted into

multilateral disarmament progress and for NNWS to uphold and strengthen their commitment to nonproliferation.

## **5. Disarmament-Related Initiatives**

### **a. Compliance Mechanisms**

- Seabed Arms Control Treaty
- Threshold Test Ban Treaty (TTBT)
- Peaceful Nuclear Explosions Treaty (PNET)
- Partial (Limited) Test Ban Treaty
- Comprehensive Nuclear Test Ban Treaty (CTBT)
- Fissile Material Cut-off Treaty (FMCT)

### **b. Regional Initiatives**

- Antarctic Treaty (1959)
- South Pacific Nuclear Free Zone (Rarotonga Treaty, 1985)
- New Zealand Nuclear Weapon Free Zone (1987)
- Southeast Asia Nuclear Weapon Free Zone (Bangkok Treaty, 1995)
- Central Asia Nuclear Weapons Free Zone (Semipalatinsk Treaty, 2006)
- Latin America and Caribbean Nuclear Weapon Free Zone (Tlatelolco Treaty, 1967)
- African Nuclear Weapon Free Zone Treaty (Pelindaba Treaty, 1996)
- Treaty on the Final Settlement With Respect to Germany (2+4 Agreement, 1991)
- Austria Nuclear Weapon Free Zone (1999)
- Mongolia Nuclear Weapon Free Zone (2000)

### **c. Plurilateral Initiatives**

- Six-Party Talks
- Seven Nation Initiative (7NI)
- New Agenda Coalition (NAC)

### **d. Related Official Organizations**

- International Atomic Energy Agency
- Organization for the Prohibition of Chemical Weapons
- Comprehensive Test Ban Treaty Organization
- United Nations Office for Disarmament Affairs



## **Chapter 5**

### **Global Nonproliferation Regime Compliance Mechanisms**

This chapter addresses compliance mechanisms associated with the global nonproliferation regime. These mechanisms have been developed over the years in response to specific concerns with different aspects of the threat from weapons of mass destruction (WMD), component materials, and radioactive waste. The mechanisms described in this chapter are open to all states and are considered multilateral in the sense that they are intended to be universally applicable with individual states acceding to and complying with the provisions of the specific agreement.

The compliance mechanisms are divided into four categories: weapons of mass destruction, nuclear materials, radiological materials, and weapons and test bans. UN Security Council Resolution 1540 is unique in that it is the only compliance mechanism that pertains to all types of WMD and addresses a specific concern with the international security risk associated with nonstate actors acquiring WMD.

Nuclear materials are the key ingredients in nuclear weapons. They include fissile, fissionable, and source materials. Fissile materials are those which are composed of atoms that can be split by neutrons in a self-sustaining chain-reaction to release energy, and include plutonium-239, uranium-233 and uranium-235. Fissionable materials are those in which the atoms can be fused in order to release energy, and include deuterium and tritium. Source materials include uranium containing the mixture of isotopes occurring in nature, uranium depleted in the isotope 235, and thorium; or any of the foregoing in the form of metal, alloy, chemical compound, or concentrate.

Radioactive material is another category that has drawn attention in several compliance mechanisms. It is defined as material that contains unstable (radioactive) atoms that give off ionizing radiation as they decay. Although most of the treaties associated with radioactive material are concerned with health and safety issues associated with these materials, there is growing recognition that these materials also present a growing proliferation risk in that they can be utilized to manufacture so called “dirty bombs.”

A final category of compliance mechanisms is nuclear weapons test bans. The early efforts were led by the nuclear powers. In accepting limitations on testing, the nuclear powers accepted as a common goal “an end to the contamination of the environment by radioactive substances.” Efforts to achieve a test ban agreement involved complex technical problems of verification and the difficulties of reconciling deep-seated differences in approach to arms control and security. The uneven progress of the negotiations also reflected fluctuations in East-West political relationships.

As knowledge of the nature and effects of fallout increased, and as it became apparent that no region would be untouched by radioactive debris, the issue of continued nuclear tests drew increased public attention. Apprehension was expressed about the possibility of a cumulative contamination of the environment and of resultant genetic damage.

## 1. Weapons of Mass Destruction

### 1.1 United Nations Security Council Resolution 1540 (2004)

#### a. General Information

Date of adoption:	28 April 2004
Related resolutions:	Resolution 1673 (2006) adopted on 27 April 2006 Resolution 1810 (2008) adopted on 25 April 2008
Additional information:	<a href="http://www.un.org/sc/1540/index.shtml">http://www.un.org/sc/1540/index.shtml</a>

United Nations Security Council Resolution 1540 (2004) adopted under Chapter 7 of the United Nations Charter puts into place an overarching structure that addresses the international security risks associated with weapons of mass destruction (WMD) and the acquisition of these weapons by nonstate actors. It brings together a wide range of initiatives into a universally applicable regime. The resolution places comprehensive obligations on states aiming to harmonize the implementation of previously separate agreements relating to WMD and obliges states to recognise these agreements in national legislation. It acknowledges that the acquisition of WMD by nonstate actors and the illicit trafficking of WMD, their means of delivery, and related materials is one of the most significant threats to international peace and security.

This resolution fills existing gaps in both the non-proliferation and counterterrorism regimes by placing responsibility on states and at the same time directing attention to the role of nonstate actors. The use of Chapter 7 authority means that the resolution is not only legally binding, but also enforceable through the punitive measures available to the Security Council.

Resolution 1540 places emphasis on state implementation and compliance with the resolution's obligations. A UN Security Council (UNSC) Committee monitors the implementation of this resolution by receiving state reports, requesting additional information and reporting these findings to the Security Council. Resolution 1673 (2006) extended the mandate of the Committee. This was reaffirmed by the Security Council in Resolution 1810 (2008) until 2011.

Compliance with this resolution is problematic as the obligations are comprehensive. The obligations of the resolution are organized into 10 operative paragraphs and include reporting requirements, national implementation, the effectiveness of national legislation, enforcement mechanisms, assisting other states in implementing the resolution, and promoting the aims of multilateral security. Operative paragraph four required a first report to be submitted by the 28<sup>th</sup> of October, 2004 outlining actions states have taken and actions intended. Of the 192 states, 59 met this deadline and as of July 2008 a total of 155 states had submitted a first report. The patterns of reporting and non-submission indicate that noncompliance is associated with a lack of physical capacity to implement

the measures required, a misunderstanding of the depth of these requirements, and insufficient political will to complete the required actions in the face of other priorities concerning more basic economic needs.

The UNSC 1540 Committee has requested additional information from all submitting states; as of July 2008 103 states had complied. To aid state reporting and implementation, the 1540 Committee has provided states with a matrix template (available at the UNSCR Committee website shown above) that clearly breaks down the obligations of the resolution. This matrix follows the operational paragraphs of the resolution. The revised implementation matrix, consisting of 382 fields, was applied to all national reports, and allows the Committee to assess the levels of reporting. However, it is not a tool for ensuring full compliance in that it does not provide for an evaluation of implementation measures. Additionally, the creation of a legislative database by the Committee provides a model for implementation and identifies best practice standards.

Operative paragraph 7 obliges able states to recognise the problems with compliance and offer assistance, and allows those states that require assistance to request it. It is understood by the Committee that technical assistance for implementing the provisions of Resolution 1540 is a long term issue, given the comprehensive depth of requirements and political issues. The resolution requires that states outline in their reports offers of assistance, details of assistance measures in place and point of contact details to facilitate the accommodation of requests. Assistance offers have also been made by a number of international organizations and other relevant arrangements, which can be viewed on the 1540 Committee website listed above.

#### **b. Compliance with UNSCR 1540 by States in the Asia-Pacific**

As a region, Asia is considered a high risk for WMD proliferation due to the expansion of nuclear energy and research, the production and storage of hazardous chemicals, the location of busy transshipment points, and the existence of known terrorist organizations. The Pacific on the other hand, is generally considered as low risk, due to the small population, lack of facilities, capacity and minimal use of restricted materials in the health and industrial sectors. Significant problems arise when tailoring the requirements of Resolution 1540 to each national context. However, it is a reality of the international security environment that the domestic policies of both Asia and the South Pacific are in fact integral to the global implementation of Resolution 1540. There is still much work to be done in these regions to achieve effective compliance including the submission of initial reports from the Cook Islands, North Korea (DPRK), Niue, Solomon Islands, and Timor-Leste. Further, the 1540 Committee has requested additional information from several states in the region.

Specific information on submission dates by individual states is available at:  
<http://www.un.org/sc/1540/nationalreports.shtml>

## 2. Nuclear Materials

### 2.1 Comprehensive Safeguards Agreements (CSA), Additional Protocol (AP) and Small Quantities Protocol (SQP)

#### a. General Information

Date established: Comprehensive Safeguards in 1968  
Additional Protocol in 1997  
Small Quantities Protocol in 1971, modified in 2005

Verification/Inspection: Yes

Additional information:

<http://www.iaea.org/OurWork/SV/Safeguards/sv.html>

SQP Text:

<http://ola.iaea.org/OLA/documents/ginf276mod1.pdf>

A Comprehensive Safeguards Agreement is a contract developed on an individual basis between the International Atomic Energy Agency (IAEA) and the state concerned. The basic purpose of the Agreement is to demonstrate compliance with article III of the NPT by allowing the IAEA to confirm accountability of all fissionable material used in peaceful nuclear activities within the state's territory, under its jurisdiction or carried out under its control anywhere. It is a means of verifying and assuring that such materials and technologies are solely for peaceful purposes and that they are not diverted to the production of nuclear weapons or other nuclear explosive devices. A rigid system of safeguards is essential to ensure peaceful nuclear programs are not, and do not become, weapons capable.

A significant loophole in the original CSA arrangement that became apparent in the early 1990s was that it depended on the contracting state to declare the facilities where the CSA should be applied. This allowed states to maintain "undeclared facilities" outside the reach of the IAEA verification program. To address the loophole the IAEA developed a formal expansion of its legal mandate in the form of an Additional Protocol (AP) to be adopted by member states to supplement their existing CSAs.

The AP essentially reshapes the IAEA's safeguards regime from a quantitative system focused on accounting for known quantities of materials and monitoring declared activities to a qualitative system that gathers a comprehensive picture of a state's nuclear and nuclear-related activities, including imports and exports. It substantially expands the IAEA's ability to check for clandestine nuclear facilities by providing the agency with authority to visit any facility – declared or not – to investigate questions or inconsistencies in the state's nuclear declarations. In practice, it strengthens the original CSA regime and improves its efficiency by granting the IAEA greater access including short-notice inspections of all buildings on a nuclear site, collection of samples from sites

beyond those declared by the state, information on the state's entire nuclear fuel cycle, and information about the manufacture and export of sensitive nuclear-related technologies.

The Small Quantities Protocol (SQP) is an addition to the framework created by the Comprehensive Safeguards Agreement. The SQP was set up for states that have minimal or no nuclear activities and it is essentially a declaration of this limited activity. Thus, they do not require the strict system of reporting and obligations that the CSAs involve. The implementation of the measures in Part II of the CSA, including reporting, inspection and verification come into effect when the quantity of nuclear material held by the state which is subject to safeguards exceeds the limits set by the SQP.

In 2005, the IAEA Board of Governors approved the modified text of an SQP, which reduces the number of measures held in abeyance for states with minimal or no nuclear activity and makes an SQP unavailable to a state with an existing or planned nuclear facility. This Protocol is an agreement between individual states and the IAEA.

#### **b. CSA, AP and SQP Status in the Asia-Pacific**

Most states in the region have concluded a CSA with the IAEA. Only three Pacific Island States (Cook Islands, Micronesia, and Niue) have not completed one. There are several states that have not concluded an Additional Protocol Agreement including Brunei, Cambodia, Laos, and Myanmar in Southeast Asia, North Korea, and India. Additionally, several of the Pacific Island States have not concluded an AP Agreement with the IAEA.

Brunei, Cambodia, Laos, Myanmar, Singapore, Fiji, Kiribati, New Zealand, Palau, and Papua New Guinea all have an SQP. Of these, only Singapore and Palau have the modified version as recommended by the IAEA.

Specific information on submission dates by individual states is available at:

[http://www.iaea.org/OurWork/SV/Safeguards/sir\\_table.pdf](http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf)

## **2.2 Convention on the Physical Protection of Nuclear Material (CPPNM) and Amendment**

### **a. General Information**

Opened for Signature:	3 March 1980
Number of Parties:	145
Status:	Entered into force 8 February 1987
Inspection / Verification:	No

Additional information:

<http://www.iaea.org/Publications/Documents/Conventions/cppnm.html>

The Convention on the Physical Protection of Nuclear Material is the only legally binding undertaking dealing with the physical protection of nuclear materials. It was established to implement measures related to the prevention, detection and punishment of offenses relating to such materials following the Non-Proliferation Treaty review conference of 1975 and the passage of the Nuclear Non-Proliferation Act by the US in 1978. It provides a framework for international cooperation against the theft or unauthorized diversion of nuclear materials from civilian to military programs and obliges CPPNM member states to ensure the physical protection of nuclear material during international transit.

The Convention was amended in 2005, with the updated version creating a legal obligation for states parties to protect peaceful nuclear facilities and material in domestic use, storage and transit. It also provides for expanded cooperation between and among states parties regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offenses. The amendment will take effect when two-thirds of the states parties to the Convention have ratified it (91 of the current 136 states parties). As of July 2008, 17 states have ratified the amended Convention.

#### **b. CPPNM Status in the Asia- Pacific**

There are several states in the Asia Pacific that have not signed the CPPNM including Brunei, Laos, Malaysia, Myanmar, North Korea, Singapore, Thailand, Timor-Leste, and Vietnam. Also several Pacific Island States have not signed the convention including the Cook Islands, Micronesia, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, and Vanuatu. Specific information on submission dates and instruments of deposit by individual states is available at:

[http://www.iaea.org/Publications/Documents/Conventions/cppnm\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/cppnm_status.pdf)

#### **c. Significant Reservations and Declarations**

Reservations to the Convention are allowable under Article 17(3).

The significant reservations to the CPPNM are focused on disputes settlement and criteria of criminalizing actions and government jurisdiction over criminal actions of Article 7.

China, EURATOM, France, India, Indonesian and Korea (Rep. of) declare exemption to Article 17.2; jurisdiction of the International Court of Justice in the matter of unresolved disputes. In such cases a Party can request the President of the International Court of Justice or the United Nations Secretary-General as an arbiter.

EURATOM expressed reservations towards Articles 7-13 and France to Articles 7 and 8. Article 7 defines a number of acts or attempted acts that could be criminalized; such acts include (but are not limited to) robbery or theft of nuclear material, a threat, or act without lawful authority. Article 8 requires government to establish jurisdiction over such

criminal acts. Articles 9-13 set out the procedures for expediency of trials and international assistance in criminal proceedings.

## **2.3 Convention on Nuclear Safety (CNS)**

### **a. General Information**

Opened for Signature:	20 September 1994
Number of Parties:	71
Status:	Entered into force 24 October 1996
Inspection/Verification:	Yes

Additional information:

<http://www-ns.iaea.org/conventions/nuclear-safety.htm>

The Convention on Nuclear Safety was adopted in Vienna on 17 June 1994. The purpose of the Convention is to legally commit participating states operating land-based nuclear power plants to maintain a high level of safety. The obligations are based largely on the IAEA document entitled *The Safety of Nuclear Installations*. The Convention is incentives based, focusing on the common interest to achieve higher levels of safety, to be developed and promoted through regular meetings of the parties. The key obligations require the parties to submit reports on the implementation of their obligations for peer review at these meetings.

Original interest in development of the Convention stemmed from concern over older Soviet-designed power reactors that presented a greater safety risk than reactors of more recent design. Members are required to take appropriate safety precautions covered by the Convention in relation to siting, design, construction, operation, availability of adequate financial and human resources, assessment and verification of safety, quality assurance, and emergency preparedness. The Convention applies only to civilian nuclear power facilities, which pose the greatest safety risk because of the magnitude of stored energy and the inventory of radioactive isotopes. Members must submit reports on the implementation of their obligations for “peer review” at meetings held at the IAEA.

### **b. CNS Status in the Asia-Pacific**

Many countries in the Asia Pacific region are party to the CNS. Those not signing include Brunei, Cambodia, Laos, Malaysia, Mongolia, Myanmar, New Zealand, North Korea, Thailand, and Timor-Leste. None of the Pacific Island States (Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu) have signed the CNS. Specific information on submission dates by individual states is available at:

[http://www.iaea.org/Publications/Documents/Conventions/nuclearsafety\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/nuclearsafety_status.pdf)

### **c. Significant Reservations and Declarations**

India made a reservation upon signature that the Convention should cover all nuclear power plants, civil and military. It was Indian government's suggestion that the safety aspects of nuclear power plants would apply to the military domain.

## **2.4 International Convention on the Suppression of Acts of Nuclear Terrorism (NTC)**

### **a. General Information**

Opened for Signature:	14 September 2005
Number of Parties:	75
Status:	Entered into force 7 July 2007
Inspection/verification:	No

Additional information:

[http://treaties.un.org/doc/Treaties/2005/04/20050413%2004-02%20PM/Ch\\_XVIII\\_15p.pdf](http://treaties.un.org/doc/Treaties/2005/04/20050413%2004-02%20PM/Ch_XVIII_15p.pdf)

The International Convention for the Suppression of Nuclear Terrorism, also known as the *Nuclear Terrorism Convention* (NTC), was adopted by consensus by the United Nations General Assembly on April 3, 2005 in response to international concern about the worldwide escalation of acts of terrorism in all its forms. The Convention obliges states to create legislation criminalizing acts of terrorism, to investigate alleged terrorist offenses and to arrest, prosecute or extradite offenders as appropriate. It also obliges states parties to cooperate with the investigations of other states parties through information sharing. The NTC provides definitions for acts of nuclear terrorism, including a broad range of related materials and possible targets including radioactive and nuclear material, enriched uranium, and nuclear reactors and power plants.

The idea for a Convention on the suppression of acts of nuclear terrorism originated in the 1990s in the wake of growing concerns about the threat of terrorists using nuclear or radiological material. In 1996, the United Nations (UN) General Assembly established an Ad Hoc Committee with a mandate "to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism. The Convention represents the first anti-terrorism treaty adopted after September 11, 2001.

## **b. NTC Status in the Asia-Pacific**

Most states in the Asia-Pacific have signed the NTC. The exceptions are Brunei, Indonesia, Laos, Myanmar, North Korea, and Vietnam. Pacific Island States that have not signed the convention are Cook Islands, Marshall Islands, Micronesia, Nauru, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Specific information on submission dates by individual states is available at:

<http://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XVIII/XVIII-15.en.pdf>

## **c. Significant Reservations and Declarations**

Upon signature, India made a reservation that excludes obligation to Article 23 Paragraph 1 in relation to disputes settlement. Article 23 requires that any dispute that cannot be settled “within reasonable time” shall be submitted to arbitration by request. Furthermore, if agreement is not reached within six months of such a request, any party may refer proceedings to the International Court of Justice.

## **2.5 Fissile Material Cut-off Treaty (FMCT)**

### **a. General Information**

Draft US version of the treaty:

<http://www.state.gov/documents/organization/98986.pdf>

Statements by regional organizations and individual countries on the FMCT made during the 2007 Session of the UN Conference on Disarmament (CD):

<http://www.reachingcriticalwill.org/political/cd/speeches07/topics.html#fmct>

In December 1993, the UN General Assembly adopted a resolution that recommended the negotiation of a non-discriminatory, multilateral, and internationally verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. This object of this resolution became known as the Fissile Material Cut-off Treaty FMCT...The CD first reached consensus in 1995 on a mandate (Shannon Mandate) for an ad hoc committee "...to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty” and to settle the issue of existing stocks and other relevant issues. But internal CD agenda disputes and irreconcilable positions among member states, particularly concerning the scope of the potential treaty prevented negotiations from ever commencing. Some states believe the treaty should include fissile materials already produced and stockpiled, and require that they be rendered unusable. A number of states, particularly nuclear weapon states, argue the cut-off should only apply to the future production of fissile materials. There is also contention over whether the treaty should also include some non-fissionable materials also used in the production of nuclear weapons, such as tritium. Further complicating the issue is the preference by some states that the FMCT negotiations should be linked with other issues, such as the prevention of an arms race in outer space. Other states believe negotiations should begin without preconditions to break the stalemate that has arisen due to a lack of consensus on the scope and nature of a potential treaty.

All states parties to the NPT endorsed the immediate commencement of FMCT negotiations at both the 1995 and 2000 NPT Review Conferences, and the negotiation of an FMCT was one of the 13 steps towards disarmament produced at the end of the 2000 NPT Review Conference. A program of work including FMCT negotiations was approved in the CD in May 2009, but Pakistan later that year raised procedural issues that precluded any work from commencing.

#### **b. Draft Texts**

Since the proposal of the Shannon Mandate, a number of draft treaties have been put forward. In 2003, Japan produced a working paper. Greenpeace proposed a draft treaty in 2004, which has no standing. In 2006, the US put forward a treaty that calls for banning the production of fissile materials for nuclear weapons and other nuclear explosive devices. It defined “fissile material” as:

- Plutonium except plutonium whose isotopic composition includes 80 percent or greater plutonium-238
- Uranium containing a 20 percent or greater enrichment in the isotopes uranium-233 or uranium-235
- Any material that contains the material defined in the two categories above.

### **3. Radiological Materials Agreements**

#### **3.1 The Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal**

##### **a. General Information**

Opened for Signature:	22 March 1989
Number of Parties:	175
Status:	Entered into force 5 May 1992; open to states and political and/or economic integration organizations
Inspection /Verification:	Yes
Additional information:	<a href="http://www.basel.int">http://www.basel.int</a>

In the late 1980s, the dramatic rise in the cost of disposing hazardous waste due to a tightening of environmental regulations in industrialized countries led to the undesirable practice of shipping waste from developed to developing countries especially in Eastern Europe. This led to the development of the Basel Convention. While the Convention was developed to address a broad range of hazardous waste materials, its provisions have also been applied to the disposal of radiological waste materials and served as the basis for development of other Conventions dealing with WMD-related materials.

