
2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Safeguards

Working paper submitted by South Africa

1. Introduction

1.1 Paragraph 7 of the Decision 1 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that dealt with “Strengthening the Review Process for the Treaty” tasked future Review Conferences with looking forward as well as back, evaluating the results of the period they are reviewing, including the implementation of undertakings of the States Parties under the Treaty, and identifying the areas in which, and the means through which, further progress should be sought in the future.

1.2 Paragraphs 9 to 13 of the “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, which was adopted as Decision 2 at the 1995 Review and Extension Conference, and which addressed forward-looking elements address the safeguards issue. Several of these paragraphs deal with issues that have already been addressed in the intervening period, and others deal with issues where the wording can be strengthened.

2. Proposals for forward-looking language on the safeguards issue together with explanatory notes

2.1 Proposed language

The International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring in accordance with the Statute of IAEA and the Agency’s safeguards system, compliance with its safeguards agreements with States Parties undertaken in fulfilment of their obligations under article III(1) of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States Parties should direct such concerns, along with supporting evidence and information, to IAEA for it to consider, investigate, draw independent conclusions and decide on necessary actions in accordance with its Statute.

Explanatory note

Paragraph 9 of the Principles and Objectives has been amended by emphasizing “independent” conclusions to be drawn by IAEA and changing “mandate” to “statute”.

2.2 Proposed language

All States Parties required by Article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay. This includes States Parties without substantial nuclear activities which should receive appropriate assistance in this regard.

Explanatory note

Paragraph 10 of the Principles and Objectives has been amended as indicated, the reason being that States with little or no nuclear activities may not have the knowledge or infrastructure to conclude and implement the required formalities.

2.3 Proposed language

All States Parties should also sign and bring into force the Additional Protocol to Safeguards Agreements.

Explanatory note

This is new language (relating to the Additional Protocol) and the emphasis is on “all” States Parties. Some nuclear-weapon States have already concluded Additional Protocols.

2.4 Proposed language

States not party to the Treaty should be urged to enter into comprehensive safeguards agreements and the Additional Protocol with IAEA.

Explanatory note

This language is a restatement of the last part of the paragraph 11 of the Principles and Objectives but with the addition of the Additional Protocol.

2.5 Proposed language

The safeguards measures under comprehensive safeguards agreements, the measures adopted by the IAEA Board of Governors to strengthen safeguards and new measures provided by the Additional Protocol and technological advances, should be integrated into a flexible, effective and cost-efficient new safeguards system to detect the diversion of nuclear material to nuclear weapons or other nuclear explosive devices and to provide credible assurance of the absence of undeclared material and activities. The effectiveness and cost-efficiency of IAEA safeguards should be regularly reviewed and evaluated.

Explanatory note

This is new language (with some elements of paragraph 11 of the Principles and Objectives) focusing on the integration of traditional and new safeguards

measures and combining the elements of non-diversion and the detection of undeclared activities.

2.6 Proposed language

New supply arrangements for the transfer of nuclear material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as necessary preconditions, the application of comprehensive IAEA safeguards and State-to-State assurances not to acquire or build nuclear weapons or other nuclear explosive devices and to require the same conditions and assurances on further transfers of the material or equipment to third parties.

Explanatory note

This language is similar to paragraph 12 of the Principles and Objectives. The reference in the Principles and Objectives to “internationally legally binding commitments” outside the context of the Treaty is not clear. The following approach is consequently recommended:

- (a) Require “comprehensive” safeguards, that is, of the type required by the Treaty;
- (b) Require “State-to-State assurances”;
- (c) Require control over re-transfers.

2.7 Proposed language

Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under appropriate IAEA verification arrangements in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. The verification arrangements should ensure the irreversible removal of fissile material from military to peaceful use. Comprehensive safeguards and the Additional Protocol should be universally applied once the complete elimination of nuclear weapons has been achieved.

Explanatory note

Addresses the issues raised in paragraph 13 of the Principles and Objectives amended as follows:

- (a) IAEA “safeguards” for ex-weapons materials has been changed to “appropriate IAEA verification arrangements” since normal safeguards implementation with direct access to materials is not possible;
 - (b) A statement on the irreversibility of the process is added.
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