The initial focus of the Convention was setting up a framework for controlling the international movement of hazardous waste, and developing the criteria for “environmentally sound management.” Since 2000, the Convention has built on the initial framework by emphasizing the implementation and enforcement of commitments. There has also been recognition that reducing the amount of waste generated is one solution to the issue of long-term waste storage.

The Convention covers hazardous wastes defined as those that are toxic, poisonous, explosive, corrosive, flammable, ecotoxic, and infectious and addresses financial responsibility in the event of an incident. These responsibilities take into consideration the many stages of transboundary movement, from generation to export, international transit, import, and disposal. Under the Convention, transboundary movements of hazardous wastes or other wastes are controlled by formal codes and procedures. The Basel Convention’s Secretariat represents a key component of the agreement. This office cooperates with national authorities in developing national legislation, setting up inventories of hazardous wastes, strengthening national institutions, assessing the hazardous waste management situation, and preparing hazardous waste management plans and policy tools. It also provides legal and technical advice to countries in order to solve specific problems related to the control and management of hazardous wastes. The Basel Convention has also established Regional Centers for Training and Technology Transfer tasked with providing detailed guidance on the technical, technological, and enforcement aspects of the Convention.

Although many Pacific Island States have not signed this convention, they have in place the Waigani Convention, which acts in a similar capacity by banning the importation of hazardous wastes into the South Pacific region.

The United States signed the Basel Convention in 1990 and has provided its advice and consent to ratification as of 1992. However, additional legislation to provide the necessary statutory authority to implement the convention is required before ratification is complete. Until this occurs, the US remains a non-party, allowed to participate, but not allowed to vote.

An additional amendment to the Convention was adopted in 1995 to prohibit the export of hazardous wastes, for both recycling and disposal. To date, the amendment has not been ratified and it has not yet gone into force for any party

#### **b. Basel Convention Status in the Asia-Pacific**

The following states in the Asia-Pacific have not signed the Basel Convention: Fiji, Laos, Myanmar, Niue, Palau, Solomon Islands, Timor-Leste, Tuvalu, and Vanuatu.

Specific information on submission dates by individual states is available at:

<http://www.basel.int/ratif/convention.htm>

<http://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XXVII/XXVII-3.en.pdf>

### **c. Reservations and Declarations**

The Basel Convention does not have provision for reservations, however a number of states made declarations concerning navigational rights and freedoms.

Germany declared upon signature (23 October 1989) and confirmed upon ratification its understanding that the provisions in Article 4 (12) shall in no way affect the exercise of navigational rights and freedoms as provided for international law and reflected in other international instruments. Particular reference was made to the free passage, without notice or consent, of hazardous wastes on a vessel under the flag of a party exercising its right of innocent passage and freedom of navigation. Italy, Japan, Singapore, Spain and the United Kingdom made similar declarations.

Indonesia stated upon accession (20 September 1993) of its need to adjust and enact existing national laws and regulations, in order to implement Article 3 (1) of the Convention.

The Russian Federation noted that the definition of “Territory” in the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes, which is referenced in the Convention’s preamble, cannot be used in the interpretation of the Convention in light of Article 31(2) or Article 32 of the 1969 Vienna Convention on the Law of Treaties.

## **3.2 Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (JC)**

### **a. General Information**

Opened for Signature:	29 September 1997
Number of Parties:	57
Status:	Entered into force 18 June 2001
Inspection/Verification:	No

Additional information:

<http://www.iaea.org/Publications/Documents/Conventions/jointconv.html>

The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management aims to achieve and maintain a high level of safety in spent fuel and radioactive waste management by enhancing national measures and international cooperation to prevent accidents with radiological consequences and ensuring there are effective defenses against potential hazards so that individuals, society, and the environment are protected against the harmful effects of ionizing radiation. It is the first international instrument that deals with the safety of management and storage of radioactive waste and spent fuel in countries with and without nuclear programs. It also

considerably elaborates on and expands the existing IAEA nuclear safety regime and promotes international standards in the area. Each Contracting Party must establish and maintain a legislative and regulatory framework to govern the safety of spent fuel and radioactive waste management, including a licensing system, inspection, and enforcement of the terms of the licenses and regulations.

The JC applies to spent fuel and radioactive waste resulting from civilian nuclear reactors and applications and to spent fuel and radioactive waste from military or defense programs if and when such materials are transferred permanently to and managed within exclusively civilian programs, or when declared as spent fuel or radioactive waste for the purpose of the Convention by the Contracting Party. It also applies to planned and controlled releases into the environment of liquid or gaseous radioactive materials from regulated nuclear facilities.

The Convention establishes rules and conditions for the transboundary movement of spent fuel and radioactive waste that *inter alia* require a state of destination to have adequate administrative and technical capacity and regulatory structure to manage spent fuel or radioactive waste in a manner consistent with the Convention. It obligates a state of origin to take appropriate steps to permit re-entry into its territory of such material if a transboundary movement cannot be completed in conformity with the Convention.

#### **b. Joint Convention Status in the Asia-Pacific**

The Joint Convention has been adopted by nine of the states (Australia, Canada, China, Japan, Indonesia, Philippines, Russia, South Korea, and the US) in the Asia Pacific region. Specific information on submission dates by individual states is available at: [http://www.iaea.org/Publications/Documents/Conventions/jointconv\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/jointconv_status.pdf)

#### **c. Significant Reservations and Declarations**

Only four declarations/reservations were made to this Convention, focusing on the definition of “spent fuel management,” the territories to be covered by or excluded from the Convention, and the alignment of treaty provisions and domestic law.

In a declaration received 3 July 2007, China stated that the Convention applies to the Hong Kong Special Administrative Region, but does not apply to the Macao Special Administrative Region. Similarly, Denmark stated the Convention does not apply to Greenland and the Faroe Islands.

Euratom submitted a reservation in regard to non-compliance of Article 12(1)

Japan declared upon accession to the Convention (26 August 2003) that spent fuel waste management, pursuant to Article 3(1), includes reprocessing.

### **3.3 Convention on Early Notification of a Nuclear Accident or Radiological Emergency**

#### **a. General Information**

Opened for signature: 26 September 1986 (at Vienna) and 6 October 1986 (at New York)

Status: Entered into force on 27 October 1986. (Thirty days after the date on which three states expressed their consent to be bound by the Convention, as required under Article 12)

Additional information:

<http://www.iaea.org/Publications/Documents/Conventions/cenna.html>

Adopted in 1986 following the Chernobyl nuclear plant accident, this Convention establishes a notification system for nuclear accidents which have the potential for international transboundary release that could be of radiological safety significance for another state. This Convention aims to strengthen international cooperation in order to provide relevant information about nuclear accidents as early as necessary. States party commit that, in the event of a nuclear accident that may have transboundary radiological consequences, they will notify countries that may be affected and the IAEA, and provide relevant information on the development of the accident. In turn, the IAEA informs other states that may be physically affected and relevant international organizations of a notification received and promptly provides other information on request. Each state Party and the IAEA have identified 24-hour warning points to which a notification can be directed, as well as competent authorities who are authorized to send notifications and verify information provided. The IAEA maintains an up-to-date list of such authorities and warning points and provides it to states parties, member states and relevant international organizations.

The Convention requires states to report the accident's time, location, radiation releases, and other data essential for assessing the situation. Reporting is mandatory for any nuclear accident involving any nuclear reactor wherever located; any nuclear fuel cycle facility; any radioactive waste management facility; the transport and storage of nuclear fuels or radioactive wastes; the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and the use of radioisotopes for power generation in space objects (Article 1). Under Article 3, states may notify other accidents as well. The five nuclear-weapon states (China, France, Russia, the United Kingdom, and United States) have all declared their intent also to report accidents involving nuclear weapons and nuclear weapons tests.

#### **b. Convention on Early Notification in the Asia Pacific**

All states in the Asia-Pacific have signed the Convention except Brunei, Cambodia, Laos, and Timor-Leste. None of the Pacific Island States (Cook Islands, Fiji, Marshall Islands,

Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu, and Vanuatu) have signed the Convention. Specific information on submission dates by individual states is available at:

[http://www.iaea.org/Publications/Documents/Conventions/cenna\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/cenna_status.pdf)

### **c. Significant Reservations and Declarations**

A large number of states including China, France, India, Indonesia, Malaysia, Myanmar, North Korea, Romania, Russia, Spain, Thailand, US, and Vietnam expressed the reservation that they would not be bound by dispute settlement through arbitration or submission to the International Court of Justice as stated in Article 11 of the convention.

India expressed a reservation that the Convention was defective because it made a distinction between nuclear and non-nuclear states and did not make it mandatory for nuclear weapons states to make notification of accidents involving nuclear weapons tests.

## **3.4 Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency**

### **a. General Information**

Opened for signature: 26 September, 1986

Status: Entered into force on 26 February 1987

Additional information:

<http://www.iaea.org/Publications/Documents/Conventions/cacnare.html>

This Convention requires that states parties cooperate between themselves and with the IAEA 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. In the event of a nuclear accident or radiological emergency, the IAEA's functions are to make available to a state party or a member state requesting assistance appropriate resources for the purpose of conducting an initial assessment of the accident, transmit requests for assistance and relevant information to states parties that may possess the necessary resources, offer its good offices to the states parties or member states, liaise with relevant international organizations to obtain and exchange relevant information, and, on request, coordinate the assistance at the international level. Each state party and the IAEA have identified 24-hour warning points to which a request for assistance can be directed, as well as competent authorities who are authorized to send requests and to arrange for the provision of assistance. The IAEA maintains an up-to-date list of such authorities and warning points and provides it to states parties, member states and relevant international organizations.

The Convention requires states to notify the IAEA of their available experts, equipment, and other materials for providing assistance. In case of a request, each state party decides whether it can render the requested assistance as well as its scope and terms. Assistance may be offered without costs taking into account the needs of developing countries and the particular needs of countries without nuclear facilities. The IAEA serves as the focal point for such cooperation by channeling information, supporting efforts, and providing its available services.

#### **b. Convention on Assistance in the Asia-Pacific**

All States in the Asia-Pacific region have signed the Convention of assistance except Brunei, Cambodia, Laos, Myanmar, and Timor Leste. None of the Pacific Island States (Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu, and Vanuatu) have signed the Convention. Specific information on submission dates by individual States is available at:

[http://www.iaea.org/Publications/Documents/Conventions/cacnare\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/cacnare_status.pdf)

#### **c. Significant Reservations and Declarations**

Several states have expressed reservations regarding taxation privileges and immunities for those providing assistance, exemption from claims and compensation in cases of gross negligence, and dispute remedies that include referral to arbitration or the International Court of Justice.

### **3.5 Vienna Convention on Civil Liability for Nuclear Damage**

#### **a. General Information**

Opened for signature: 21 May 1963

Status: Entered into force on 12 November 1977, three months after the date of deposit with the Director General of the fifth instrument of ratification, in accordance with Article 23

Amendment: In 1997, the Vienna Convention was amended and the Convention on Supplementary Compensation for Nuclear Damage was adopted.

Additional information:

<http://www.iaea.org/Publications/Documents/Conventions/liability.html>

The Convention is the fundamental international legal document setting liability, procedure, timeframe, and principles of offsetting damage resulting from incidents at civilian nuclear installations contains a number of uniform rules to be applied by all contracting parties. The objective is to establish minimum standards to provide financial protection against damage resulting from peaceful uses of nuclear energy. Under the

Convention, the country responsible for a nuclear installation or an operator appointed by it should offset damage resulting from any incident in line with a relevant decision of a court in the country where the incident takes place. Each signatory is to set the upper liability limit that cannot be below \$5 million. The money is meant to compensate victims both in the country the incident takes place and abroad. Insofar as its provisions are self-executing, each state can choose between the incorporation of the Convention in the domestic legal system, thus allowing for its direct application, and the adoption of national legislation specifically implementing the Convention. The Convention does not cover the issue of state responsibility or liability for nuclear damage. Article 13 makes it clear that the Convention is not to be “construed as affecting the rights, if any, of a Contracting Party under the general rules of public international law in respect of nuclear damage.”

The 1997 Protocol sets the possible limit of the operator’s liability at not less than 300 million Special Drawing Rights (roughly equivalent to \$400 million). The Convention on Supplementary Compensation defines additional amounts to be provided through contributions by states parties on the basis of installed nuclear capacity and United Nations rate of assessment. The Protocol also provides a better definition of nuclear damage by incorporating the concept of environmental damage and preventive measures.

#### **b. Vienna Convention on Civil Liability in the Asia-Pacific**

The only states in the Asia-Pacific that have signed the Vienna Convention on Civil Liability for Nuclear Damage are the Philippines and Russia. Specific information on submission dates by individual states is available at:

[http://www.iaea.org/Publications/Documents/Conventions/liability\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/liability_status.pdf)

### **3.6 Paris Convention on Third Party Liability in the Field of Nuclear Energy**

#### **a. General Information:**

Opened for signature:	29 July 1960
Status:	Entered into force on 1 April 1968
Amendment:	Additional Protocol of 28 January 1964 and by the Protocol of 16 November 1982
Additional information:	<a href="http://www.nea.fr/html/law/nlparis_conv.html">http://www.nea.fr/html/law/nlparis_conv.html</a>

The Convention on Third Party Liability in the Field of Nuclear Energy was established under the auspices of the OECD Nuclear Energy Agency (NEA) and covers most West European countries. It is open to any OECD country as of right and to any non-member with the consent of the other contracting parties.

The purpose of the Convention is to provide adequate compensation to the public for damage resulting from a nuclear accident and to ensure that the growth of the nuclear

industry would not be hindered by bearing an intolerable burden of liability. The compensation includes injury to or loss of life of any person, and for damage to, or loss of any property caused by a nuclear accident in a nuclear installation or during the transport of nuclear substances to and from installations. It does not cover damage to the nuclear installation itself.

The Paris Convention generally applies when an accident causing damage occurs in the territory of a party and damage from this accident is suffered in the territory of a party, including the territorial sea. In 1968, the NEA Steering Committee recommended that the Convention cover nuclear incidents occurring or nuclear damage suffered on the high seas and in 1971, it recommended that the Convention apply to damage suffered in a Paris Convention state even if the nuclear incident occurs in a state not party to the Convention. Many of the Paris Convention states have adopted these recommendations.

#### **b. Paris Convention on Third Party Liability in the Asia-Pacific**

None of the states in the Asia-Pacific have signed the Paris convention on third party liability. Specific information on submission dates by individual states is available at: [http://www.nea.fr/law/nlparis\\_conv.html](http://www.nea.fr/law/nlparis_conv.html)

### **3.7 Convention on Supplementary Compensation for Nuclear Damages (CSC)**

#### **a. General Information:**

Opened for Signature:	29 September 1997
Number of Parties:	14
Status:	Not yet entered into force
Inspection/Verification:	No

Additional information:

<http://www.iaea.org/Publications/Documents/Conventions/supcomp.html>

The convention recognizes the importance of the measures provided in the Vienna Convention on Civil Liability for Nuclear Damage and the Paris Convention on Third Party Liability in the Field of Nuclear Energy as well as in national legislation on compensation for nuclear damage. The intent is to establish a worldwide liability regime to supplement and enhance these measures with a view to increasing the amount of compensation for nuclear damage. It assumes that such a worldwide liability regime would encourage regional and global co-operation to promote a higher level of nuclear safety in accordance with the principles of international partnership and solidarity.

On the ninetieth day following the date on which at least five states representing among them at least 400,000 megawatts (thermal) of installed nuclear capacity have deposited an instrument of ratification, acceptance or approval the CSC will be considered entered into

force. It will enter into force for any state that subsequently ratifies, accepts, approves, or accedes to the convention ninety days following the deposit of its instrument. The convention contains definitions of twelve terms pertaining to “nuclear damage,” thus reflecting a need to address differing concepts of tort liability while at the same time ensuring uniformity with respect to particular core elements. It also requires that the “minimum national compensation amount” be distributed equitably without discrimination on the basis of nationality, domicile or residence. Domestic and transboundary victims are required to be treated by the courts of the signatory state without regard to their nationality when allocating the first tier of compensation.

The signature of many states has been contingent upon the approval of the convention by the United States. With the US depositing its ratification on May 21, 2008, there should be renewed interest by other states. In the ratification process, the US expressed reservation with the dispute resolution procedures outlined in the convention.

#### **b. Convention on Supplementary Compensation in the Asia-Pacific**

Only Australia, India, Indonesia, the Philippines, and the US have signed the Convention on supplementary compensation. None of the Pacific Island States have signed the Convention. Specific information on submission dates by individual states is available at: [http://www.iaea.org/Publications/Documents/Conventions/supcomp\\_status.pdf](http://www.iaea.org/Publications/Documents/Conventions/supcomp_status.pdf).

### 4. Nuclear Weapons in the Commons and Test Bans

#### **4.1 Outer Space Treaty**

##### **a. General information**

Opened for Signature:	27 January, 1967
Number of Parties:	126
Status:	Entered into force 10 October, 1967
Inspection/Verification:	No

Additional information:

<http://www.unoosa.org/oosa/SpaceLaw/outerspt.html>

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies was the second of the so-called “nonarmament” treaties; its concepts and some of its provisions were modeled on its predecessor, the Antarctic Treaty. Like that treaty it sought to prevent “a new form of colonial competition” and the possible damage that self-seeking exploitation might cause. Between 1959 and 1962 the Western powers made a series of proposals to bar the use of

outer space for military purposes. Addressing the General Assembly on September 22, 1960, President Eisenhower proposed that the principles of the Antarctic Treaty be applied to outer space and celestial bodies.

Article 4 prohibits placing in orbit around the Earth, installing on the moon, any other celestial body, or otherwise station in outer space, nuclear or any other weapons of mass destruction. Additionally, it limits the use of the moon and other celestial bodies exclusively to peaceful purposes and expressly prohibits their use for establishing military bases, installation, or fortifications; testing weapons of any kind; or conducting military maneuvers.

The Soviet Union initially objected based on a demand that a prohibition on all foreign military bases should be included in the treaty. After the signing of the LTBT, the Soviet Union dropped the linkage.

#### **b. Outer Space Treaty in the Asia-Pacific**

All states in the Asia-Pacific have signed the Outer Space Treaty except Brunei, Cambodia, and Timor-Leste. In addition, the Pacific Island States of Cook Islands, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Samoa, Solomon Islands, Tuvalu, and Vanuatu) have not signed the Treaty. Specific information regarding the status of individual states is available at:

<http://www.unoosa.org/oosatdb/showTreatySignatures.do>

### **4.2 Seabed Arms Control Treaty**

#### **a. General information**

Opened for Signature:	11 February, 1971
Number of Parties:	86
Status:	Entered into force 18 May, 1972
Inspection/Verification:	Yes
Additional information:	<a href="http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf">http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf</a>

The full title of the Treaty is the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof. In the 1960s, advances in the technology of oceanography and elevated interest in previously untapped resources of the ocean floor led to concern that the absence of clearly established rules of law might lead to conflict. There also existed concerns that the seabed could become a new environment for military installations, including those capable of launching nuclear weapons. The treaty shared

with the spirit of the Outer Space Treaty, the Antarctic Treaty, and the various Nuclear Weapons-Free Zones treaties to prevent the introduction of international conflict and nuclear weapons into new areas and environments not established by previous treaties.

The Treaty sought to prevent the introduction of international conflict and nuclear weapons into an area that had otherwise been free of them. It prohibits the placement of nuclear weapons or weapons of mass destruction on the seabed and the ocean floor beyond a 12-mile coastal zone to be measured in accordance with the provisions of the 1958 Convention on the Territorial Sea and the Contiguous Zone. It allowed parties to undertake verification using their own means, with the assistance of other parties, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter allowing parties to assure themselves the obligations were being fulfilled without interfering with legitimate seabed activities. It stipulates that parties are to work for further measures to prevent an arms race on the seabed.

There was some friction in the differences between the drafts of the United States and the Soviet Union. Prominent among these differences was that the USSR proposed using the Outer Space Treaty as a precedent for inspection, deciding that all installations and structures would be open, provided that reciprocity was observed. The US believed that the Outer Space Treaty was an unsuitable precedent since no claims of national jurisdiction existed on the moon and that provisions suitable for the Moon would not be adequate for the seabed where national jurisdiction had been and was in the process of being articulated. The Soviet-approved draft would have banned all military uses of the seabed and would have precluded such things as submarine surveillance systems that were fixed to the ocean floor. The US regarded these systems as essential. Also, coastal states were concerned about whether their rights would be respected and if they possessed the ability to check on violations. Some wondered whether the verification procedures would really be effective.

#### **b. Seabed Arms Control Treaty in the Asia-Pacific**

The Seabed Arms Control Treaty has not been signed by Brunei, North Korea, and Timor-Leste. In addition, none of the Pacific Island States (Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu) have signed the Treaty. Specific information regarding the status of individual states is available at:

<http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf>  
<http://www.fas.org/nuke/control/seabed/text/seabed3.htm>

#### **4.3 Threshold Test Ban Treaty (TTBT)**

Opened for Signature:	1974
Status:	Entered into force 1990
Inspection/Verification:	Yes

Additional information:

<http://www.state.gov/www/global/arms/treaties/ttbt1.html>

<http://www.atomicarchive.com/Treaties/Treaty10.shtml>

The official title of the treaty is the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests and the Protocol. In an effort to limit the nuclear arms race and to pursue nuclear disarmament, the United States and the Union of Soviet Socialist Republics (USSR) entered into a series of negotiations which resulted in several treaties since 1960s. The TTBT established a nuclear testing “threshold,” by prohibiting tests having a yield exceeding 150 kilotons (equivalent to 150,000 tons of TNT). The threshold is militarily important since it removes the possibility of testing new or existing nuclear weapons going beyond the fractional-megaton range. Although the TTBT was signed in 1974, it did not enter into force for 16 years because of ratification difficulties in the US Senate.

The yields of underground nuclear weapons detonations are monitored by national technical means or inspection using either of the following methodologies: hydrodynamic yield measurement, hydro plus yield measurement, seismic yield measurement, and on-site inspection. The treaty applies to only the following test sites: For the United States, the Nevada Test Site; and for the Russian Federation, the Northern Test Site (Novaya Zemlya), and Semipalatinsk Test Site (Now located in Kazakhstan). The Semipalatinsk site has been essentially shut down. The treaty included a protocol that detailed the technical data that had to be exchanged and limited weapon testing to specific designated sites to assist in verification. The data to be exchanged includes information on the geographical boundaries and the geology of the testing areas. The TTBT also stipulated that data be exchanged on a certain number of tests for calibration purposes, which improved assessments by other parties of the yields of explosions based primarily on the measurements derived from their seismic instruments.

The TTBT represented a significant degree of direct cooperation by the two major nuclear powers in the effort to control nuclear weapons. For the first time, each party agreed to make available to the other data relating to its nuclear weapons test program.

The TTBT is a bilateral agreement between the US and USSR.

#### **4.4 Peaceful Nuclear Explosions Treaty (PNET)**

Opened for Signature: 28 May, 1976

Status: Entered into force 11 December, 1990

Inspection/Verification: Yes

Additional information:

<http://www.atomicarchive.com/Treaties/Treaty11.shtml>

As a result of the TTBT, the US and the Soviet Union anticipated the necessity of addressing underground nuclear explosions for peaceful purposes. The PNET addressed the detonation of nuclear devices at locations outside those designated by the TTBT. It limited individual yield to 150 kilotons, group yield to 1,500 kilotons, and mandated identifiable measurement for yields greater than 150 kilotons. It also established a protocol so that no advancements beneficial to weapons development could be derived from the detonation of nuclear devices for peaceful purposes.

#### **4.5 Partial (Limited) Test Ban Treaty**

##### **a. General information**

Opened for Signature:	5 August, 1963
Number of Parties:	94
Number of Signatories:	106
Status:	Entered into force 10 October, 1963
Inspection/Verification:	No

Additional information:

<http://disarmament.un.org/TreatyStatus.nsf/44e6eeabc9436b78852568770078d9c0/35ea6a019d9e058a852568770079dd94?OpenDocument>

The development of the LTBT reflected a growing concern over the environmental and health consequences of testing of nuclear weapons as research on the potential damages became clear. As a result of the hydrogen bomb tests in the 1950s, there was concern about radioactive fallout and the likelihood of even greater damage from more powerful nuclear devices. The treaty prohibits any nuclear weapon test explosion, or any other nuclear explosion, at any place under the state's jurisdiction or control:

- (a) In the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or
- (b) In any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such explosion is conducted.

##### **b. Limited Test Ban Treaty in the Asia-Pacific**

The Limited Test Ban Treaty has been signed by all states in the Asia-Pacific except Brunei, Cambodia, China, North Korea, Timor Leste, and Vietnam. None of the Pacific Island States (Cook Islands, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau,

Samoa, Tuvalu, and Vanuatu) have signed the Treaty except Fiji and Papua New Guinea, and Tonga. Specific information regarding the status of individual states is available at: <http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf>  
[http://en.wikipedia.org/wiki/List\\_of\\_Partial\\_Test\\_Ban\\_Treaty\\_signatories](http://en.wikipedia.org/wiki/List_of_Partial_Test_Ban_Treaty_signatories)

#### **4.6 Comprehensive Nuclear Test Ban Treaty (CTBT)**

##### **a. General Information**

Opened for Signature:	24 September 1996
Number of Parties:	195
Number of Signatories:	182
Status:	Not yet entered into force. The Treaty will enter into force 180 days after all 44 of the states that at the time of the opening for signature of the Treaty possessed nuclear power reactors or research reactors, which have potential to produce plutonium for military applications.
Inspection / Verification:	Yes
Additional information:	<a href="http://www.ctbto.org">http://www.ctbto.org</a>

The Comprehensive Nuclear Test Ban Treaty, which was completed in 1996 after four years of intense negotiation, bans all nuclear test explosions. Although proposals for a total ban on nuclear testing were first expressed in the 1950s at the time the Limited Test Ban Treaty was being developed, negotiations for the CTBT did not begin until after the Cold War ended. The Treaty includes implementation measures, a verification regime, punitive measures for violators, and a dispute resolution mechanism.

The verification regime includes an international monitoring system, consultation and clarification, on-site inspections, and confidence building measures. The use of national technical means for verification is explicitly provided for in Article 3. Requests for on-site inspections must be approved by at least 30 affirmative votes of members of the treaty's 51-member Executive Council, which must act within 96 hours of receiving a request for an inspection.

Due to existing nuclear weapons capabilities or the potential for these to be developed from current civilian nuclear programs, ratification of the CTBT by 44 specific states named in Article 14 of the Treaty is required before it will enter into force. Three of these states (India, Pakistan and North Korea) have not signed the treaty and six more (China, Egypt, Indonesia, Iran, Israel, and the US) have signed but not ratified the Treaty.

In 1999, the US Senate voted not to ratify the Treaty. Most opposition in the US has been driven by concerns over stockpile stewardship and test verification procedures. Critics have contended that in the absence of nuclear testing, the U.S will be unable to maintain its expertise in nuclear weapons or to ensure the reliability and safety of its nuclear stockpile. Furthermore, under these circumstances, opponents contend that the US and its allies would not be able to maintain the necessary confidence in its nuclear deterrent. President Obama pledged in his speech in Prague on April 5, 2009 promised to aggressively pursue U.S. ratification. In May 2010, Indonesia announced that it would proceed with ratification.

#### **b. CTBT Status in the Asia-Pacific**

All states in the Asia-Pacific have signed the CTBT except India and North Korea. In addition the Pacific Island States of Niue, Tonga, and Tuvalu have not signed the Treaty. Specific information regarding the status of individual states is available at:

<http://www.ctbto.org/the-treaty/status-of-signature-and-ratification/>

#### **c. Significant Reservations and Declarations**

This Treaty does not allow for reservations to the Articles or Annexes. However reservations to the provisions of the Protocols and Annexes to the Protocol are allowed provided they are compatible with the object and purpose of the Treaty.

India has not signed the Treaty and has argued that it should include a specific commitment by the nuclear weapon states to eliminate their nuclear weapons in a negotiated finite span of time, and made its support of the draft treaty contingent on such a commitment. India rejected the entry-into-force formula. Given its stated inability to endorse the treaty as drafted, it argued that making ratification by specific states a requirement for entry into force is contrary to customary international law rules that no obligation can be imposed on a state without its consent.



## **Chapter 6**

### **Treaty-based Regional Nonproliferation Initiatives**

Regional initiatives have played an important part in creating incentives to discourage the proliferation of WMD in the Asia-Pacific. One particular initiative, a nuclear-weapons-free zone, has been created in several regions of the world. This chapter provides a summary of the seven treaties that have been developed for this purpose both in the Asia-Pacific region and other regions of the world.

A nuclear-weapons-free zone (NWFZ) is defined by the United Nations as an agreement to ban the use, development, or deployment of nuclear weapons in a given area. Additionally, these agreements have mechanisms of verification and control to enforce its obligations. NWFZs are conceived as incremental measures toward total nuclear disarmament, and have steadily grown in number since the first, governing Antarctica. Today, there are eight recognized zones that have been achieved or are in the process of acceptance. Also, some countries have not signed international treaties, but have outlawed nuclear weapons, like Austria with the Atomspergesetz in 1999. There are also a number of agreements that have been proposed over the years covering the Middle East, the Korean Peninsula, Central Europe, and South Asia.

#### **1. Antarctic Treaty**

##### **a. General Information**

Opened for Signature:	1 December, 1959
Number of Parties:	48
Status:	Entered into force 23 June, 1961
Inspection/Verification:	Yes
Additional information:	<a href="http://www.ats.aq/index_e.htm">http://www.ats.aq/index_e.htm</a>

The key obligation of the Treaty is that the Antarctica must be used for peaceful purposes. The Treaty prohibits “any measures of a military nature such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons” (Article 1). Military personnel or equipment, however, may be used for scientific research or for any other peaceful purpose. It also prohibits any nuclear explosions and the disposal of radioactive waste material in the Antarctica.

## **b. Antarctic Treaty status in the Asia-Pacific**

The following states in the Asia-Pacific have not signed the Antarctic Treaty: Brunei, Cambodia, Indonesia, Laos, Malaysia, Mongolia, Myanmar, Philippines, Singapore, Thailand, Timor-Leste, and Vietnam. Of the Pacific Island States, only Papua New Guinea has signed the Antarctic Treaty. Specific information regarding the status of individual states is available at: [http://www.ats.aq/devAS/ats\\_parties.aspx?lang=e](http://www.ats.aq/devAS/ats_parties.aspx?lang=e)

## **2. South Pacific Nuclear-Free Zone**

### **a. General Information**

Opened For Signature:	6 August 1985
Number of Parties:	13
Status:	Entered into force 11 December 1986
Verification:	Yes

Additional information:

<http://disarmament.un.org/treatystatus.nsf/44e6eeabc9436b78852568770078d9c0/7c1dc91deecad6ba852568770079dd9c?OpenDocument>

The South Pacific Nuclear-Free Zone (SPNFZ), also known as the Treaty of Rarotonga was adopted to enhance regional security by stemming nuclear arms competition throughout the South Pacific. SPNFZ was developed as a regional initiative to reinforce three other arms control treaties: the Seabed Treaty, which seeks to exclude the seabed from the arms race by preventing states from emplacing WMD or their launching devices on the seabed, the Limited Test Ban Treaty, which places limitations on the testing of nuclear weapons testing in the atmosphere, outer space, and under water, and the Treaty on the Nonproliferation of Nuclear Weapons (NPT), which recognizes the rights of states to conclude regional nuclear free zones (Article 7).

The Treaty prohibits the testing, manufacture, acquisition, and stationing of nuclear explosive devices in the territory of Parties to the Treaty and the dumping of radioactive wastes at sea within the zone (Article 7). The Treaty also requires all parties to apply full scope International Atomic Energy Agency safeguards to all their peaceful nuclear activities. A comprehensive control system has been established to verify compliance with the Treaty and there are mechanisms, including provision for mandatory on-site inspection, to assure compliance.

The Treaty affirms the right of each party to decide for itself whether to allow visits by foreign ships and aircraft carrying nuclear weapons to its ports and airfields. It also explicitly upholds the freedom of navigation on the high seas and passage through territorial waters guaranteed by international law.

The Treaty has three protocols. Under Protocol 1 the United States, France, and the United Kingdom are required to apply the basic provisions of the Treaty to their respective territories in the zone established by the Treaty. Under Protocol 2, the United States, France, the United Kingdom, Russia, and China agree not to use or threaten to use nuclear explosive devices against any party to the Treaty or against any territories located within the zone for which a party to Protocol 1 is responsible. Under Protocol 3, the United States, France, the United Kingdom, Russia, and China agree not to test nuclear explosive devices within the zone established by the Treaty. The protocols were opened for signature on August 8, 1986, in Suva, Fiji. All five nuclear weapon states have signed the Protocols for which they are eligible. The US, the United Kingdom and France have signed all three, whereas China and Russia are Party to Protocols 2 and 3 of the Treaty, but did not accede to Protocol 1, since neither state has territories within the zone. Only the US has not yet ratified all three protocols.

#### **b. Status of States Parties to the Treaty and Protocols**

The treaty is open for signature by the members of the Pacific Island Forum. Current signatories include all states in the region (Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu) except the Marshall Islands, Micronesia, and Palau. All eligible nuclear weapons states have signed the three protocols and all except the US have ratified them. Specific information regarding the status of individual states is available at: [http://www.opanal.org/NWFZ/Rarotonga/rarotonga\\_en.htm](http://www.opanal.org/NWFZ/Rarotonga/rarotonga_en.htm)

#### **c. Significant Reservations and Declarations**

Article 14 precludes reservations to the treaty.

Russia and China signed and ratified Protocol 2 noting that they do not control any territory in the region.

On ratification of Protocol 2, United Kingdom declared that nothing in the treaty affects the rights under international law to transit the zone or visit ports or airfields within the zone. It also stated that it would not be bound by protocol 2 in the event of an attack on the United Kingdom or its territories.

### **3. South-East Asia Nuclear-Weapons-Free Zone**

#### **a. General Information**

Opened for signature:	15 December 1995
Number of Parties:	10
Status:	Entered into force 27 March 1997
Verification:	Yes

Additional information: <http://www.aseansec.org/2082.htm>

The Southeast Asia Nuclear Weapon Free Zone (SEANWFZ) was established after a decade of negotiating and drafting efforts by the ASEAN Working Group on a Zone of Peace, Freedom and Neutrality (ZOPFAN) in Southeast Asia. The SEANWFZ or Bangkok Treaty applies to the 10 regional states and was signed by the heads of the 10 states/governments in Bangkok.

States parties are obliged not to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons, which is equated with nuclear explosive devices. Parties are also prohibited from deploying, transporting, or testing them. The treaty requires states parties to prevent the stationing or testing of any nuclear explosive device and the dumping of radioactive wastes or other radioactive matter by anyone in the territorial sea of the states parties. Parties to the treaty are also prohibited from providing source or special fissionable materials or equipment to any non-nuclear weapon state (NNWS) or any NWS unless subject to safeguards agreements with the International Atomic Energy Agency (IAEA). The treaty covers the territories, continental shelves, and exclusive economic zones (EEZ) of the states parties within the zone.

The Treaty has one protocol which is open for signature by China, France, Russia, the United Kingdom, and the United States. The protocol states that these recognized NWS would undertake to respect the treaty and not to contribute to any act, which constitutes a violation of the treaty or its protocol by states parties. They would also undertake not to use or threaten to use nuclear weapons against any state party to the treaty and not to use or threaten to use nuclear weapons within the SEANWFZ. None of the NWS have signed or deposited the protocol.

The treaty provides for a Commission to oversee the implementation of this treaty and ensure compliance with its provisions. The treaty also gives each state party the right to ask another state party for clarification or a fact-finding mission to resolve an ambiguous situation or one which may give rise to doubts about compliance. Verification is to be achieved through reports by members and the exchange of information, and through the application of IAEA safeguards. states parties have discretion over visits by foreign ships and aircraft to ports and airfields, transit of airspace by foreign aircraft, and navigation by foreign ships carrying nuclear weapons.

The SEANWFZ Treaty includes two elements that go beyond other existing Nuclear-Weapon-Free Zone (NWFZ) agreements: 1) the zone of application also includes the continental shelves and EEZ of the contracting parties; and 2) the negative security assurance of the protocol implies a commitment by the NWS not to use or threaten to use nuclear weapons against any contracting state within the zone of application. In other aspects, the SEANWFZ contains all the standard obligations, prohibitions, and verification and control measures found in other zonal treaties.

The Bangkok Treaty does not have any designated Secretariat, given the informal style of ASEAN, but the Commission at the level of Foreign Ministers and the working group of Senior Officials will work to promote the full implementation of the zone.

#### **b. SEANWFZ Treaty Status Among States Parties**

All ten ASEAN states (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam) have signed the Treaty.

#### **c. Reservations and Declarations**

The state parties to the Treaty still have internal differences over transit rights and port/airfield visits of foreign ships and aircraft.

The NWS have not signed the Protocol to the SEANWFZ Treaty. Stated objections include the inclusion of continental shelves and EEZ, the restriction on the use of nuclear weapons within the zone or from within the zone against targets outside the zone, and the restriction on the passage of nuclear-powered ships through the zone *vis-à-vis* the issue of the high seas as embodied in the UN Convention on the Law of the Sea (UNCLOS). The NWS also raised the issue that the continental shelves and EEZ are not clearly defined in the South China Sea, which creates uncertainty over the scope of the treaty, as well as the treaty's protocol obligations.

The US also expressed concerns regarding the nature of the legally binding negative security assurances to be expected of the parties to the protocol, the alleged ambiguity of the treaty's language concerning the permissibility of port calls by ships, which may carry nuclear weapons, and the procedural rights of the parties to the protocol to be represented before the various executive bodies set up by the treaty to ensure its implementation.

China has indicated a willingness to sign the protocol, although to date it has not taken any formal action to act on its declaration of intent.

India also has stated its willingness to sign the SEANWFZ protocol. However because the protocol was intended for those NWS recognized in the Nuclear Nonproliferation Treaty, Article 3 of the protocol states that it shall be open for signature only "by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America."

#### **d. Latest Developments**

Several meetings of the Commission have been held for the purpose of implementing and promoting the Treaty among the signatories as well as the countries outside Southeast Asia, especially the NWS. In May 2001, informal consultations were held in Hanoi between the ASEAN and the NWS. As a result of the consultations, in 2002, four NWS (Russia, US, UK, and France) presented a joint paper with proposals on promoting

negotiations on the SEANWFZ to the ASEAN. Response from the ASEAN countries is still pending.

In a meeting held in Manila on July 29, 2007, the foreign ministers of the state parties to the SEANWFZ conducted a thorough review of the implementation of the Treaty during the 10 years since it entered into force in 1997. They expressed appreciation for the ASEAN Secretariat's work in preparing the Stocktaking Paper on the Implementation of the SEANWFZ Treaty, and are pleased to note that the state parties have abided by their responsibilities and obligations under the Treaty. In addition, they considered a plan of action to further enhance cooperation among state parties as well as non-state parties, particularly the nuclear weapon states. They reaffirmed their commitment to further enhance and promote the Southeast Asia Nuclear Weapon Free Zone and resolved to undertake measures under the Plan of Action for the period 2007-2012 which recommends ASEAN states to:

- Ensure compliance with ASEAN undertakings under the SEANWFZ Treaty, including accession to the International Atomic Energy Agency (IAEA) safeguards agreements and related instruments;
- Continue close consultations to pursue the accession of all five nuclear weapon states;
- Seek cooperation with the IAEA, other international and regional bodies, other Nuclear Weapon-Free Zones, Dialogue Partners and other friendly states, in developing legal framework to meet international standards on nuclear safety, establishing regional networks for early notification of nuclear accidents, developing a regional emergency preparedness and response plan and strengthening capacity building in the region on nuclear safety issues;
- Jointly draw up specific work programs/projects to implement the Plan of Action.

The latest Commission on SEANWFZ meeting held on July 21, 2008 in Singapore reaffirmed the importance of continued efforts to implement the Treaty to, among others, secure NWS accession to SEANWFZ Protocol through the Plan of Action.

#### **e. Suggestions to Improve SEANWFZ**

In light of the present state of affairs, the following actions might be considered to help achieve the SEANWFZ objectives:

- To introduce initiatives to link SEANWFZ with other nuclear weapon free zones and encourage the state parties and signatories to the Treaties of NWFZs to implement further ways and means of cooperation among themselves, their treaty agencies and other interested states,
- To help materialize a Stocktaking Paper prepared by the ASEAN Secretariat on the Implementation of the SEANWFZ Treaty with an introduction of a DOC-type of document,
- To continue engaging NWS and other countries with interest and commitment such as China and India to the Treaty of SEANWFZ Protocol,

- To link the SEANWFZ Treaty to the Non-Proliferation regimes in such areas as banning reprocessing and enrichment (while assuring fuel supplies), as well as spent fuel storage,
- To settle internal differences among parties to the SEANWFZ Treaty over some outstanding issues to smooth the SEANWFZ implementation, especially with regard to the nuclear weapon states.

#### **4. Central Asia Nuclear Weapons Free Zone (CANWFZ)**

##### **a. General Information**

Opened For Signature:	8 September 2006
Number of Parties:	5
Status:	Entered into force 21 March, 2009
Verification:	Yes

Additional information:

<http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf> (CANWFZ)  
[Treaty on a Nuclear-Weapon-Free Zone in Central Asia](#)

The five Central Asian states – Kazakhstan, Krygyzstan, Tajikistan, Turkmenistan, and Uzbekistan – signed a treaty establishing a Central Asian Nuclear Weapon Free Zone (CANWFZ). As the result of negotiations that began in 1997, the CANWFZ treaty text was finalized at talks held in Tashkent, Uzbekistan in February 2005. The treaty consists of 18 articles, a protocol, and the rules of procedure to implement Article 10, which includes the procedure of holding consultative meetings. Under the treaty, each party undertakes not to conduct research on, develop, manufacture, stockpile, or other acquire, possess, or have control over any nuclear weapon or other nuclear explosive device (Article 3). To a greater extent than other previous NWFZs, the one in Central Asia will showcase a commitment to nuclear disarmament by a group of states which previously had nuclear weapons on their territory. It will also be the first NWFZ located entirely in the northern hemisphere.

Beyond its political impact, the Central Asian Treaty contains concrete provisions that strengthen regional and international nonproliferation efforts. Under its terms, the states will be the first countries in the world legally bound to adhere to enhanced International Atomic Energy Agency safeguards (the Additional Protocol) for their civilian nuclear assets. The treaty also requires them to meet international standards for the physical protection of nuclear material. Considering the danger that Central Asia could become a source or transit corridor for terrorist smuggling of nuclear materials, these terms of the CANWFZ are an important counterterrorism measure. In another unique feature, the treaty recognizes the need for cooperation in environmental rehabilitation of territories contaminated as a result of past activities related to the development, production or

storage of nuclear weapons or other nuclear explosive devices, in particular uranium tailings storage sites and nuclear test sites (Article 6).

#### **b. CANFZ Treaty Status among States Parties**

Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan have all signed and ratified CANFZ.

### **5. Latin American Nuclear Weapons Free Zone (LANWFZ)**

#### **a. General Information**

Opened For Signature:	14 February 1967
Number of Parties:	33
Status:	Entered into force 25 April 1969 for 11 states parties and for all 33 parties October 2002
Verification:	Yes

Additional information:

<http://www.iaea.org/Publications/Documents/Treaties/tlatelolco.html>

<http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf> (Treaty of Tlatelolco)

The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean predates the NPT and represents the first effort by a group of states to establish a nuclear weapon-free zone in a heavily populated region. The Treaty has 33 Latin American and Caribbean Contracting Parties. These states have accepted the application of IAEA safeguards for all their nuclear activities to assist in verifying compliance with the Treaty. The Treaty also establishes a regional organization, the Agency for the Prohibition of Nuclear Weapons in Latin America (known by its Spanish acronym OPANAL), to help ensure compliance with its provisions.

The Treaty officially entered into force in 2002 when all eligible states (Cuba was the lone holdout) signed and ratified (as necessary) the Treaty and its two Protocols and concluded comprehensive safeguards agreements with the IAEA as required. However, several signatories individually waived these requirements and declared the treaty in force in 1969 for their respective territories, thereby creating the nuclear-free zone in a piecemeal fashion.

The U.S, China, France, the UK, and Russia are all party to two Protocols to the Treaty. The first Protocol requires parties with international responsibility for territories within the region to respect specific denuclearization provisions of the Treaty and to conclude IAEA safeguards agreements for their territories. The second Protocol requires nuclear weapon states also to respect and support the denuclearization provisions and not use or threaten to use nuclear weapons against Treaty parties. The US has also brought into

force a safeguards agreement pursuant to Protocol I that covers the territories in the region for which we are internationally responsible. With France's 1992 ratification of Protocol I, all relevant states have now signed and ratified the two Protocols.

### **Signatory Countries**

All 33 countries (Antigua & Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts/Nevis, St. Lucia, St. Vincent/Grenadines, Suriname, Trinidad & Tobago, Uruguay, Venezuela) in the Latin American region are Contracting Parties to the Treaty.

## **6. African Nuclear Weapons Free Zone Treaty (Pelindaba Treaty)**

### **a. General Information**

Opened For Signature:	11 April 1996
Number of Parties:	51
Status:	Entered into force on 15 July, 2009
Verification:	Yes

#### Additional Information:

<http://www.iaea.org/Publications/Documents/Treaties//pelindaba.html>  
<http://unhq-appspub-01.un.org/UNODA/TreatyStatus.nsf> (Pelindaba Treaty)

The African Nuclear Weapons Free Zone Treaty is the result of African Union's efforts to create a nuclear free zone for the continent of Africa. All the states of Africa are eligible to become party to the Treaty. Despite the initial objections of the Arab African states, many who refused to sign ANWFZ until Israel relinquished its nuclear weapons, Algeria, Libya, and Mauritania have since reconciled and ratified the treaty.

The Treaty prohibits the research on, development, manufacturing, stockpile, control and acquisition of any nuclear device as well as it prohibits the stationing of any nuclear explosives device and the dumping of radioactive material or waste anywhere in the zone. Signatories retain the right to peaceful nuclear activities that utilize nuclear science and technology to strengthen security, stability and development. The zone consists of the entire continent of Africa and the following islands: Agalega Island, Bassas da India, Canary Islands, Cape Verde, Cardagos Carajos Shoals, Chagos Archipelago, Comoros, Diego Garcia, Europa, Juan de Nova, Madagascar, Mauritius, Mayotte, Prince Edward & Principe Marion Islands, Reunion, Rodrigues Island, Sao Tome, Seychelles, and Tromelin Island.

The Pelindaba Treaty has three protocols. Under Protocol 1 the United States, the United Kingdom, France, China, and the Russia will not threaten to use a nuclear explosive device against any Treaty party or against any territory of a Protocol 3 party within the African zone. Under Protocol 2 the United States, France, the United Kingdom, the Russian Federation and China are invited to agree not to test or assist or encourage the testing of a nuclear explosive device anywhere within the African zone. Protocol 3 is open to states with dependent territories in the zone and obligates them to observe certain provisions of the Treaty with respect to these territories; only Spain and France may become Parties to this Protocol.

#### **b. Signatory Countries**

All countries in the African Union have signed the Treaty except Madagascar. However, only 28 states have ratified it. Specific information regarding the status of individual states is available at:

<http://www.africa-union.org/root/AU/Documents/Treaties/List/Pelindaba%20Treaty.pdf>

### **7. Treaty on the Final Settlement With Respect to Germany (2+4 Agreement)**

#### **a. General Information**

Opened For Signature:	12 September 1990
Number of Signatories:	6
Number of Ratifications:	1
Status:	Ratified by unified Germany 3 October 1990 and entered into force on 15 March, 1991
Verification	Yes
Additional Information:	<a href="http://usa.usembassy.de/etexts/2plusfour8994e.htm">http://usa.usembassy.de/etexts/2plusfour8994e.htm</a>

The 2+4 Agreement was negotiated in 1990 between the Federal Republic of Germany (FRG), the German Democratic Republic (GDR), and the Four Powers which occupied Germany at the end of World War 2 in Europe: France, the United Kingdom, the United States, and the Soviet Union (USSR).

Under the terms of the treaty, the Four Powers renounced all rights they formerly held in Germany. As a result, the reunited country became fully sovereign on 15 March 1991. Germany reaffirmed its renunciation of the manufacture, possession of, and control over nuclear, biological, and chemical weapons, and in particular, that the Nuclear Non-Proliferation Treaty would continue to apply in full to the unified Germany. Also, no foreign armed forces, or nuclear weapons, or the carriers for nuclear weapons would be stationed in former East Germany (or deployed there), making it a permanent Nuclear-

Weapon-Free Zone. Although the treaty was signed by the western and eastern German states as separate entities, it was ratified by the united Germany (the Federal Republic of Germany) per the terms of the treaty agreement.

## **8. Mongolian Nuclear Weapon Free Status**

### **a. General Information**

National law adopted	3 February 2000
Status	in force since 3 February 2000
Verification	yes

Additional information: [http://www.opanal.org/NWFZ/Mongolia/Mlaw\\_en.html](http://www.opanal.org/NWFZ/Mongolia/Mlaw_en.html)

Mongolia proclaimed its territory a nuclear-weapon-free zone (NWFZ) on September 25, 1992 and declared to have that status “internationally guaranteed” just like other zones. To that end, it took practical measures both at the national and international level. At the national level, its National Security Concept declared that Mongolia would not allow its territory to be used against other states and that its NWFZ status would form an important element of ensuring security by political means. In February 2000 the Mongolian Parliament adopted a national law entitled “Law of Mongolia on its nuclear-weapon-free status” and a parliamentary resolution to promote full implementation of the law.

The main provision of the law clearly defines the prohibitions resulting from the nuclear-weapon-free status and criminalizes acts that would violate that status. Article 4 of the law stipulates that an individual, legal person, or any foreign state would be prohibited on the territory of Mongolia from committing, initiating or participating in developing, manufacturing or otherwise acquiring, possessing or having control over nuclear weapons, stationing or transporting nuclear weapons by any means, ... dumping or disposing nuclear weapons grade radioactive material or nuclear waste. The law also banned “transportation through the territory of Mongolia of nuclear weapons, parts of components thereof, as well as nuclear waste or any other nuclear material designed or produced for weapons purposes”.

The law envisages national and international verification of the implementation of the law and respect of the status. An individual or legal person that violated the law is to be held criminally liable, while the facility, equipment, material, raw material or means of transportation used for such violation would be expropriated by the state. Appropriate political and legal procedures would be undertaken to address issues of violation of the law by other states.

At the international level, the United Nations General Assembly (UNGA) adopted in 1998 resolution 53/77 D entitled “Mongolia’s international security and nuclear-weapon-free status” which welcomed the declaration by Mongolia of its nuclear-weapon-free

status and invited member states, including the five nuclear-weapon states, to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen its status. Since then, UNGA has been considering the item regarding Mongolia's status every second year, taking note of the measures taken and progress made in consolidating the status and adopting supportive resolutions in support of the efforts.

As a response to the resolution mentioned above, in 2000 the five nuclear-weapon states have made a joint statement providing security assurances to Mongolia in connection with its status. Mongolia believes that the joint political statement was an important step in institutionalizing the status at the international level and expressed its readiness to work for strengthening the status by conclusion of an international treaty.

In September 2007 Mongolia presented to its immediate neighbors, Russia and China, a draft trilateral treaty that would define Mongolia's own commitment regarding its status as well as the two neighbor's pledge not to contribute to violation by Mongolia of its commitment. A draft protocol to the treaty would ask the other three nuclear-weapon states to commit to respect the treaty and contribute to its full implementation. In March and September 2009 Mongolian, Chinese and Russian representatives met in Geneva to exchange views on the proposed Mongolian draft treaty.

## **Chapter 7**

### **Plurilateral Initiatives**

Since the early 1990's, the threat of WMD proliferation has dramatically increased. There has also been a substantially increased risk from countries and international terrorist groups with access to chemical and biological weapons, and at least several states with access to components and technology for making nuclear weapons. Curbing the supply of dangerous technologies, including nuclear technology, is made more difficult by the ambivalent approach of many governments to the perceived threat of WMD proliferation. Some trade off concerns about the spread of WMD against economic and political interests. Others lack the capacity to prevent nonstate actors from using sovereign territory for illegal trafficking of material, equipment, and technology used for the development of WMD and missiles.

In the face of such challenges, some states have argued that international standards of acceptable conduct embodied in treaties like the NPT, the CWC, the BWTC, and other nonproliferation treaties and protocols are being violated while the world seems to be reluctant to impose consequences. The response has been the development of a variety of ad hoc coalitions and arrangements to address the violations and seek better ways to enforce existing multilateral compliance regimes. The range of mechanisms that have been developed under the rubric of plurilateral initiatives is quite extensive both in terms of scope of participation and the focus of concern. They include arrangements designed to control WMD delivery systems, component materials, and technology. By definition, none of these arrangements are treaty-based or legally binding. Some have argued that these types of mechanisms are preferable because they demonstrate a strong political will to act in response to violators and offer more flexibility in their enforcement. A criticism offered by others is that states have used the failure of multilateral treaties as justification for abandoning multilateralism and are pursuing these unaccountable, nontransparent plurilateral initiatives instead of seeking consensus on issues such as disarmament and equal treatment among states parties to the treaties.

#### **1. The IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and Supplementary Guidelines on the Import and Export of Radioactive Sources**

##### **a. General Information**

Date Published: Code of Conduct 2004,  
Supplementary Guidelines 2005

Formally Supporting States: 99

Status: Open to all IAEA member States

Additional information:

<http://www-ns.iaea.org/tech-areas/radiation-safety/code-of-conduct.htm>

Continuing incidents and accidents involving radiation sources and the new concern about the possible malicious use of these sources indicate a clear need for a comprehensive set of standards and guidance documents. These standards and supplementary guidelines support states in their efforts to ensure an adequate level of both safety and security for radioactive sources and aim to harmonize the national policies, laws and regulations of IAEA member states. While neither of these instruments are legally binding, their facilitation of international cooperation help to prevent the unauthorized use or theft of radioactive materials.

IAEA member states have been urged to formally express their support of the Code and the Guidelines and to encourage other countries to do the same. The IAEA Secretariat has been working with states to develop practical advice in regard to compliance.

**b. IAEA Code of Conduct status in the Asia-Pacific**

	IAEA Code of Conduct		IAEA Supplementary Guidance on the Import and Export of Radioactive Sources		
	Formal Expressed	Support	Formal Expressed	Contact Point Designated	Response to S.A.Q
Australia	•		•	•	•
Brunei					
Cambodia					
Canada	•		•	•	•
China	•		•	•	
India	•		•	•	•
Indonesia	•			•	
Japan	•		•	•	
Laos					
Malaysia					
Mongolia					
Myanmar					
New Zealand	•		•	•	
North Korea					
Philippines	•		•	•	
Russia	•		•	•	•
Singapore					
South Korea	•			•	
Thailand	•		•	•	•
Timor Leste					
United States	•		•	•	•
Vietnam	•		•	•	

None of the Pacific Island States have expressed support for the Code or the supplementary guidelines. Information in the above table is drawn from the IAEA at: [http://www.iaea.org/Publications/Documents/Treaties/codeconduct\\_status.pdf](http://www.iaea.org/Publications/Documents/Treaties/codeconduct_status.pdf)

## 2. The Missile Technology Control Regime (MTCR)

### a. General Information

Established:	1987
Number of Partners:	34 (at January 2010)
Status:	Limited, admission based on consensus of members
Inspection / Verification:	No
Additional information:	<a href="http://www.mtcr.info/english/guidelines.html">http://www.mtcr.info/english/guidelines.html</a>

The Missile Technology Control Regime is an informal, voluntary association of countries that seeks to control the proliferation of materials, equipment and technologies used in unmanned WMD delivery systems. The MTCR is not a treaty and thus creates a political commitment for partner states. It relies on the adherence of partner states to export policy guidelines (the MTCR Guidelines) regarding a common list of controlled technologies (the MTCR Equipment, Software and Technology Annex). This list includes practically all key equipment and technology needed to develop, produce, and operate missiles. The guidelines and annex are implemented by each partner state in accordance with its domestic legislation.

The MTCR is particularly focused on systems capable of delivering a payload of over 500kg at least 300km. These include rockets (projectiles that free fall to target in the latter stage of their flight trajectory, such as ballistic missiles, space launched vehicles, and sounding rockets) and unmanned aerial vehicle (UAV) systems (which can be manoeuvred for a greater portion of their flight, such as cruise missiles, target drones, and reconnaissance drones). Category I items, for which the MTCR guidelines call for a strong presumption to deny, include complete rocket systems, production facilities, and major subsystems for rockets that exceed the range-payload thresholds. Category II items, which members are urged to exercise caution in exporting, but not with a presumption to deny, include dual-use equipment and components that can be used to produce or operate rockets and missiles.

Established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom and the US, the MTCR initially focused on stemming the proliferation of nuclear weapons-capable missiles and related technologies. Since 1993, it has expanded its focus to include missiles designed to, or capable of, delivering chemical and biological weapons. The MTCR works by consensus and partner states regularly exchange information about relevant national export licensing issues. The MTCR guidelines are open to all nations to implement, including non-MTCR partners.

## **b. Membership in MTCR in the Asia-Pacific**

Australia, Canada, Japan, New Zealand, Russia, South Korea and the United States are MTCR partner states. A complete list of partner states is provided at:

<http://www.mtcr.info/english/partners.html>

## **3. Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)**

### **a. General Information**

Date Introduced:	26 November 2002
Subscribing States:	130 states (as of May 2009)
Status:	Voluntary commitment; open to all states
Inspection / Verification:	No
Additional information:	<a href="http://www.bmeia.gv.at/index.php?id=64664&amp;L=1">http://www.bmeia.gv.at/index.php?id=64664&amp;L=1</a>

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC), formally called the International Code of Conduct against Ballistic Missile Proliferation creates a political (as opposed to legal) commitment, with “subscribing states” agreeing “to prevent and curb the proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction” and “to exercise maximum restraint in developing, testing, and deploying” such missiles. This includes, where possible, the reduction of ballistic missile stockpiles. As a voluntary code, there is no inspection or verification regime associated with the HCOC, and its focus is on general principles rather than specific action plans.

The HCOC consists of a set of general guidelines, commitments and confidence-building measures (CBMs). These include pre-launch notifications of peaceful rocket flights and annual declarations on space and ballistic missile policies, which are intended to address proliferation concerns caused by the similarities between technologies used in ballistic missiles and civilian rockets. The HCOC is intended to supplement, rather than replace, the Missile Technology Control Regime (MTCR). Unlike the MTCR, the HCOC is open to all states. Austria serves as the Immediate Central Contact (ICC), although the Code is administered collectively by all subscribing states and has no formal secretariat. Annual meetings are held in Vienna, where subscribing states discuss issues related to implementation of the HCOC and its CBMs and ongoing efforts towards achieving its universalization. All decisions, both procedural and substantive, are taken by a consensus of subscribing states present at meetings.

## **b. HCOC Status among CSCAP Members & Observers**

The most notable gap in buy-in to the HCOC in the Asia-Pacific region is in Southeast Asia, where only two states, Cambodia and the Philippines, have adopted the Code. China, India and North Korea are also yet to subscribe. All Pacific Island States except Nauru, Samoa, and Solomon Islands are subscriber states.

## **4. Proliferation Security Initiative (PSI)**

### **a. General Information**

Established:	May 2003
Number of parties:	95 (as of May 2009 US State Department website list of “PSI Participants.”)
Status:	Open to all states that adhere to the statement of principles.
Additional information:	<a href="http://www.state.gov/t/isn/c10390.htm">http://www.state.gov/t/isn/c10390.htm</a>

The Proliferation Security Initiative was launched on May 31, 2003 by the United States and 10 other states. Since then the PSI has worked to restrict the proliferation of WMD through multilateral collaboration in military exercises and operations. The PSI characterized as an activity rather than an organization and has few formal mechanisms,

The Initiative aims to limit the flow of WMD through the application of existing national anti-smuggling laws while complying with the framework of international laws, which are much more restrictive on the issue of maritime interdiction. The goal is to stop shipments of WMD, their delivery systems, and related materials. In order to achieve this goal, states participating in the PSI have conducted several joint military exercises with a goal of practicing and improving search and seizure methods. While the PSI does “not create formal obligations,” it does attempt to “represent a political commitment to establish ‘best practices’ to stop proliferation-related shipments.”

While the primary aim of PSI is to limit the proliferation of WMD between non-participating states and nonstate actors, it does hold its members to the same standards and scrutiny, including compliance and cooperation with boarding arrangements. Compliance with UN Convention on the Law of the Sea (UNCLOS) provisions that ensure innocent passage has been the source of much controversy surrounding the PSI. Under UNCLOS, a nation’s territorial waters, where its laws apply, extend twelve miles from the coast. Within this zone, weapons of all types may be confiscated, but only if the shipment is bound for known insurgents or terrorists. Beyond the 12 miles limit, a state cannot apply its laws to ships. UNCLOS does allow for interdiction on the high seas (beyond the 12 miles) if a ship is “suspected to be engaged in the slave trade, piracy, illegal broadcasting, or [does not fly] its flag”.

## **b. PSI status in the Asia-Pacific**

PSI participating states in the Asia-Pacific region are Australia, Brunei, Cambodia, Canada, Fiji, Japan, Marshall Islands, Mongolia, New Zealand, Papua New Guinea, Philippines, Russia, Samoa, Singapore, South Korea, and the United States. A complete list of participating states can be found at:

<http://www.state.gov/t/isn/c27732.htm>

## **5. Global Initiative to Combat Nuclear Terrorism**

### **a. General Information**

Established:	15 July 2006
Agreement on principles:	31 October 2006
Partners:	77 countries and regional organizations
Status:	Open to all states and regional organizations
Additional information:	<a href="http://www.state.gov/t/isn/c18406.htm">http://www.state.gov/t/isn/c18406.htm</a>

The Global Initiative to Combat Nuclear Terrorism is a joint initiative launched by the United States and Russia to “expand and accelerate the development of partnership capacity to combat the global threat of nuclear terrorism” consistent with national legal authorities and obligations they have under relevant international legal frameworks, notably the Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and UNSC Resolutions 1373 and 1540. This initiative is open to partner nations who share the common goal of combating nuclear terrorism. All states concerned with the threat to international peace and security can make a commitment to implement on a voluntary basis the following principles:

- Improve accounting, control, and physical protection of nuclear and other radioactive substances and materials;
- Enhance security of civilian nuclear facilities;
- Improve the ability to detect nuclear and other radioactive materials and substances in order to prevent illicit trafficking in such materials and substances, to include cooperation in the research and development of national detection capabilities that would be interoperable;
- Improve capabilities of participants to search for, confiscate, and establish safe control over unlawfully held nuclear or other radioactive materials and substances or devices using them;
- Prevent the provision of safe haven to terrorists and financial or economic resources to terrorists seeking to acquire or use nuclear or other radioactive materials or substances;

- Ensure adequate respective national legal and regulatory frameworks sufficient to provide for the implementation of appropriate criminal and, if applicable, civil liability for terrorists and those who facilitate acts of nuclear terrorism;
- Improve capabilities for response, mitigation, and investigation in cases of terrorist attacks involving the use of nuclear and other radioactive materials and substances, including technical means to identify nuclear and other radioactive materials and substances that are, or may be, involved in the incident; and
- Promote information sharing pertaining to the suppression of acts of nuclear terrorism and their facilitation, taking appropriate measures consistent with their national law and international obligations to protect the confidentiality of any information which they exchange in confidence.

The Global Initiative seeks to achieve its objectives by building the necessary state capacity and national capabilities to combat transnational threats of nuclear terrorism. Unlike previous nuclear counterterrorism efforts, the Global Initiative goes “beyond interdiction” to operate inside the borders of countries with nuclear materials by setting protection and detection standards and jointly planning strategies to block terrorist efforts. Activities of the Global Initiative include improvement of capabilities to combat nuclear terrorism by providing and receiving assistance to partner states where appropriate to fill capacity gaps.

#### **b. Partner States in the Asia-Pacific**

The US and Russia are the founding members of the Initiative. Other partner states in the Asia-Pacific region are Australia, Cambodia, Canada, China, India, Japan, New Zealand, Palau, and South Korea. A complete list of participating states can be found at: <http://www.state.gov/t/isn/rls/fs/125374.htm>

### **6. Nuclear Suppliers Group (NSG)**

#### **a. General Information**

Established:	1974
Initial guidelines:	1978
Participants:	46
Status:	Limited, admission based on consensus of members
Additional information:	<a href="http://www.nuclearsuppliersgroup.org">http://www.nuclearsuppliersgroup.org</a>

The Nuclear Suppliers Group was formed in 1974 in response to India’s first nuclear weapons test. Since India first obtained nuclear materials and technology for building reactors for power generation, several suppliers noted the ease with which the capacity was modified to create nuclear weaponry. The group was set up to encourage controls on

exports of materials, equipment, and technologies that can be used in developing nuclear weapons. Since the aim of the group is to prevent nuclear weapon proliferation, it does not discourage nuclear research for energy needs and deter trade.

Membership in the NSG is voluntary and includes politically binding agreements. There are rules that govern the necessary steps in handling certain nuclear exports. In 1978, the NSG published its first set of guidelines, which lists exports of nuclear materials and equipment that require IAEA safeguards at the recipient facility. In 1992, in light of how Iraq was able to evade restrictions to further its nuclear-weapons program, the group issued a second set of guidelines that identifies nuclear dual-use goods, for which it recommends careful supervision. A “non-proliferation principle’ adopted in 1994 requires the supplier to authorize a transfer only when satisfied that it would not contribute to the proliferation of nuclear weapons.

NSG membership has grown over time but does not include all nations that export nuclear materials covered by the guidelines. Prospective members are judged, inter alia on their observance of nonproliferation treaties and agreements, and management of the export of strategic goods. Since 2001, the NSG has initiated dialogue with several non-members that have developed civil nuclear programs and were considered to be potential nuclear suppliers. These dialogue partners have included India, Indonesia, Malaysia, and Pakistan. The broad purpose of these contacts is to share information in order to prevent the proliferation of nuclear materials and equipment.

### **Nuclear Suppliers Group Membership**

Argentina	Croatia	Hungary	Malta	Slovenia
Australia	Cyprus	Iceland	Netherlands	South Africa
Austria	Czech Republic	Ireland	New Zealand	South Korea
Belarus	Denmark	Italy	Norway	Spain
Belgium	Estonia	Japan	Poland	Sweden
Brazil	Finland	Kazakhstan	Portugal	Switzerland
Bulgaria	France	Latvia	Romania	Turkey
Canada	Germany	Lithuania	Russia	Ukraine
China	Greece	Luxembourg	Slovakia	United Kingdom
				United States

Source: <http://www.nuclearsuppliersgroup.org/Leng/03-member.htm>

## **7. Australia Group (AG)**

### **a. General Information**

Established:	1985
Members:	41
Status:	Limited, admission on consensus of members.
Additional information:	<a href="http://www.australiagroup.net/en/index.html">http://www.australiagroup.net/en/index.html</a>

The Australia Group was formed in 1985 following a 1984 UN investigation revealed that Iraq had manufactured chemical weapons used in the Iran-Iraq War after many Western countries had mistakenly supplied Iraq with dual-use chemicals. The original group was comprised of fifteen countries. In 1990 it expanded its mandate to include dual-use biological materials after it was discovered that Iraq was trying to develop biological weapons. While measures taken by the group are not legally binding, its influence is most felt in the commitment to nonproliferation.

The Australia Group uses licensing measures to monitor and control the spread of technologies and materials that are of use in developing chemical and biological weapons. All member states must have an effective and legally based system by which national exports can be controlled. The group attempts to stop the export of materials and elements that appear on its common control list, which includes six areas: chemical weapons precursors, dual-use chemical manufacturing facilities and equipment and related technology, dual-use biological equipment and related technology, biological agents, plant pathogens, and animal pathogens. The export licensing measures are designed to impede production of chemical and biological weapons and should not hinder normal trade of materials and equipment for non-weapon use. While the group cannot physically block the export of the materials on its list, it relies on the member governments to deny export licenses for listed materials.

The group originally had focused mainly on preventing these technologies from being used by other states, but recently has expanded its focus. In a 2002 meeting the group decided to also focus on preventing chemical and biological weapons from falling into the hands of terrorists, despite the original intent being set on states.

#### **b. Australia Group Membership**

Argentina	Denmark	Ireland	New Zealand	Switzerland
Australia	Estonia	Italy	Norway	Turkey
Austria	European Commission	Japan	Poland	Ukraine
Belgium	Finland	South Korea	Portugal	United Kingdom
Bulgaria	France	Latvia	Romania	United States
Canada	Germany	Lithuania	Slovakia	
Croatia	Greece	Luxembourg	Slovenia	
Cyprus	Hungary	Malta	Spain	
Czech Republic	Iceland	Netherlands	Sweden	

Source: <http://www.australiagroup.net/en/participants.html>

## 8. Zangger Committee

### a. General Information

Established:	1971
Members:	37
Status:	Limited, open to signatories of the NPT

Additional information: <http://www.zanggercommittee.org/Seiten/default.aspx>

The Zangger Committee, also known as the “NPT Exporters Committee,” was formed in 1971 to offer guidance on the implementation of Article 3, paragraph 2 of the NPT, which addresses the export of fissionable material. The Committee seeks to ensure that all materials requiring IAEA safeguards are properly controlled when exported to non-nuclear weapons states. This includes “source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material.” The Committee is relatively informal and does not hold members to legally binding agreements.

The Committee maintains a “trigger list” of materials used in generating nuclear power. The list includes source material and special fissionable material such as all forms of naturally occurring uranium isotopes, depleted uranium 235, and thorium. In order to be transported successfully, the recipient facility must be appropriately outfitted with the proper IAEA safeguards as a condition of supply. The Committee also established a list of nuclear power production equipment and materials that need IAEA safeguards. The items under this section of the guidelines include reactors as well as plants that reprocess irradiated fuel elements, separate isotopes of uranium, produce heavy water, and convert plutonium and uranium to fuel.

### b. Zangger Committee Membership

Argentina	Czech Republic	Italy	Romania	Turkey
Australia	Denmark	Japan	Russia	Ukraine
Austria	Finland	South Korea	Slovakia	United Kingdom
Belgium	France	Luxembourg	Slovenia	United States
Bulgaria	Germany	Netherlands	South Africa	Kazakhstan
Canada	Greece	Norway	Spain	
China	Hungary	Poland	Sweden	
Croatia	Ireland	Portugal	Switzerland	

Source: <http://www.zanggercommittee.org/Zangger/Members/default.htm>

## 9. Container Security Initiative (CSI)

### a. General Information

Established:	2002
Members:	58 operational ports
Status:	Limited, through agreement with US Department of Homeland Security
Additional information:	<a href="http://cbp.gov/xp/cgov/trade/cargo_security/csi/">http://cbp.gov/xp/cgov/trade/cargo_security/csi/</a>

The US Bureau of Customs and Border Protection (CBP), an agency of the Department of Homeland Security, launched the CSI program in 2002. Its purpose is to increase security for container cargo shipped to the United States. As terrorist organizations have turned to destroying economic infrastructure to make an impact on states, the vulnerability of international shipping has been highlighted. The initial CSI program focused on the top 20 ports shipping approximately two-thirds of the container volume to the United States. Participation is open to any port meeting certain volume, equipment, procedural, and information-sharing requirements. CSI consists of four core elements:

- Using intelligence and automated information to identify and target containers that pose a risk for terrorism.
- Pre-screening those containers that pose a risk at the port of departure before they arrive at US ports.
- Using detection technology to quickly pre-screen containers that pose a risk.
- Using smarter, tamper-evident containers.

Under the CSI program, the screening of containers that pose a risk for terrorism is accomplished by teams of CBP officials deployed to work in concert with their counterparts at ports around the world. The CSI program offers participant countries the reciprocal opportunity to send their customs officers to major US ports to target ocean-going, containerized cargo to be exported to their countries. In June 2002, the World Customs Organization passed a resolution that will enable ports in all 161 of the member nations to begin to develop programs along the CSI model. On 22 April 2004, the EU and the US signed an agreement to expand CSI throughout the European Community.

### b. Membership

As of October 2008, there were 58 ports participating in CSI, accounting for 85 percent of container traffic bound for the US including the following East Asian ports:

Singapore, Hong Kong, Shenzhen and Shanghai in China, Kaohsiung and Chi-Lung in Taiwan, Pusan in South Korea, Port Klang and Tanjung Pelepas in Malaysia, Laem

Chabang in Thailand and Yokohama, Tokyo, Nagoya and Kobe in Japan. The complete list of ports included is available at:

[http://www.dhs.gov/xprevprot/programs/gc\\_1165872287564.shtm](http://www.dhs.gov/xprevprot/programs/gc_1165872287564.shtm)

## 10. Megaports Initiative

### a. General Information

Established:	2003
Membership:	27 with ongoing expansion planned to reach 41 (FY10)
Status:	Ports selected by US National Nuclear Security Administration

Additional information:

<http://nnsa.energy.gov/aboutus/ourprograms/nonproliferation/programoffices/internationalmaterialprotectionandcooperation/s-1>

The US established the Megaports Initiative to screen containerized cargo as it moves through the global maritime shipping network for special nuclear and other radiological materials. To reduce the illicit trafficking of these materials, the Initiative provides and installs radiation detection systems at high-volume international seaports.

At ports, containers are screened through fixed-vehicle and rail radiation portal monitors as they leave the terminal. Other equipment typically provided includes hand-held personal radiation detectors, radioisotopic identifiers and radiation survey meters. Detectors must be able to distinguish between special nuclear materials, medical and industrial radioisotopes, and naturally occurring radiation. On detection of a smuggled shipment, the authorities and nuclear oversight bodies of the country concerned are alerted instantly so that they can take further action. Radiation alarms can be simultaneously transmitted to multiple agencies.

### b. Membership

Equipment has been installed at 19 ports including Bahamas, Belgium, Colombia, Dominican Republic, Greece, Honduras, Israel, the Netherlands, Oman, Pakistan, Panama, the Philippines, Spain, Singapore, South Korea (SFI Port), Sri Lanka, Thailand, and the United Kingdom. Implementation is underway at additional ports in Bangladesh, Belgium, China, Djibouti, Dubai–United Arab Emirate, Egypt, Hong Kong, Israel, Jamaica, Japan, Malaysia, Mexico, Oman, Panama, Portugal, Spain, and Taiwan.

## 11. Six-Party Talks

### a. General Information

Established:	August 2003
Members:	6
Status:	Limited to six countries

Additional information:

<http://www.globalsecurity.org/wmd/world/dprk/6-party.htm>

The Six Party Talks began as a multilateral approach to peacefully resolving the North Korean nuclear threat that heightened after North Korea ousted IAEA inspectors in December 2002, withdrew from the Nuclear Nonproliferation Treaty (NPT) in January 2003, and restarted its plutonium enrichment program. According to a joint statement issued in Sep. 2005, the six parties “unanimously reaffirmed that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner.” The following is a summary of the provisions included in the statement:

- The DPRK committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.
- The United States affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons.
- The ROK reaffirmed its commitment not to receive or deploy nuclear weapons in accordance with the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula, while affirming that there exist no nuclear weapons within its territory.
- The 1992 Joint Declaration of the Denuclearization of the Korean Peninsula should be observed and implemented.
- The DPRK stated that it has the right to peaceful uses of nuclear energy. The other parties expressed their respect and agreed to discuss, at an appropriate time, the subject of the provision of light water reactor to the DPRK.
- The Six Parties undertook, in their relations, to abide by the purposes and principles of the Charter of the United Nations and recognized norms of international relations.
  - The DPRK and the United States undertook to respect each other’s sovereignty, exist peacefully together, and take steps to normalize their relations subject to their respective bilateral policies.

- The DPRK and Japan undertook to take steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.
- The Six Parties undertook to promote economic cooperation in the fields of energy, trade and investment, bilaterally and/or multilaterally.
  - China, Japan, ROK, Russia and the US stated their willingness to provide energy assistance to the DPRK.
  - The ROK reaffirmed its proposal of July 12th 2005 concerning the provision of 2 million kilowatts of electric power to the DPRK.
- The Six Parties committed to joint efforts for lasting peace and stability in Northeast Asia.
  - The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.
  - The Six Parties agreed to explore ways and means for promoting security cooperation in Northeast Asia.

Subsequent rounds of talks have focused on finding an implementation process that is satisfactory to all sides of the talks. Although five separate working groups have been established within the framework of the talks, they have been inactive pending resolution of a variety of issues related to North Korean nuclear activity.

### **b. Participation**

The six parties are China, United States, the Democratic People's Republic of Korea (North Korea), the Republic of Korea (South Korea), Russia, and Japan. China serves as the permanent Chair of the talks.

## **12. Asian Senior Talks on Proliferation (ASTOP)**

### **General Information**

Established:	November 2003
Membership:	ASEAN countries, Australia, Canada, China, Japan, New Zealand, South Korea, United States
Status:	Japan Ministry of Foreign Affairs Initiative. Talks are held annually

The Asian Senior Talks on Proliferation was established by the Japanese Ministry of Foreign Affairs as a forum for exchanging views on non-proliferation and strengthening non-proliferation measures in Asian countries. Various issues related to the strengthening

of nonproliferation mechanisms in Asia are discussed during the Talks to deepen the level of understanding among countries of their desired non-proliferation implementation measures, the obstacles they would face and solutions to such obstacles. Additional information at: <http://www.mofa.go.jp/policy/un/disarmament/arms/psi/index.html>

### 13. International Framework for Nuclear Energy Cooperation (IFNEC)

#### a. General Information

Established:	16 September 2007
Membership:	27 participants, 3 permanent international observers, and 31 observer countries
Status:	Limited membership, by invitation of participants
Additional information:	<a href="http://www.gneppartnership.org/">http://www.gneppartnership.org/</a>

The International Framework for Nuclear Energy Cooperation (IFNEC), formerly known as the Global Nuclear Energy Partnership (GNEP), “provide a forum for cooperation among participating states to explore mutually beneficial approaches to ensure the use of nuclear energy for peaceful purposes proceeds in a manner that is efficient and meets the highest standards of safety, security and non-proliferation. Participating states would not give up any rights and voluntarily engage to share the effort and gain the benefits of economical, peaceful nuclear energy.” It aims to accelerate development and deployment of advanced fuel cycle technologies to encourage clean development and prosperity worldwide, improve the environment, and reduce the risk of nuclear proliferation.

Participants agree to work in a cooperative and positive manner, to:

- (1) Further strengthen cooperation with the International Atomic Energy Agency (IAEA) and other relevant international organizations in order to make Partnership activities as effective and efficient as possible.
- (2) Establish global recognition that the peaceful use of nuclear energy is an effective measure against global warming and contributes to greater global energy security, the creation of employment, and sustainable economic growth.
- (3) Consider new approaches to enhance international collaboration on nuclear power infrastructure, including human resource development, radioactive waste management, financing and economics, exchange of experience on operation and construction, etc., and to make nuclear energy more widely accessible to the international community in accordance with safety, security and nonproliferation objectives.
- (4) Explore mutually beneficial approaches that support international civil nuclear cooperation, including assurances of nuclear fuel supply and services for spent nuclear fuel management.

The International Framework consists of a three-tiered organization. It receives its high-level direction from the IFNEC Executive Committee comprised of ministerial-level officials. The Steering Group, whose members are designated by the Executive Committee, carries out actions on behalf of IFNEC at the direction of the Executive Committee. At a September 2007 meeting of the Executive Committee, two working groups were established to address matters concerning reliable nuclear fuel services and infrastructure development.

#### **b. Membership in IFNEC**

There are 27 participant states in IFNEC. The IAEA, the Generation IV International Forum, and EURATOM are permanent international observers and have the responsibility of overseeing the operations of IFNEC and ensuring that they meet international standards. Partner states from the Asia-Pacific region include Australia, Canada, China, Japan, South Korea and the United States. Vietnam is an observer state.

### **14. Seven Nation Initiative (7NI)**

#### **a. General Information**

Established:	2005
Membership:	Australia, Chile, Indonesia, Norway, Romania, South Africa, and United Kingdom
Status:	Open to interested states
Additional information:	<a href="http://www.7ni.mfa.no/">http://www.7ni.mfa.no/</a>

The 7-Nation Initiative (7NI) was formed in an effort “to promote consensus after the divisive 2005 NPT Review Conference” and seeks “to strengthen commitment to and implementation of non-proliferation and disarmament commitments by building on the ongoing national efforts of each of its members.” The 7NI was launched with a joint political statement that was endorsed by almost 100 states at the 2005 UN World Summit. Significantly, unlike similar groupings of “like-minded states” formed previously (eg. the New Agenda Coalition), the 7NI includes among its membership a nuclear weapon state (the United Kingdom). Norway has been a leading nation in the 7NI. In addition to hosting its website at the Norwegian Foreign Ministry, Norway has committed many millions of dollars to research and initiatives on nuclear disarmament and non-proliferation under 7NI auspices.

The 7NI has a range of research, information sharing and political outreach programs. Through bilateral and plurilateral collaborations, its member states, as well as non-governmental organizations within these states, have hosted conferences, seminars and workshops on a range of nuclear security issues including nuclear disarmament,

nonproliferation, export controls, UN Security Council Resolution 1540, a Middle East Nuclear Weapon Free Zone, highly-enriched uranium (HEU) security and achieving a nuclear weapon free world.

One key element of the 7NI was the establishment of its website as an information clearinghouse “*to facilitate the exchange of information and identify further areas for cooperation.*” The website: <http://www.7ni.mfa.no/> showcases the national efforts of 7NI members in areas such as education, research, advocacy and technical cooperation and assistance. It also consolidates and shares lessons learned from the activities of 7NI.

## **15. Regional Co-operative Agreement (RCA)**

### **a. General Information**

Established:	1972
Membership:	17 Member States, IAEA as partner
Status:	Open to interested states in the region

The Regional Co-operative Agreement (RCA) is an intergovernmental agreement for East Asia and Pacific region. Under the auspices of the IAEA, governments cooperate with each other and the IAEA to promote and coordinate cooperative research, development, and training projects in nuclear science and technology through their appropriate national institutions. Its vision is to be recognized as an effective partner in providing nuclear technologies that address socio-economic needs and contribute to sustainable development in the region.

Since the initial agreement in 1972, the RCA has expanded considerably, both in its membership and in the size and subject scope of its program. Projects have contributed in a number of areas such as food and agriculture, health care, industry, and environmental protection. The number of scientists, engineers and technicians of RCA member states involved in various projects has grown to several thousand. With the growing emphasis placed on technical cooperation among developing countries, the share of specialists from developing countries engaged in various RCA activities is steadily increasing.

### **b. Membership in RCA**

There are 17 member states in the RCA including Australia, Bangladesh, China, India, Indonesia, Republic of Korea, Japan, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, Philippines, Singapore, Sri Lanka, Thailand, and Vietnam. The RCA for Research, Development and Training Related to Nuclear Science and Technology for Asia and the Pacific has the IAEA as a partner, not a party. It is one of four regional cooperative agreements under the aegis of the IAEA. The others are ARCAL for Latin America (formed in 1984), AFRA for Africa (formed in 1990) and ARASIA for Middle East (formed in 2002).



## **Chapter 8**

### **Cooperation and Assistance for National Capacity Building**

Technical assistance in building national capacity and enhancing international cooperative efforts for the purpose of preventing proliferation of WMD components and technology is available from a variety of official and unofficial sources. This chapter identifies the organizations and programs that provide assistance in building national capacity to combat WMD proliferation and information on issues related to disarmament and preventing proliferation. While the IAEA and the UN have played important roles in leading the multilateral effort on disarmament and nonproliferation, regional organizations, individual states, and non-governmental organizations are playing an increasingly important role in augmenting these organizations.

In the first part of the chapter, international organizations that play a major role in organizing and coordinating initiatives aimed at improving oversight and implementing specific aspects of the global WMD nonproliferation regime are included.

The second part of the chapter covers a variety of national-level programs. While the preponderance of the programs have been undertaken by the US, other states have also taken the initiative to establish outreach programs that provide training and capacity building for those requesting assistance. An innovation that has occurred with the establishment of the UN Security Council Resolution 1540 Committee is the creation of a central clearinghouse for a wide range of national-level assistance programs that previously had been undertaken in an ad hoc fashion. As the 1540 Committee becomes more institutionalized, it is expected to take on an increasingly important role as the focal point for coordinating assistance.

The third part of the chapter focuses on several nongovernmental organizations that have provided education and training on various aspects of nonproliferation and disarmament. The criteria for being included in the list are that the organizations provide specific training and assistance in improving national capacity for more effectively implementing nonproliferation initiatives, offer educational materials on the key issues related to WMD, and information on the status of nonproliferation treaties, protocols and other implementing agreements.

#### **International Governmental Organizations**

##### **1. International Atomic Energy Agency**

The IAEA, although not referred to in Article 4 of the NPT, plays a major role in planning and implementing multilateral cooperation stipulated in the Treaty with regard to the peaceful use of nuclear energy. It encourages and assists research, development and application of atomic energy; it provides technical advice, training, materials, services and equipment; it fosters exchange of scientific and technical information; it develops standards; and it establishes guidelines for the appropriate utilization of nuclear

technology and materials. All these activities are related to key statutory functions of the IAEA. Its role in promoting cooperation in nonproliferation has come to the fore in recent years as comprehensive safeguards have played an increasingly important role in controlling access to fissile materials.

Its work is divided into three main areas: promoting safeguards and verification, promoting safety and security, and promoting science and technology.

In promoting safeguards and verification, it serves as the world's nuclear inspectorate. Inspectors work to verify that safeguarded nuclear material and activities are not used for military purposes. It inspects nuclear and related facilities under safeguards agreements with more than 145 states around the world. Most agreements are with states that have internationally committed themselves not to possess nuclear weapons. These agreements are concluded pursuant to the NPT, for which the IAEA is the verification authority.

In promoting safety and security, the IAEA helps countries to upgrade nuclear safety and to prepare for and respond to emergencies. Work is keyed to international conventions, standards and, guidance. The main aim is to protect people and the environment from harmful radiation exposure.

More information on the full scope of programs administered by the IAEA can be found at their website: <http://www.iaea.org/index.html>

## **2. World Customs Organization**

In recognition of the threat of terrorist use of WMD, the World Customs Organization has endorsed a strategy to secure the movement of global trade in a way that does not impede but, on the contrary, facilitates the movement of that trade. WCO members have developed a regime known as the WCO SAFE Framework of Standards, which sets forth the principles and the standards and presents them for adoption as a minimal threshold of what must be done by WCO members.

The SAFE Framework consists of four core elements. First, it harmonizes the advance electronic cargo information requirements on inbound, outbound and transit shipments. Second, each country that joins the SAFE Framework commits to employing a consistent risk management approach to address security threats. Third, it requires that at the reasonable request of the receiving nation, based upon a comparable risk targeting methodology, the sending nation's Customs administration will perform an outbound inspection of high-risk containers and cargo, preferably using non-intrusive detection equipment such as large-scale X-ray machines and radiation detectors. Fourth, the SAFE Framework defines benefits that Customs will provide to businesses that meet minimal supply chain security standards and best practices.

The four core elements rest on the twin pillars of Customs-to-Customs network arrangements and Customs-to-Business partnerships. The pillars involve a set of standards that are consolidated to guarantee ease of understanding and rapid international

implementation. Accordingly, the WCO is actively engaged with both Customs administrations and the business community in implementing the SAFE Framework. It is working on capacity building initiatives and raising awareness, particularly among Customs administrations.

The WCO SAFE Framework of Standards is available at the WCO website: [http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/SAFE%20Framework\\_EN\\_2007\\_for\\_publication.pdf](http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/SAFE%20Framework_EN_2007_for_publication.pdf)

### **3. Organisation for the Prevention of Chemical Weapons**

The Organisation for the Prohibition of Chemical Weapons (OPCW) is the implementing body of the Chemical Weapons Convention (CWC or Convention). The OPCW is given the mandate to achieve the object and purpose of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among states Parties. The Technical Secretariat of the OPCW is responsible for the day-to-day administration and implementation of the Convention, including inspections, while the Executive Council and the Conference of the states parties are decision-making organs designed primarily to determine questions of policy and resolve matters arising between the states parties on technical issues or on interpretations of the Convention. The chairs of the Executive Council and the Conference are appointed by each body's membership. The Technical Secretariat is headed by a Director-General, who is appointed by the Conference on the recommendation of the Council. Key components of the organization include:

#### **Conference of the States Parties**

The Conference of the States Parties is the main policy-making organ of the OPCW. Composed of all member states, the Conference meets annually as well as in special session when necessary.

#### **Executive Council**

The Executive Council is comprised of the representatives of 41 member states, who are elected by all other OPCW Member States to serve two-year terms. The Executive Council usually meets four times per year, and more frequently in meetings and informal consultations, to take policy decisions that enable the OPCW to function.

#### **Technical Secretariat**

The Technical Secretariat assists the Conference of States Parties and the Executive Council and has a staff of about 500 people. It carries out the daily work of implementing the Convention, including conducting inspections.

### **Subsidiary Bodies**

The Convention also provides for the establishment of three subsidiary bodies to aid the three main organs of the OPCW in their work: the Scientific Advisory Board, the Advisory Body on Administrative and Financial Issues, and the Confidentiality Commission.

Additional information on the OPCW is available on its website at: <http://www.opcw.org>

### **4. United Nations Office of Disarmament Affairs**

The Department of Disarmament Affairs was established in January 1998. It was originally established in 1982 upon the recommendation of the General Assembly's second special session on disarmament and in 2007 it was changed to the United Nations Office for Disarmament Affairs (UNODA).

The Office promotes the goal of nuclear disarmament and non-proliferation and the strengthening of the disarmament regimes in respect to other weapons of mass destruction, chemical and biological weapons. It also promotes disarmament efforts in the area of conventional weapons, especially land mines and small arms.

UNODA provides substantive and organizational support for the norm-setting in the area of disarmament through the work of the General Assembly and its First Committee, the Disarmament Commission, the Conference on Disarmament and other bodies. It fosters preventive disarmament measures, such as dialogue, transparency and confidence building on military matters, and encourages regional disarmament efforts. These include the United Nations Register of Conventional Arms, regional forums, disarmament education, full texts of disarmament treaties, and other data bases and publications dealing with disarmament issues.

Additional information on the UNODA is available on its website at: <http://www.un.org/disarmament>

### **5. United Nations Security Council Resolution 1540 Committee**

When United Nations Security Council Resolution (UNSCR) 1540 on non-proliferation was adopted in 2004, the Council established a special Security Council Committee to promote implementation of the resolution and build national capacity to prevent the proliferation of WMD. The 1540 Committee works with states as a clearinghouse (using the information it has collected from states), assists states in meeting their 1540 obligations, and ensures that existing assistance programs have the most widespread availability for states to access. The scope of the obligations outlined in UNSCR 1540 has made the 1540 a central part of the international effort in preventing proliferation.

Operative paragraph 7 of UNSCR 1540 obliges capable states to recognize that some states lack the capacity to comply with provisions of the Resolution and offer assistance.

It also obliges those states that require assistance to request it. The Committee recognizes that technical assistance for implementing UNSCR 1540 is a long term issue, given the comprehensive requirements and political issues involved. The resolution requires that states outline in their reports offers of assistance, details of assistance measures in place, and point of contact details to facilitate the accommodation of requests. Assistance offers have also been made by a number of international organizations and other relevant arrangements, which can be viewed on the UNSCR 1540 Committee website at <http://www.un.org/sc/1540/relevantassistance.shtml>.

*National Reports:* <http://www.un.org/sc/1540/nationalreports.shtml>  
*Requests for assistance:* <http://www.un.org/sc/1540/requestsforassistance.shtml>  
*Offers of Assistance:* <http://www.un.org/sc/1540/memberstatesassistance.shtml>

## **National Programs**

### **1. United States**

The US has several agencies that are actively engaged in outreach programs and offer assistance in the interest of improving accountability, controlling access and preventing the proliferation of WMD-related materials. While many of these programs were established in the context of the dissolution of the Soviet Union in the early 1990s many of the programs have expanded their scope to a more global perspective. The emphasis on improving homeland security in the US following the events of Sep. 11, 2001 also led to the establishment of several new programs aimed at reducing the threat of WMD-related terrorist attack on the US homeland.

The two primary agencies involved in outreach and assistance programs are the Department of Energy's National Nuclear Security Agency (NNSA) and the Department of Defense's Defense Threat Reduction Agency (DTRA). To gain a full appreciation of the scope of activities and for additional information on programs sponsored by these agencies please refer to their websites:

NNSA: <http://nnsa.energy.gov/>  
DTRA: <http://www.dtra.mil/>

Below is a partial list of programs that are relevant to the Asia-Pacific region. It should be noted that we have not included several programs that are specifically focused on US-Russian cooperation aimed at eliminating WMD-related materials and capabilities from facilities established by the Soviet Union.

#### **Global Threat Reduction Initiative**

- a. Established: 11 February 2004
- b. Sponsor: US initiative in coordination with IAEA

The US announced the Global Threat Reduction Initiative (GTRI) as part of its effort to combat the spread of WMD. The mission of the GTRI is to remove and/or secure high-risk nuclear and radiological materials and equipment around the world that pose a threat to the international community. It is a consolidation and/or integration of many existing Department of Energy nuclear material efforts under the auspices of the National Nuclear Security Administration. The GTRI focuses on facilities that contain high-risk fissile material and other radiological materials and has three primary subprograms to accomplish its objectives:

- The Highly Enriched Uranium Reactor Conversion subprogram supports the conversion of domestic and international research reactors from the use of HEU to LEU, in an effort to reduce or eliminate the usage and availability of HEU.
- The Nuclear and Radiological Material Removal subprogram supports removal or disposal of excess WMD-usable nuclear and radiological materials, which is primarily a result of cooperation between US and Russian removal efforts.
- The Nuclear and Radiological Material Protection subprogram supports the protection and security of WMD-usable nuclear and radiological materials worldwide from theft or sabotage.

To better address removal efforts, this Initiative also provides for a newly formed Global Materials Recovery Team (GMRT). The GMRT prepositions equipment and designates personnel for urgent nuclear materials recovery operations. Additional information is available at:

<http://www.energy.gov/media/ViennaGTRFactSheetFINAL1052604.pdf>

<http://www.whitehouse.gov/omb/expectmore/summary/10003239.2006.html>

[http://www.iaea.org/NewsCenter/News/2004/GTRI\\_Initiative.html](http://www.iaea.org/NewsCenter/News/2004/GTRI_Initiative.html)

### **International Export Control Program**

a. Established: 2001

b. Sponsor: US NNSA

The International Export Control Program (IECP) establishes partnerships with technical agencies, institutes, and organizations of cooperating governments to support government outreach efforts to promote awareness of national export control requirements, and to enhance the ability of enforcement personnel, primarily customs officers, to recognize and interdict strategic commodities. This cooperation focuses on strengthening three critical components of effective export control systems in partner countries: enterprise compliance, licensing analysis, and enforcement. Additional information is available at:

<http://nnsa.energy.gov/aboutus/ourprograms/nonproliferation/controllingwmdmaterialsexpertise/intlexportcontrolcooperation>

### **Reliable Fuel Supply**

a. Established: February 2004

b. Sponsor: US NNSA

The Reliable Fuel Supply (RFS) program is a US Presidential initiative aimed at closing the Nuclear Non-Proliferation Treaty “loophole” by restricting the spread of sensitive enrichment and reprocessing technologies and assuring reliable access to the commercial nuclear fuel market. The program calls for the US Department of Energy to set aside 17.4 metric tons of highly enriched uranium (HEU) to be blended down into low enriched uranium (LEU) for use in a reserve. This RFS will be used only in case of a fuel supply emergency for eligible countries that meet certain nonproliferation criteria. Additional information is available at:

<http://nnsa.energy.gov/aboutus/ourprograms/nonproliferation/counteringnuclearterrorismtrafficking/presidentialinitiatives>

### **International Nuclear Safeguards and Engagement Program**

a. Established: 1982

b. Sponsor: US NNSA

The International Nuclear Safeguards and Engagement Program (INSEP) provides expertise on the peaceful uses of nuclear science and technology and nuclear infrastructure preparedness. The program seeks to assist cooperating nations in meeting the technical requirements associated with civilian nuclear power development in a manner that promotes international nonproliferation norms. Through INSEP, scientists from national laboratories in the US work with their international counterparts, exchanging information on subjects ranging from radiation protection and health physics to radioactive waste management, research reactor optimization, radioisotope production, neutron activation, and emergency response protocols.

Countries that have participated in this program include Algeria, Argentina, Egypt, Libya, Morocco, Peru, Romania, Thailand, and Vietnam. Five national laboratories from the U.S, participate: Lawrence Livermore, Los Alamos, Sandia, Oak Ridge, and Argonne. Universities such as the University of Texas at Austin, University of California at Davis, Texas A&M University, Massachusetts Institute of Technology, and University of Missouri also contribute.

### **International Material Protection and Cooperation Program**

a. Established: 1994

b. Sponsor: US NNSA

The International Material Protection and Cooperation (IMPC) program is designed to improve the security of vulnerable stockpiles of nuclear weapons and weapons-usable nuclear material in countries of concern and for improving the ability to detect the illicit trafficking of those materials.

IMPC began as a task force to mitigate the security vulnerabilities of special nuclear material arising from the dissolution of the Soviet Union. Since that time, the program has evolved into a global effort, engaging over 40 countries to deny terrorists the vital materials needed to engage in acts of nuclear terror.

The IMPC program employs a two-tiered strategy: The First Line of Defense improves the security of nuclear weapons and materials at their source, through material protection, control and accounting. The Second Line of Defense strengthens the capability of foreign governments to deter, detect, and interdict illicit trafficking in nuclear and other radioactive materials across international borders and through the global maritime shipping system. IMPC works collaboratively with foreign partners to equip border crossings, airports and seaports with radiation detection equipment. Additional information is available at:

<http://nnsa.energy.gov/aboutus/ourprograms/nonproliferation/programoffices/internationalmaterialprotectionandcooperation>

### **BioSecurity Engagement Program**

- a. Established: 2006
- b. Sponsor: US State Department

The BioSecurity Engagement (BEP) Program addresses the emerging global biological threats posed by terrorist threats outside traditional state-sponsored WMD programs. Working with multiple offices in the Department of State and other US government agencies, BEP has begun engagement of priority countries in Southeast Asia, funding threat assessments, trainings, and outreach that strengthen global pathogen security and laboratory biosafety. One aspect of the program has involved establishing a pathogen security working group that will coordinate the US government approach to global pathogen security. Additional information on the program is available at: <http://www.bepstate.net/>

### **Export Control and Border Security Program**

- a. Established: 2004
- b. Sponsor: US Department of State

The Export Control and Related Border Security (EXBS) program provides training, technical consultation, and equipment to establish and implement effective export and border controls that meet international standards. Drawing on the expertise from the

Departments of State, Homeland Security, Commerce, and Energy as well as the private sector, the EXBS program has worked with countries around the world to enhance their ability to prevent and interdict shipments of dangerous items and technology. The EXBS program assists governments in strengthening their export controls by improving their legal and regulatory frameworks, licensing processes, border control and investigative capabilities, outreach to industry, and interagency coordination. A customized software program called TRACKER, enables the program help other countries' export control officials network via a standardized database with licensing officials in other countries.

## **2. South Korea**

### **Civilian Nuclear Facility Operations Training Program**

- a. Established: 2006
- b. Sponsor: Korea Institute for Nuclear Nonproliferation and Control

The Korea Institute for Nuclear Nonproliferation and Control Department of External Affairs conducts a number of workshops, training seminars and conferences dealing with nonproliferation and civilian nuclear facility operations.

## **3. Nongovernmental Organizations**

Another important source of information on nonproliferation initiatives and disarmament are non-governmental organizations. Below is a summary of the major organizations that provide a wide range of information and, in some cases, advocate particular approaches for dealing with WMD proliferation.

### **Acronym Institute for Disarmament Diplomacy (<http://www.acronym.org.uk>)**

The Acronym Institute for Disarmament Diplomacy works to promote effective approaches to international security, disarmament, and arms control. Engaging with governments and civil society, Acronym provides reporting, analysis and strategic thinking on a range of issues relevant to peace and security, with special emphasis on treaties and multilateral initiatives.

### **ALSOS Digital Library for Nuclear Issues (<http://alsos.wlu.edu>)**

The ALSOS website offers an internet based library with sources pertaining to nuclear studies. It categorizes its resources into fields from the science behind nuclear weapons to the political and international implications of the new age of nuclear warfare.

### **Arms Control Association (<http://www.armscontrol.org>)**

The Arms Control Association (ACA) promotes public understanding of and supports for effective arms control policies. Through its public education and media programs and its magazine, *Arms Control Today (ACT)*, ACA provides policy-makers, the press and the interested public with information, analysis and commentary on arms control proposals, negotiations and agreements, and related national security issues.

**Asia-Pacific Safeguards Network** (<https://apsn.sharepointsite.net/default.aspx>)

The Asia-Pacific Safeguards Network (APSN) is a professional network of organizations involved in nuclear safeguards matters in states of the Asia-Pacific region. APSN's aim is to strengthen the quality, effectiveness and efficiency of safeguards implementation in the Asia-Pacific region, working closely with the IAEA, through activities such as training, professional development and sharing of experience. APSN provides a forum for safeguards professionals to exchange views and to share experience on matters of mutual interest. Organizations from 14 countries (Australia, Canada, China, Indonesia, Japan, Malaysia, New Zealand, Philippines, Russia, Singapore, Thailand, US, and Vietnam) currently participate in the network along with the IAEA.

**Bulletin of the Atomic Scientists** (<http://www.thebulletin.org>)

The Bulletin of the Atomic Scientists informs the public about threats to the survival and development of humanity from nuclear weapons, climate change, and emerging technologies in the life sciences.

**Carnegie Endowment for International Peace Nonproliferation Program**

(<http://www.carnegieendowment.org/npp>)

The Carnegie Nonproliferation Program website provides various articles and resources published by the Carnegie Foundation. The website also has many case-specific articles on disarmament and nonproliferation and offers expert analysis about current events pertaining to WMD and related technology.

**Canadian Coalition for Nuclear Responsibility** (<http://www.ccnr.org>)

CCNR is a not-for-profit organization that offers education and research on nuclear energy with specific emphasis on those issues pertaining to Canada.

**Center for Arms Control, Energy and Environmental Studies**

(<http://www.armscontrol.ru>)

The Center for Arms Control, Energy and Environmental Studies is a part of the Moscow Institute for Peace and Technology, which focuses on acting as a vehicle for publication on products and resources related to WMD issues and environmental studies. Most content is in Russian including a course in nonproliferation and WMD reduction regime.

**Center for International Trade and Security (CITS)**

(<http://www.uga.edu/cits/>)

The strategic trade control program at CITS located at the University of Georgia in the US focuses on controlling proliferation-related trade. The strategic trade control program includes research, outreach, and training projects to strengthening export controls.

**Global Security Initiative** (<http://www.gs institute.org>)

The Global Security Institute focuses on strengthening international cooperation and security based on the rule of law, with a particular focus on nuclear arms control, non-proliferation, and disarmament. The site includes information on the Bipartisan Security Group, Disarmament and Peace Education, Middle Powers Initiative, and Parliamentarians for Nonproliferation and Disarmament.

**Global Zero** ([www.globalzero.org](http://www.globalzero.org))

Global Zero is an international campaign that combines high-level policy work with international public outreach efforts to gain a commitment to eliminate nuclear weapons through phased and verified reductions. Launched in December 2008 in Paris, the first major initiative of the campaign was to commission an independent opinion poll in 21 countries on the issue of nuclear weapons, which found that public opinion in all 21 countries favored an international agreement to eliminate nuclear weapons. Participants are developing the 'Global Zero Action Plan,' which is a roadmap for the elimination of nuclear weapons. Key steps envisaged include deep reductions to Russian-US arsenals followed by all nuclear weapons states cutting arsenals to zero in a phased and verified manner. Finally, Global Zero seeks to help establish verification systems and international management of the nuclear fuel cycle to prevent the future development of nuclear weapons.

**International Commission on Nuclear Non-Proliferation and Disarmament**  
([www.icnnd.org](http://www.icnnd.org))

The International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), first proposed by Australian Prime Minister Kevin Rudd, was established in July 2008. It is co-chaired by the former Foreign Ministers of Australia and Japan, Gareth Evan and Yoriko Kawaguchi. ICNND aims "to reinvigorate international efforts on nuclear non-proliferation and disarmament, in the context of both the 2010 Nuclear Non-Proliferation Treaty Review Conference, and beyond." The Commission comprises an international panel of 15 eminent persons from military, political and academic backgrounds, which is augmented by high-level 'advisers.' ICNND has commissioned a series of research papers from commissioners and advisers on a range of topics including nuclear disarmament, no-proliferation, missiles and civil nuclear energy, as well as a bibliography of recent publications relevant to nuclear issues. These are available on the ICNND website.

**Institute for Science and International Security** (<http://www.isis-online.org>)

ISIS is dedicated to informing the public about science and policy issues affecting international security. Its efforts focus on stopping the spread of nuclear weapons, bringing about greater transparency of nuclear activities worldwide, and achieving deep reductions in nuclear arsenals. ISIS produces technical assessments of efforts by states to get nuclear weapons. The site provides extensive satellite imagery of various nuclear sites and information on global stocks of nuclear materials.

**International Institute for Strategic Studies** ([www.IISS.org](http://www.IISS.org))

The London-based IISS has an active Non-Proliferation and Disarmament Program that provides fact-rich information and analyses. Several of its publications, including the 2009 strategic dossier on *Preventing Nuclear Dangers in Southeast Asia and Australasia*, can be downloaded from the IISS website.

**James Martin Center for Nonproliferation Studies** (<http://www.cns.miis.edu>)

The James Martin Center for Nonproliferation Studies (CNS) offers training for nonproliferation specialists and disseminates information and analysis. The website offers free access to the journal *Nonproliferation Review*, extensive commentary on nonproliferation issues, and summaries of WMD-related treaties and regimes.

**NGO Committee on Disarmament, Peace and Security** (<http://disarm.igc.org>)

The Non-Governmental Organization (NGO) Committee on Disarmament, Peace and Security provides services and facilities to citizens' groups concerned with the peace and disarmament activities of the United Nations. The Committee is viewed as a primary ally of the international movement for arms control and provides detailed information on UN activities and programs. The website includes a link to the journal *Disarmament Times*.

**Nuclear Threat Initiative** (<http://www.nti.org>)

NTI is engaged in developing and implementing projects to reduce the dangers from nuclear, biological and chemical weapons. The website has extensive news coverage of WMD-related topics and has a comprehensive database that provides analysis of UNSCR 1540. It also includes in-depth country profiles of WMD and missile development programs, which includes chronologies, maps, facility descriptions, and assessments.

**Reaching Critical Will** ([www.reachingcriticalwill.org](http://www.reachingcriticalwill.org))

Reaching Critical Will focuses on nuclear disarmament. It serves as a clearinghouse for information on NGO logistical support, along with background materials, source documents, daily reporting, and analysis on UN disarmament processes. These include NPT review meetings, the Conference on Disarmament in Geneva, the UN General Assembly First Committee on Disarmament and Security, the UN Disarmament Commission, the Comprehensive Test Ban Treaty entry into force conferences, and other events and meetings at the United Nations.

**Verification Research, Training and Information Centre (VERTIC)**

(<http://www.vertic.org/>)

The London-based VERTIC supports the development, implementation and effectiveness of international agreements and related regional and national initiatives with particular attention to issues of monitoring, review and verification. The NGO is involved in a joint project with the United Kingdom and Norway to seek proliferation-proof ways to check that nuclear warheads have been destroyed when a commitment has been made to their destruction. The research being conducted is scientific and technical in nature. One tool being investigated is an information barrier device that will enable inspectors to monitor that a nuclear warhead is where it is declared to be, without revealing nuclear weapon designs. Other areas being explored are non-intrusive on-site inspection techniques. Future research may include the development of new tags and seals for use in monitoring decommissioned equipment and materials, and permanent monitoring systems for nuclear facilities and storage spaces.

## **Chapter 9**

### **Export Controls**

#### **1. General**

Comprehensive measures to control the trade of strategic goods, covering all forms of transfer, are critical to the success of global nonproliferation efforts. Effective controls prevent the illicit flow of WMD-related commodities, while serving as a confidence building measure for facilitating trade, economic growth, and development. They also help keep WMD out of criminal or terrorist hands. Building national capacities is a priority that requires the participation of specialists from governmental and non-governmental sectors to identify and implement best practices. Several of the plurilateral initiatives included in Chapter 6 are directly related to implementing more effective controls on trade of strategic goods.

This chapter outlines a regional export control template and identifies “best practices” necessary for effective export controls developed by the CSCAP Export Controls Experts Group. It promotes regional information sharing and encourages countries to harmonize national standards with international norms. Regional export control (XC) efforts should be guided by the following principles:

- Regulating the transfer of nuclear, chemical, radiological, biological, and missile-related technology and commodities contributes to common security.
- Comprehensive export controls are fundamental to ensuring the security of global trade. Because of increasing globalization, effective export controls are only possible on the basis of regional and broader international cooperation.
- An effective XC regime should be based upon a common set of export control elements that can be applied to an integral list of controlled items. These elements include, inter alia, comprehensive legislation, effective licensing procedures and enforcement, and industry outreach, with appropriate incentives and penalties.
- Regional XC cooperation requires the sharing of national information on XC policies, the current state of implementation, and future priorities, plus the development of mutually supportive confidence building and assistance programs.
- XC best practices that can be applied to the development and implementation of national standards should be identified and utilized. National and regional cooperative XC efforts should be consistent and mutually supportive.
- The private sector must be an integral part of any XC regime and should bear a social responsibility to meet common security needs.
- While serving the objective of nonproliferation, export controls should not hamper legitimate commerce (including the peaceful use of dual-use technology).

An effective management regime for strategic goods should be based upon a common set of elements. These elements include, *inter alia*, comprehensive legislation, effective procedures for licensing and enforcement, associated incentives and penalties, fostering good inter-ministry cooperation as well as mandatory and sustained outreach to industry. CSCAP has developed a comprehensive set of recommendations and has published them in CSCAP Memorandum #14, Guidelines on Managing Trade of Strategic Goods.

## **2. Related Compliance Mechanisms**

### **a. Compliance Mechanisms:**

- United Nations Security Council Resolution 1540
- Comprehensive Safeguards Agreements (CSA), Additional Protocol (AP) and Small Quantities Protocol (SQP)
- Convention on the Physical Protection of Nuclear Material (CPPNM) and Amendment
- International Convention on the Suppression of Acts of Nuclear Terrorism (NTC)
- Fissile Materials Cut-off Treaty (FMCT)
- The Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal

### **b. Plurilateral Initiatives:**

- The IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and Supplementary Guidelines on the Import and Export of Radioactive Sources
- The Missile Technology Control Regime (MTCR)
- Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)
- Proliferation Security Initiative (PSI)
- Global Initiative to Combat Nuclear Terrorism
- Nuclear Suppliers Group (NSG)
- Australia Group (AG)
- Zangger Committee
- Container Security Initiative (CSI)
- Megaport Initiative

### **d. Related Organizations:**

- World Customs Organization
- United Nations Security Council Resolution 1540 Committee
- Global Threat Reduction Initiative
- International Export Control Program
- International Material Protection and Cooperation Program
- Export Control and Border Security Program

## **Chapter 10**

### **Nuclear Energy**

#### **1. General**

Peaceful use of nuclear energy is enshrined in the NPT along with the commitments to disarmament and nonproliferation. Nuclear energy offers opportunities for diversifying energy supply and ensuring its long-term security. Once the technology is transferred, if needed, nuclear power plants provide a largely or entirely domestic supply of energy. As a result, many countries consider nuclear energy as a key policy option for improving energy security. The immediate challenge is to ensure the nuclear fuel cycle within these countries is safeguarded from diversion to weapons programs and is proliferation resistant.

The primary resource material for nuclear power is natural uranium, which is widely available in the world, including in many countries where geopolitical risk is limited. Its cost represents only a few percent of the total cost of generating nuclear electricity and therefore uranium price volatility is not a major concern for nuclear power plant owners/operators. Furthermore, maintaining strategic stockpiles representing several years of consumption is physically easy and does not represent a significant financial burden for users.

The various stages of the fuel cycle present different degrees of security of supply. Some, such as fabrication and transport, are provided by a wide range of suppliers ensuring security and competitive prices. For others, such as enrichment and reprocessing, the number of suppliers is more limited and the competition less effective. However, there has been no example of supply disruption or signs of risk in this field among countries that have relied on nuclear power.

In countries where a large number of standardized reactors are in operation, generic safety problems or changes in safety regulations could require shutting down nuclear power plants for refurbishment and upgrade. However, operators have been able in the past to meet strengthened safety standards without jeopardizing reliability and security of electricity supply.

The international safeguards regime aimed at preventing diversion or proliferation of fissile materials creates some constraints on nuclear fuel markets associated with declaration, controls, and verification of the peaceful uses of nuclear materials. The framework implemented under the auspices of the IAEA does provide, however, a well-defined set of stable rules. Within this framework, complemented by national laws and regulations, nuclear materials for peaceful uses can be traded freely between countries and operators.

Ensuring the reliable provision of fuel cycle services such as reactor fuel supplies, storage of spent fuel, and final disposition of waste are key aspects of ensuring fuel cycle

security. In recent years, a variety of proposals have been put forward to multilateralize the fuel cycle to reduce the potential for diversion or proliferation of nuclear materials.

The idea of multilateralizing the nuclear fuel cycle is not new. It was proposed in the Baruch and Gromyko Plans in the early days of the nuclear age (1946), and never really faded away. It aims to denationalize sensitive fuel-cycle activities and place them in the hands of a group of nations or international organizations instead of individual states. The goal is to reconcile realities (meet states' energy security concerns by giving them a stake in the multilateralized supply system) with ambitions (meet nonproliferation concerns by limiting the number of sensitive facilities in the world, thereby limiting the risks of breakout, diversion, or theft). The multilateralization of the nuclear fuel cycle also automatically reduces the number of required inspections (and their associated costs). Moreover, it promises to act as a powerful confidence-building measure among states and permit significant economies of scale for facilities of high capital costs.

Recent discussions about the multilateralization of the nuclear fuel cycle came to the forefront of the nuclear nonproliferation agenda with the publication of IAEA Director General Mohamed ElBaradei's *The Economist* article "Towards a Safer World" (2003), which makes a case for the placement of all enrichment and reprocessing facilities under multinational control and considers similar approaches to the management and disposal of spent fuel and radioactive waste.

In mid-2004, ElBaradei established an international expert group, which issued a report outlining a set of multilateral nuclear approaches (MNAs) in February 2005. Since then, no fewer than 12 proposals have been put forward by governments, the nuclear industry, and international organizations. These proposals have been summarized in a 2007 IAEA report and are only briefly described below:

- 1) Proposal on a Reserve of Nuclear Fuel (September 2005): At the 49<sup>th</sup> regular session of the IAEA General Conference, the United States announced that it would commit up to 17 metric tons of HEU to be down-blended to LEU to support assurances of reliable fuel supplies for states that abandon enrichment and reprocessing.
- 2) Global Nuclear Power Infrastructure (January 2006): Russia proposed to create a global infrastructure (GNPI) which will give all interested states equal access to nuclear energy as long as they are in good nonproliferation standing. This infrastructure would include the creation of a system of international centres providing nuclear fuel cycle services, including enrichment, on a non-discriminatory basis and under the control of the IAEA.
- 3) Global Nuclear Energy Partnership (February 2006): Under GNEP, a consortium of nations with advanced nuclear technologies, led by the United States, would ensure that countries who agree to abandon their investments in enrichment and reprocessing technologies would have reliable access to nuclear fuel.

- 4) World Nuclear Association Proposal (May 2006): The WNA proposed a three-level mechanism to assure uranium enrichment services, involving basic supply security provided by the existing world market, collective guarantees by enrichment companies supported by governmental and IAEA commitments, and government stocks of enriched uranium product.
- 5) Concept for a Multilateral Mechanism for Reliable Access to Nuclear Fuel (June 2006): A group of enrichment service supplier states (the United States, the United Kingdom, Russia, Germany, France, and the Netherlands) proposed two levels of enrichment assurance beyond the regular market. Suppliers would agree to substitute for each other in case of supply interruptions to states in good nonproliferation standing. If that fails, LEU reserves would be made available to palliate the issue.
- 6) IAEA Standby Arrangements System (September 2006): Described as complementary to the previous proposal, Japan proposed an information system, to be managed by the IAEA, which would disseminate information contributed voluntarily by IAEA member states on their national capacities for uranium ore, reserves, conversion, enrichment, and fuel fabrication.
- 7) IAEA Nuclear Fuel Bank (September 2006): The Nuclear Threat Initiative offered to help the IAEA create an LEU stockpile which could be made available in case of disruption of other supply arrangements.
- 8) Enrichment Bonds Proposal (September 2006): Recently renamed the Nuclear Fuel Assurance, the United Kingdom proposed a bonding principle which would (should nonproliferation obligations be met) guarantee that national enrichment providers would not be prevented from supplying enrichment services, and provide prior consent for export assurances.
- 9) International Uranium Enrichment Centre (January and May 2007): As an element in the creation of GNPI, Russia proposed the establishment of an IUEC at Angarsk Electrolysis Chemical Complex to provide participating states guaranteed access to uranium enrichment capabilities. A mechanism is also being developed to put aside an LEU stockpile to contribute to a broader assurance of supply mechanism and a regulatory basis for export control will be developed.
- 10) Multilateral Enrichment Sanctuary Project (May 2007): Germany proposed the creation of a multilateral uranium centre with extra-territorial status, operating under IAEA control on a commercial basis as a new supplier in the market. Users could obtain nuclear fuel for peaceful purposes under strict supervision.
- 11) Multilateralization of the Nuclear Fuel Cycle (May 2007): Austria proposed a two-track multilateral mechanism in which the first track would optimize transparency beyond IAEA safeguards and the second track would place all nuclear fuel transactions under the auspices of a Nuclear Fuel Bank and enable equal access to and control of most sensitive nuclear technologies.

12) Nuclear Fuel Cycle non-paper (June 2007): Noting that flexibility is necessary to consider an approach to fuel supply options, the European Union proposed criteria for assessment of a multilateral mechanism for reliability of fuel supply (proliferation resistance, assurance of supply, consistency with equal rights and obligations, market neutrality)

Although these proposals differ in vision, scope, targets, and time required for their implementation, analysts have pointed out that most of them focus on the front-end of the nuclear fuel cycle, i.e. the supply of nuclear fuel. Exceptions are the Russian proposal for a Global Nuclear Power Infrastructure (GNPI), the US proposal for a Global Nuclear Energy Partnership (GNEP), and the Austrian proposal for a two-track multilateral mechanism, which are far-reaching visions addressing services ranging from enrichment and fuel supply to spent fuel take-back and reprocessing.

Analysts have noted that the least ambitious proposals present the advantages of being able to begin their operations rapidly. However, they offer few incentives for customer countries and may appear as hidden strategies by current suppliers to maintain their monopolistic commercial positions. More ambitious proposals offer more incentives to customer states because they are truly multilateral. But also they require the development of large physical infrastructures and the resolution of complex political, legal, and financial issues, which is very time-consuming.

An initiative undertaken by CSCAP in collaboration with several nuclear agencies in the countries of the Asia-Pacific region has involved the creation of a program to increase the transparency of the civilian nuclear facilities in the region. Efforts of the group range from information gathering and dissemination on one end of the spectrum to defining and promoting an international Asian or Pacific Atomic Energy Community (PACATOM) at the other. Specific programs have been established that provide monitoring of various nuclear power facilities in the region and ideas of how to improve the transparency in the back end of the nuclear fuel cycle and technologies that can be used to enhance the transparency and safety in other parts of the cycle.

The website for the CSCAP nuclear transparency project in Asia can be found at the following website: <http://www.cscap.nuctrans.org>

## **2. Related Compliance Mechanisms**

### **a. Compliance Mechanisms:**

- Convention on Nuclear Safety (CNS)
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (JC)
- Convention on Early Notification of a Nuclear Accident or Radiological Emergency
- Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency

- Vienna Convention on Civil Liability for Nuclear Damage
- Paris Convention on Third Party Liability in the Field of Nuclear Energy

**b. Plurilateral Initiatives:**

- International Framework for Nuclear Energy Cooperation)
- The IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and Supplementary Guidelines on the Import and Export of Radioactive Sources

**d. Related Organizations:**

- International Atomic Energy Agency
- International Nuclear Safeguards and Engagement Program
- Civilian Nuclear Facility Operations Training



## Appendix A

### Glossary of Terms

#### A

**Atom:** A particle of matter which cannot be broken up by chemical means. Atoms have a nucleus consisting of positively-charged protons and uncharged neutrons of the same mass. The positive charges on the protons are balanced by a number of negatively-charged electrons in motion around the nucleus.

**Atomic bomb:** A weapon that uses fissile material in isotopes of uranium or plutonium to provide explosive power.

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#### B

**Background radiation:** The naturally-occurring ionising radiation which every person is exposed to, arising from the earth's crust (including radon) and from cosmic radiation.

**Ballistic missile:** A missile that travels to its target without power or guidance after being launched and at a velocity such that it will follow a flight trajectory to a desired point. Part of the flight of longer-range ballistic missiles may occur outside the Earth's atmosphere, and involve the "reentry" of the missile before it reaches its target.

**Biological weapon (BW):** Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

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#### C

**CANDU:** Canadian deuterium uranium reactor, moderated and (usually) cooled by heavy water.

**Chain reaction:** A reaction that stimulates its own repetition, in particular where the neutrons originating from nuclear fission cause an ongoing series of fission reactions.

**Chemical weapon (CW):** Munitions and devices specifically designed to cause death or other harm through the toxic properties of toxic chemicals that would be released as a result of the employment of such munitions and devices.

**Compliance:** Fulfillment by a treaty party of all its treaty obligations. A party in non-compliance is one that is violating all or part of its obligations.

**Compliance mechanism:** a procedure for dealing with questions about, allegations of, or actual non-compliance.

**Compliance provisions:** Enforcement provisions included in a treaty or legally binding agreement to ensure that parties abide by the requirements or restrictions set out in the treaty. Compliance provisions include inspection measures to confront state parties suspected of treaty violations and lists of sanctions that can be imposed on any state party that has violated its obligations.

**Conference on Disarmament (CD):** Group of states formed in 1979 following the first Special Session on Disarmament of the UN General Assembly held in 1978. As of August 2008, the CD had 65 member states, with a further 36 having observer status. Although the CD concerns itself with practically all issues involving multilateral arms control, it currently focuses its attention on issues related to nuclear disarmament and nonproliferation.

**Control rods:** Devices to absorb neutrons so that the chain reaction in a reactor core may be slowed or stopped by inserting them further, or accelerated by withdrawing them.

**Core:** The central part of a nuclear reactor containing the fuel elements and any moderator.

**Counterproliferation:** Diplomatic, intelligence, and military efforts to combat the proliferation of weapons, including both conventional weapons and WMD.

**Critical mass:** The smallest mass of fissile material that will support a self-sustaining chain reaction under specified conditions.

**Criticality:** Condition of being able to sustain a nuclear chain reaction.

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## D

**De-activate:** To remove a weapon from operational status for an indefinite period. Used synonymously with de-alert in referring to nuclear missiles.

**De-alert:** To reduce the level of readiness to launch of nuclear weapons systems. Measures include removing nuclear warheads from missiles and storing the warheads separately from the missiles.

**Decay:** Disintegration of atomic nuclei resulting in the emission of alpha or beta particles (usually with gamma radiation). Also the exponential decrease in radioactivity of a material as nuclear disintegrations take place and more stable nuclei are formed.

**Decommissioning:** Removal of a facility (eg reactor) from service, also the subsequent actions of safe storage, dismantling and making the site available for unrestricted use.

**Dual-use item:** An item that has both civilian and military applications.

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## E

**Entry into force:** The moment at which all provisions of a treaty are legally binding on its parties. Every treaty specifies preconditions for its entry into force.

**Enriched uranium:** Uranium in which the proportion of U-235 (to U-238) has been increased above the natural 0.7%. Reactor-grade uranium is usually enriched to about 3.5 percent U-235, weapons-grade uranium is more than 90 percent U-235.

**Enrichment:** Physical process of increasing the proportion of U-235 to U-238.

**European Atomic Energy Community (EURATOM):** Launched in 1958 to facilitate the development of nuclear energy for peaceful purposes within the European Community.

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## F

**Fast breeder reactor (FBR):** A fast neutron reactor configured to produce more fissile material than it consumes, using fertile material such as depleted uranium in a blanket around the core.

**Fissile (of an isotope):** Capable of capturing a slow (thermal) neutron and undergoing nuclear fission, e.g. U-235, U-233, Pu-239.

**Fission:** The splitting of a heavy nucleus into two, accompanied by the release of a relatively large amount of energy and usually one or more neutrons. It may be spontaneous but usually is due to a nucleus absorbing a neutron and thus becoming unstable.

**Fissionable (of an isotope):** Capable of undergoing fission: If fissile, by slow neutrons; otherwise, by fast neutrons.

**Fossil fuel:** A fuel based on carbon presumed to be originally from living matter, e.g. coal, oil, gas. Burned with oxygen to yield energy.

**Fuel assembly:** Structured collection of fuel rods or elements, the unit of fuel in a reactor.

**Fuel fabrication:** Making reactor fuel assemblies, usually from sintered UO<sub>2</sub> pellets which are inserted into zircaloy tubes, comprising the fuel rods or elements.

**Fissionable: (of an isotope):** Those in which the atoms can be fused in order to release energy, e.g., deuterium and tritium.

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## G

**Gamma rays:** High energy electro-magnetic radiation from the atomic nucleus, virtually identical to X-rays.

**Giga:** One billion units (eg gigawatt = 10<sup>9</sup> watts or million kW).

**Graphite:** Crystalline carbon used in very pure form as a moderator, principally in gas-cooled reactors, but also in Soviet-designed RBMK reactors.

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## H

**Half-life:** The period required for half of the atoms of a particular radioactive isotope to decay and become an isotope of another element.

**Heavy water:** Water containing an elevated concentration of molecules with deuterium (“heavy hydrogen”) atoms.

**Heavy water reactor (HWR):** A reactor which uses heavy water as its moderator, eg Canadian CANDU (pressurised HWR or PHWR).

**High-level wastes:** Extremely radioactive fission products and transuranic elements (usually other than plutonium) in used nuclear fuel. They may be separated by reprocessing the used fuel, or the spent fuel containing them may be regarded as high-level waste.

**Highly (or High)-enriched uranium (HEU):** Uranium enriched to at least 20 percent U-235. (That in weapons is about 90 percent U-235.)

**Hydrogen bomb:** A weapon that uses nuclear fusion to provide explosive power. Also referred to as a thermonuclear bomb.

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## I

**Information Circular 26 (INFCIRC/26):** The first IAEA safeguards system applicable to reactors rated less than 100 thermal megawatts, approved by the IAEA Board of Governors on January 31, 1961. It was revised in June 1963 to cover reactors of any size.

**Information Circular 66 (INFCIRC/66):** The model safeguards agreement approved by the IAEA in February 1965 to safeguard individual nuclear facilities. The guidelines were later revised to include reprocessing and fuel fabrication plants.

**Information Circular 153 (INFCIRC/153):** An IAEA document entitled “The Structure and Content of Agreements Between the Agency and States Required in Connection with the NPT.” Established by the IAEA in April 1970 after the NPT entered into force. The document created the full scope safeguards system whereby any non-nuclear weapon state party to the NPT agrees to establish and maintain a system of accounting and control of all nuclear material under its jurisdiction.

**Information Circular 540 (INFCIRC/540):** A document approved by the IAEA in May 1997, called the “Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards,” which supplements the INFCIRC/153. The Model Protocol grants IAEA inspectors additional physical access to sites of IAEA member states where nuclear material is or could be present, expands the use of unannounced inspections, and allows for collection of environmental samples.

**International Monitoring System (IMS):** Part of the verification system to verify the implementation of the CTBT. It mainly consists of a seismic monitoring network, an atmosphere radionuclide monitoring network, an infrasound monitoring network, and hydro acoustic monitoring network.

**Ion:** An atom that is electrically-charged because of loss or gain of electrons.

**Ionizing radiation:** Radiation (including alpha particles) capable of breaking chemical bonds, thus causing ionization of the matter through which it passes and damage to living tissue.

**Irradiate:** Subject material to ionizing radiation. Irradiated reactor fuel and components have been subject to neutron irradiation and hence become radioactive themselves.

**Isotope:** An atomic form of an element having a particular number of neutrons. Different isotopes of an element have the same number of protons but different numbers of neutrons and hence different atomic mass, e.g. U-235, U-238. Some isotopes are unstable and decay (qv) to form isotopes of other elements.

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## L

**Light water:** Ordinary water (H<sub>2</sub>O) as distinct from heavy water.

**Light water reactor (LWR):** A common nuclear reactor cooled and usually moderated by ordinary water.

**Low-enriched uranium:** Uranium enriched to less than 20 percent U-235. (That in power reactors is usually 3.5 - 5.0 percent U-235.)

**Low-level wastes:** Mildly radioactive material usually disposed of by incineration and burial.

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## M

**Megawatt (MW):** A unit of power, = 10<sup>6</sup> watts. **MWe** refers to electric output from a generator, **MWt** to thermal output from a reactor or heat source (eg the gross heat output of a reactor itself, typically three times the MWe figure).

**Micro:** one millionth of a unit (eg microsievert is 10<sup>-6</sup> Sv).

**Milling:** Process by which minerals are extracted from ore, usually at the mine site.

**Mixed oxide fuel (MOX):** Reactor fuel which consists of both uranium and plutonium oxides, usually about 5 percent Pu, which is the main fissile component.

**Moderator:** A material such as light or heavy water or graphite used in a reactor to slow down fast neutrons by collision with lighter nuclei so as to expedite further fission.

**Monitoring:** The means by which information is obtained for verification purposes. It may be done remotely or on-site and it may seek to obtain a particular type of information or to detect any activity that is potentially non-compliant.

**Multilateral:** Negotiations, agreements or treaties that effect or are between three or more parties, countries, etc.

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## N

**National technical means (NTMs):** Satellites, aircraft, and electronic and seismic monitoring devices used to survey the activities of other states, including military movements and treaty compliance. NTMs are used to verify arms control treaties.

**Natural uranium:** Uranium with an isotopic composition as found in nature, containing 99.3% U-238, 0.7% U-235 and a trace of U-234. Can be used as fuel in heavy water-moderated reactors.

**Negative security assurances:** A pledge by a nuclear weapon state that it will not use nuclear weapons against a non-nuclear weapon state. Some states have policies that allow for the use of nuclear weapons if attacked with other WMD by a non-nuclear weapon state. [See positive security assurances below]

**Neutron:** An uncharged elementary particle found in the nucleus of every atom except hydrogen. Solitary mobile neutrons travelling at various speeds originate from fission reactions. Slow (thermal) neutrons can in turn readily cause fission in nuclei of “fissile” isotopes, e.g. U-235, Pu-239, U-233; and fast neutrons can cause fission in nuclei of “fertile” isotopes such as U-238, Pu-239. Sometimes atomic nuclei simply capture neutrons.

**New Agenda Coalition (NAC):** In June 1998, the foreign ministers from Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa, and Sweden issued a statement calling for a new nuclear disarmament agenda. (Slovenia later withdrew from the NAC.) The NAC calls for the five nuclear weapons states and the three nuclear-capable states to make an unequivocal commitment to nuclear disarmament and to begin multilateral negotiations that would lead to the elimination of nuclear weapons through a Nuclear Weapons Convention.

**Non-nuclear weapon state (NNWS):** Under the NPT, states that had not detonated a nuclear device prior to January 1, 1967 (that is, all states other than the United States, Russia, the United Kingdom, France, and China).

**Nuclear energy:** The energy derived from nuclear reactions. Two types of nuclear energy are especially relevant, nuclear fission – when the nucleus of an atom is split into two lighter nuclei, and nuclear fusion – when two nuclei are joined together.

**Nuclear fuel cycle:** The processes of mining, refining and irradiating uranium and managing and disposing of reactor spent fuel. There are two common types of nuclear fuel cycles. One is the “open” fuel cycle, in which the spent fuel is not reprocessed, but kept in storage pending eventual disposal as waste. The other is the “closed” fuel cycle, where the spent fuel is reprocessed and the uranium and plutonium separated from the fission products. Both the uranium and plutonium can be recycled into new fuel elements.

**Nuclear reactor:** A device in which a nuclear fission chain reaction occurs under controlled conditions so that the heat yield can be harnessed or the neutron beams utilized. All commercial reactors are thermal reactors, using a moderator to slow down the neutrons.

**Nuclear weapon states (NWS):** As defined by Article IX, paragraph 3 of the NPT, the five states that detonated a nuclear device prior to January 1, 1967 (China, France, the Soviet Union, the United Kingdom, and the United States).

**Nuclear-Weapon-Free Zone (NWFZ):** A geographical area in which nuclear weapons are not allowed to be built, possessed, transferred, deployed, or tested.

**Nuclide:** elemental matter made up of atoms with identical nuclei, therefore with the same atomic number and the same mass number (equal to the sum of the number of protons and neutrons).

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## O

**Oxide fuels:** Enriched or natural uranium in the form of the oxide  $UO_2$ , used in many types of reactor.

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## P

**Plutonium:** A transuranic element, formed in a nuclear reactor by neutron capture. It has several isotopes, some of which are fissile and some of which undergo spontaneous fission, releasing neutrons. Weapons-grade plutonium is produced in special reactors to give >90 percent Pu-239, reactor-grade plutonium contains about 30 percent non-fissile isotopes.

**Plutonium Reprocessing:** The process of separating plutonium from irradiated uranium. Can be used to create components for nuclear weapons from spent reactor fuel.

**Pressurized water reactor (PWR):** The most common type of light water reactor (LWR), it uses water at very high pressure in a primary circuit and steam is formed in a secondary circuit.

**Positive security assurances:** Guarantees by nuclear weapon states that they will assist any non-nuclear weapon state that is the target of nuclear aggression or is threatened by such aggression.

**Precursor chemical:** Any chemical reactant that takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

**Proliferation (of WMD):** The spread of WMD. Horizontal proliferation refers to the spread of WMD to states that have not previously possessed them. Vertical proliferation refers to an increase in the amount or devastating capacity of any currently existing

WMD arsenals within a state.

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## R

**Radiation:** The emission and propagation of energy by means of electromagnetic waves or particles.

**Radioactivity:** The spontaneous decay of an unstable atomic nucleus, giving rise to the emission of radiation.

**Radiological weapons:** Devices that release radiation with the intent of inflicting severe injury or financial and psychological costs. The radiological isotopes used to produce radiological dispersal devices are found in waste from medical facilities, industrial plants, and nuclear power plants.

**Radionuclide:** A radioactive isotope of an element.

**Radiotoxicity:** The adverse health effect of a radionuclide due to its radioactivity.

**Radium:** A radioactive decay product of uranium often found in uranium ore. It has several radioactive isotopes. Radium-226 decays to radon-222.

**Radon (Rn):** A heavy radioactive gas given off by rocks containing radium (or thorium). Rn-222 is the main isotope.

**Ratification:** The implementation of the formal process established by a country to legally bind its government to a treaty, such as approval by parliament. In the United States, treaty ratifications require approval by the president after he has received the advice and consent of two-thirds of the Senate. The country then submits the required legal instrument of ratification to the treaty's depositary governments.

**Reactor pressure vessel:** The main steel vessel containing the reactor fuel, moderator and coolant under pressure.

**Reprocessing:** Chemical treatment of used reactor fuel to separate uranium and plutonium and possibly transuranic elements from the small quantity of fission product wastes, leaving a much reduced quantity of high-level waste (which today includes the transuranic elements).

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## S

**Safeguards:** Monitoring of nuclear material to ensure it is not used for military purposes, as implemented by the IAEA.

**Sarin:** A nerve agent used in chemical weapons. Sarin is a highly toxic organophosphate compound, similar to an insecticide, first developed by German scientists in the 1930s. Like other agents in this category, it binds with the body's enzymes and causes chemical imbalances within the body's nervous system.

**Signature:** The signing of a treaty by a senior representative of a country, which indicates that the country accepts the treaty and commits, until the country completes its ratification process, not to take any actions that would undermine its purposes, according to the Vienna Convention on the Law of Treaties.

**Source Material:** Uranium containing the mixture of isotopes occurring in nature, uranium depleted in the isotope 235, and thorium; or any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the IAEA Board of Governors shall from time to time determine.

**Special Fissionable Material:** Plutonium-239, Uranium-233, uranium enriched in the isotopes 235 or 233, any material containing one or more of the foregoing, and other fissionable material as the IAEA Board of Governors shall from time to time determine.

**Spent fuel:** Used fuel assemblies removed from a reactor after several years use and treated as waste.

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## T

**Thermal reactor:** A reactor in which the fission chain reaction is sustained primarily by slow neutrons, and hence requiring a moderator.

**Toxin:** A poison formed as a specific secretion product in the metabolism of a vegetable or animal organism as distinguished from inorganic poisons. Such poisons can also be manufactured by synthetic processes.

**Transmutation:** Changing atoms of one element into those of another by neutron bombardment, causing neutron capture and/or fission. In an ordinary reactor neutron capture is the main event, in a fast reactor fission is more common and therefore it is best for dealing with actinides. Fission product transmutation is by neutron capture.

**Transuranic element:** A very heavy element formed artificially by neutron capture and possibly subsequent beta decay(s). Has a higher atomic number than uranium (92). All are radioactive. Neptunium, plutonium, americium and curium are the best-known.

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## U

**Uranium (U):** A mildly radioactive element with two isotopes which are fissile (U-235 and U-233) and two which are fertile (U-238 and U-234). Uranium is the basic fuel of nuclear energy.

**Uranium hexafluoride (UF<sub>6</sub>):** A compound of uranium which is a gas above 56°C and is thus a suitable form in which to enrich the uranium.

**Uranium oxide concentrate (U<sub>3</sub>O<sub>8</sub>):** The mixture of uranium oxides produced after milling uranium ore from a mine. Sometimes loosely called yellowcake. It is khaki in color and is usually represented by the formula U<sub>3</sub>O<sub>8</sub>. Uranium is sold in this form.

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## V

**Verification:** The process of gathering, interpreting and using information to make a judgement about parties' compliance or non-compliance with an agreement. The aim of verification is to establish or increase confidence that all parties are implementing a treaty fairly and effectively.

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## W

### **Waste:**

**High-level waste (HLW)** is highly radioactive material arising from nuclear fission. It can be what is left over from reprocessing used fuel, though some countries regard spent fuel itself as HLW. It requires very careful handling, storage and disposal.

**Low-level waste (LLW)** is mildly radioactive material usually disposed of by incineration and burial.

**Weapons-grade:** Refers to nuclear material that is most suitable for the manufacture of nuclear weapons- e.g., uranium (U) enriched to 93 percent U-235 or plutonium (Pu) that is over 90 percent Pu-239. Crude weapons can be fabricated from lower-grade material.

**Weapons of mass destruction (WMD):** The most widely used definition is that of nuclear, biological or chemical weapons (NBC) although there is no treaty or customary international law that contains an authoritative definition. Some experts also define radiological weapons as a type of weapon of mass destruction.

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## Y

**Yellowcake:** Ammonium diuranate, the penultimate uranium compound in  $U_3O_8$  production, but the form in which mine product was sold until about 1970. See also Uranium oxide concentrate.



## **Appendix B List of Abbreviations**

**ABM – Anti-ballistic Missiles**

**ASEAN – Association of Southeast Asian States**

**BCR – Bio-Chem Redirection Program (US)**

**BEP – Biosecurity Engagement Program (US)**

**BOG – Board of Governors (IAEA)**

**BWC – Biological and Toxin Weapons Convention (also known as BTWC)**

**CD – Conference on Disarmament (UN)**

**CNS – Convention on Nuclear Safety**

**CPPNM – Convention on the Physical Protection of Nuclear Material**

**CSA – Comprehensive Safeguards Agreement (IAEA)**

**CSCAP – Council for Security Cooperation in Asia-Pacific**

**CSI – Container Security Initiative**

**CTBT – Comprehensive Nuclear Test Ban Treaty**

**CTR – Cooperative Threat Reduction**

**CWC – Chemical Weapons Convention**

**DHS – US Department of Homeland Security**

**DNDO – US Domestic Nuclear Detection Office**

**DOD – US Department of Defense**

**DOE – US Department of Energy**

**EXBS – Export Control and Related Border Security Program (US)**

**EU – European Union**

**FAO – Food and Agriculture Organization**

**FMCT – Fissile Material Cut-Off Treaty**

**GNEP – Global Nuclear Energy Partnership**

**GNMTRP – Global Nuclear Material Threat Reduction Program**

**GRTRP – Global Radiological Threat Reduction Program**

**GTRI – Global Threat Reduction Initiative (US)**

**HCOC – Hague Code of Conduct Against Ballistic Missile Proliferation**

**HEU – Highly enriched uranium**

**IAEA – International Atomic Energy Agency**

**IBRAE – Nuclear Safety Institute (Russia)**

**ICMS – Information and Collaboration and Management System (EU BTWC implementation assistance program)**

**IFNEC – International Framework for Nuclear Energy Cooperation**

**IND – Improvised Nuclear Device**

**INF – Treaty on Intermediate-Range Nuclear Forces**

**INFCC – International Fuel Cycle Centers**

**INPRO – International Project on Innovative Reactors and Fuel Cycles**

**INSEP – International Nuclear Safeguards and Engagement Program (US)**

**IPFM – International Panel on Fissile Materials**

**ISU – Implementation Support Unit (BTWC)**

**ITDB – Illicit Trafficking Database**

**ITWG – Nuclear Smuggling International Technical Working Group**

**IUEC – International Uranium Enrichment Center (Russia)**

**KINAC – Korea Institute for Nuclear Nonproliferation and Control**

**KINS – Korea Institute for Nuclear Safety**

**LSF – Long-term Radioactive Waste Storage Facility**

**LWR – Light Water Reactors**

**MOX – Mixed Oxide Fuel**

**MPC&A – Material, Protection, Control, and Accounting**

**MTCR – Missile Technology Control Regime**

**NAM – Non-Aligned Movement**

**NFC – Nuclear Fuel Cycle**

**NNSA – US National Nuclear Security Agency**

**NNWS – Non-nuclear weapon states**

**NPT – Nuclear Non-Proliferation Treaty**

**NTI – Nuclear Threat Initiative (US)**

**NTC – International Convention for the Suppression of Acts of Nuclear Terrorism  
(Nuclear Terrorism Convention)**

**NWC – Nuclear Weapons Convention**

**NWS – Nuclear weapon states**

**OIE – World Organization for Animal Health**

**OPCW – Organisation for the Prohibition of Chemical Weapons**

**PIC – Pacific Island Country**

**PIF – Pacific Islands Forum**

**PrepCom – Preparatory Committee (to the BTWC, CWC, NPT, CTBT or other treaties)**

**PSI – Proliferation Security Initiative**

**RevCon – Review Conference (of the BTWC, CWC or NPT or other treaties)**

**RW – Radiological Waste**

**SNF – Spent Nuclear Fuel**

**SORT – Strategic Offensive Reduction Treaty**

**SQP – Small Quantities Protocol (IAEA)**

**START I – Strategic Arms Reduction Treaty**

**START II – Strategic Arms Reduction Treaty**

**UNSCR 1540 – United Nations Security Council Resolution 1540**

**WMD – Weapons of Mass Destruction**

**WNA – World Nuclear Association**

**Appendix C**  
**Council for Security Cooperation in the Asia Pacific**  
**Memorandum No. 14**  
**Guidelines for Managing Trade of Strategic Goods**

**Introduction**

Trade management protects a nation's security, trade relations, and international reputation. It is fundamental to ensuring the security and integrity of the global supply chain. It also serves as a confidence-building measure for facilitating trade, economic growth, and development. Using the guiding principles outlined in Appendix 1, *this memorandum recommends specific measures involving legislation, licensing procedures, enforcement practices, and industry outreach* that are essential to an effective management system for trading strategic goods.

Countries developing high-tech and value-added economies increasingly depend upon their trade management system to protect strategic goods and technology from diversion, manipulation, theft, and other criminal activities. Secure supply chains are critical to the success of global nonproliferation efforts by guarding against the improper transfer of legitimate dual-use and other strategically useful commodities to those wishing to acquire Weapons of Mass Destruction (WMD) or radiological weapons capability. We must also ensure that nonstate groups ready to use these weapons do not obtain such technologies and equipment. Raising awareness, due diligence, and risk assessment capabilities are important means to this end.

Asia's increasingly important role in the global economy, its growing capabilities in value-added manufacturing and services sectors, its highly developed transportation systems, including key transshipment hubs, and the deepening integration of states within and outside the region underscore the need to strengthen national and regional capacity to implement and enforce a management system for trading strategic goods. United Nations Security Council Resolution 1540 (UNSCR 1540) imposes an affirmative obligation on all member states to take active measures to prevent the proliferation of WMD. Managing the trade of strategic goods is an integral component of that effort.

Increasing integration implies that effective trade management is only possible on the basis of broader international cooperation. Management systems for trading strategic goods should be promoted by all Asia-Pacific community-building institutions including ASEAN, the ASEAN Regional Forum (ARF), Asia-Pacific Economic Cooperation (APEC), East Asian Summit (EAS), and ASEAN Plus Three. Regional efforts to develop trade management systems for strategic goods will ensure that national programs are harmonized to the extent possible, respecting and reflecting particular domestic circumstances and capabilities. Insofar as differences among states exist, all nations should commit to assisting other governments in need to improve their capabilities, participate meaningfully in such regimes, and enjoy the full range of economic and security benefits. To accomplish this objective, we urge all governments and economies

to conduct a rigorous assessment of their capabilities and requirements for managing the trade of strategic goods.

## **Recommendations**

An effective management regime for strategic goods should be based upon a common set of elements. These elements include, *inter alia*, comprehensive legislation, effective procedures for licensing and enforcement, associated incentives and penalties, fostering good inter-ministry cooperation as well as mandatory and sustained outreach to industry. CSCAP offers the following recommendations in the interest of establishing such a regime in the region:

### **1. Legislation**

- (a) Each member state should establish a comprehensive law or amend existing laws to provide for controls on *all activities* by unauthorized individuals, organizations, and groups regarding all goods, equipment, materials, software and technologies related to Weapons of Mass Destruction (WMD) and their delivery systems.
- (b) Controlled *activities*, as per UNSCR 1540, should include possession, stockpiling, transport, exports, re-exports, transfers, imports, transit, transshipment, brokering, intangible transfers, and warehousing, complementing and consistent with prohibitions on manufacture, sale, use, and intent to use that already exist in regulations of most states.
- (c) National legislation should establish either a unified control list that covers items related to all types of WMD and their delivery systems (i.e., nuclear, chemical, biological, missile, munitions) or individual WMD control lists for each type, drawing upon models such as the European Union list of items or technologies to which these controls apply. Such lists will provide a clear frame of reference for enforcement agencies such as Customs, border security, national police, and armed forces as they train their staff to identify proliferation-relevant items and prohibited activities.
- (d) The legislation should have provisions for “catch-all” controls. Exporters must pay attention to end users and end uses and should have the ability to regulate any export transaction regardless of whether the product or technology is on a control list or not, when it is known that the item will be used in a program of proliferation of WMD or related materials. The primary responsibility for ensuring proper use rests with original manufacturers.
- (e) Member states should consider establishing a region-wide common control list and common minimum licensing criteria, keeping in mind individual national capacity, capability, and state structure. This would allow for uniform standards and controls across the region and greatly reduce time and cost incurred in the review of license and Customs documents relating to regional trade in advanced goods, technologies and services.

## **2. Licensing Procedures**

- (a) Criteria should be established for a transparent licensing process that includes national security, foreign policy, trade promotion, and technology development.
- (b) An inter-agency license review process that involves all the concerned ministries/agencies should be established to ensure all relevant factors (national security, foreign policy, trade promotion, and technology development) are duly considered in reaching each decision.
- (c) In addition to the inter-agency license review process, a consolidated electronic database on exporters, importers, and foreign end users involved in transactions relating to controlled items should be established. The database would allow governments to monitor the number of licenses issued for each technology-type over time – a useful statistic for domestic and foreign policy purposes. It would also be a useful tool for enforcement agencies as they develop risk-based systems for cargo inspections.
- (d) Procedures to confirm, as appropriate, the legitimacy of stated end users and end uses.

## **3. Enforcement**

- (a) All states should consider consolidating authority into a limited number of ministries/agencies with specific authority to serve as the nodal enforcement mechanism for strategic trade violations.
- (b) Policies, laws, and regulations should provide enforcement agencies the mission, authority, training, and resources necessary to detect, identify, and deter transfers that violate export control laws and regulations.
- (c) Procedures should be developed for evaluating parties involved in export, re-export, transit, and transshipment transactions.
- (d) Legal authorities should permit routine advanced review of detailed manifest data (including electronic manifest) to analyze for suspicious transfers.
- (e) Authorized and empowered ministries/agencies should work with trade management mechanisms and regimes to establish a positive correlation between each of the licensed commodities on the country's internal control lists and the trade-relevant harmonized tariff system codes (HS), to ensure that enforcement officials (Customs, border guards, and coastal patrol service) are easily able to identify potentially controlled products on the documents that they review (shippers export declaration, shipping manifest, and Customs declaration, etc).
- (f) The agency empowered with inbound and outbound trade monitoring, should develop a risk management system, including automated and targeting strategies, that will assist these officers, licensers, and others in conducting risk review on

manifests quickly and prior to the goods transiting, transshipping, arriving, or departing at the nation's port.

- (g) Enforcement agencies responsible for risk management should strive to share information to ensure this information is used for assessing transfer risk and aiding in investigations.
- (h) The agency designated with investigative responsibility should be authorized to take the lead in investigations related to sensitive commodity trade violations as well as an active role in the prosecution of civil and criminal cases related to WMD-related violations.
- (i) WMD proliferation and crimes related to illegal strategic commodity transfers, including corruption, should be treated with the utmost severity by assessing fines and criminal penalties in accord with the intent and extent of the transfer.
- (j) The enforcement and legal community should be clear about the severity attached to different types of transfers that violate national security so penalties are in accord with intention and the proportional damage to state security.
- (k) All agencies involved in enforcing WMD-relevant laws and regulations, including prosecutors and the judiciary, should be provided relevant training.
- (l) All agencies involved with enforcement should have a dedicated process in which to seek expert national or international technical assistance on a potential controlled item.
- (m) All enforcement agencies should take advantage of assistance being offered by the international community in the area of enforcement and reach out to the United Nations and relevant assistance providers with requests for any required training support.

#### **4. Industry-Government Relations**

- (a) Effective outreach should be conducted to raise the awareness of companies and commercial individuals about their responsibilities under the country's/economy's export control system, including penalties for violations.
- (b) Either the lead agency for license review or the lead agency for enforcement should establish standard operating procedures to provide outreach to industry. This should include developing and updating a website devoted to clarifying WMD-relevant regulations. This website could provide texts of all relevant laws, regulations, guidelines and forms, along with links to all concerned ministries, contact information, and appropriate explanations that would help businesses direct their queries relating to compliance or commodity classification or other issues.

- (c) Governments and industry should institutionalize dialogue on the management of strategic goods trade. This should include events where government officials and industry representatives exchange views on WMD-relevant regulations and implementing procedures. Annual meetings of various manufacturers and industry associations, or technology exhibitions and trade fairs, might be utilized to organize such interactive meetings.
- (d) Agencies participating in investigations should actively work with their strategic industry to develop a close relationship to develop leads related to illicit transfer of controlled commodities as well as having a “hotline” available for other informants.
- (e) Governments and industry should create incentives to encourage compliance with strategic trade systems to promote trade.
- (f) Seek voluntary compliance by industry, including encouragement of relevant companies to establish internal compliance procedures that incorporate checks on end users and end uses of concern, and governments should be ready to advise and assist them in that process.

## **5. Financial and Technical Assistance**

- (a) ASEAN and/or the ARF should promote the creation of a pool of technical and financial resources that will be made available to strengthen capacity building in managing the trade of strategic goods. This effort should complement bilateral efforts.
- (b) Countries with more advanced management systems should provide financial and/or technical assistance to those with nascent or less developed systems. This assistance should be sourced bilaterally and recipient countries should make a thorough evaluation of their needs prior to seeking assistance from donor countries.
- (c) Donor and recipient countries should meet periodically to review and evaluate assistance given and to guide further action.