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# 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

5 May 2005  
English  
Original: Chinese and English

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New York, 2 – 27 May 2005

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

### **Report submitted by the People's Republic of China**

China strictly abides by the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has been making unremitting efforts in promoting the three NPT goals of: non-proliferation of nuclear weapons, progress in nuclear disarmament and promotion of peaceful uses of nuclear energy. In response to the request of the NPT 2000 Review Conference, the Chinese Government hereby submits to this conference the following report on its implementation of the Treaty:

#### **I. Non-proliferation of Nuclear Weapons**

China has all along adhered to the policy of not advocating, encouraging or engaging in the proliferation of nuclear weapons and not assisting other countries in development of nuclear weapons. China has strictly fulfilled its non-proliferation obligations under NPT and firmly opposed proliferation of nuclear weapons by any country in any form.

1. China has earnestly undertaken its international obligations, supported and participated in international cooperation in nuclear non-proliferation and has committed itself to the building of a nuclear non-proliferation regime.

Upon joining the International Atomic Energy Agency in 1984, before its ascendance to NPT, China undertook to fulfil the IAEA safeguards obligations under the Statute for the purpose of preventing proliferation of nuclear weapons. In this context, the Chinese Government declared in 1985 to subject voluntarily its civilian nuclear facilities under IAEA safeguards and signed the Agreement between the People's Republic of China and the IAEA for the Application of Safeguards in China in 1988. So far, the Chinese Central Government has offered some nuclear facilities for IAEA Safeguards. In December 1998, China signed the Protocol Additional to the IAEA Safeguards Agreement and in March 2002 it formally completed the domestic legal procedures necessary for the Additional Protocol to enter into force. China has thus become the first nuclear-weapon state where the Additional Protocol has been taken effect.

In November 1991, the Chinese Government announced that it would, on a continuing basis, notify the IAEA of China's export to or import from a non-nuclear-weapon state of any nuclear material of over one effective kilogram. In July 1993, China formally undertook to voluntarily notify the IAEA of all its import and export of nuclear materials as well as its export of nuclear equipment and related non-nuclear materials.

In May 1996, China undertook not to provide assistance to any foreign nuclear facilities not under IAEA safeguards, in terms of nuclear export, personnel exchanges and technical cooperation among others. In October 1997, China became a full member of the Zangger Committee. In June 2004, China joined the Nuclear Suppliers Group.

China supports Resolution 1540 of the UN Security Council and has submitted the national report on its implementation of the resolution.

China has supported the international efforts against nuclear terrorism and played an active role in the formulation of the International Convention for the Suppression of Acts of Nuclear Terrorism. China actively supported and actively participated in the negotiation to amend the Convention on the Physical Protection of Nuclear Material. China has supported the international efforts to tighten the control of radioactive sources and been an active participant at the Conference on the Security of Radioactive Sources held in Vienna in March 2003.

2. In recent years, the Chinese Government has, in pursuit of the rule of law, constantly strengthened and improved the legal system of nuclear export control to ensure the effective enforcement of its non-proliferation policy.

China has exercised stringent control and administration over nuclear export, unswervingly abided by the three principles governing nuclear export: peaceful uses only, acceptance of IAEA safeguards, and no retransfer to any third party without prior approval of the Chinese side.

In 1987, the Chinese Government promulgated the Regulations on the Control of Nuclear Materials, introducing a licensing system for nuclear materials. The Regulations identified a body for supervision and control of nuclear materials and its duties and responsibilities in this area, specified methods for nuclear material control, procedures for application for, and examination and issuance of nuclear materials licenses, and provided for management of nuclear materials accounting, the accountancy of nuclear materials, physical protection of nuclear materials, and relevant incentives and punishments.

In May 1997, the Chinese Government issued the Circular on Questions Concerning Strict Implementation of China's Nuclear Export Policy, explicitly stipulating that the nuclear materials, equipment and related technologies exported by China shall in no way be provided to or used in nuclear facilities that are not subject to IAEA safeguards.

In September 1997, the Chinese Government promulgated the Regulations on the Control of Nuclear Export, stipulating that no assistance, in whatever form should be provided to nuclear facilities that are not under IAEA safeguards; that no entities should engage in nuclear exports, except for those designated by the State Council; and that the State should implement a nuclear export licensing system. The Regulations also provide for a rigorous examination system for nuclear export, severe punishments for violation and a comprehensive and detailed control list.

In June 1998, the Chinese Government promulgated the Regulations on Export Control of Nuclear Dual-Use Items and Related Technologies, instituting strict controls on the export of nuclear dual-use items and related technologies and a licensing system for related exports. It established an exporters registration system, procedures for the processing and approval of exports, and punishments for violations of the Regulations.

With regard to nuclear export control system, China has adopted internationally accepted practices, including exporters' registration, end-user and end-use certification, licensing system and list control method. The control lists under the Regulations on the Nuclear Export Control and on the Export Control of Nuclear Dual-Use Items and Related Technologies encompass all the items and the technologies listed by the Zangger Committee and the Nuclear Suppliers Group. The principles and scope of China's nuclear export control are thus consistent with international practice. In face of new developments, China is currently reviewing and improving the above-mentioned regulations and other export-control-related legislations to include the "Catch-All" Principle, and to make acceptance of IAEA full-scope safeguards a precondition for nuclear export. The Chinese Government has also made an effort to ensure effective enforcement of the relevant regulations through such measures as dissemination of information and training.

The Amendments to the Criminal Law of the People's Republic of China adopted in December 2001 define illegally manufacturing, trafficking and transporting radioactive substances as criminal offences and punishable by the Criminal Law. The Chinese Government has authorized the Commission of Science, Technology and Industry for National Defense (COSTIND), to exercise control of nuclear export in coordination with other relevant government departments.

In February 2002, the Chinese Government promulgated the Provisions on Safeguard and Supervision of Nuclear Import & Export and Nuclear Cooperation with Foreign Countries.

On 3 December 2003, the Chinese Government issued a white paper entitled China's Non-Proliferation Policies and Measures, which gives a comprehensive account of China's policies on prevention of nuclear proliferation including non-proliferation measures, export control systems, export control laws and regulations, responsibilities of relevant departments for export control and mechanism for their coordination, and for investigation and handling of violations.

## **II. Nuclear Disarmament**

China has all along strictly complied with its disarmament obligations under NPT and made an earnest effort to promote international nuclear disarmament process, and for an ultimate complete prohibition and thorough destruction of all nuclear weapons and for a world free of nuclear weapons.

China stands for the complete prohibition and thorough destruction of all nuclear weapons and the conclusion of an international legal instrument for this purpose. To eliminate nuclear weapons eventually, China proposes the following,

First, all the parties should establish a security concept based on mutual trust, mutual benefit, equality and cooperation so as to create a favorable regional and international environment for nuclear disarmament.

Second, nuclear disarmament should contribute to the maintenance of international strategic stability and should be based on the principle of undiminished security for all.

Thirdly, nuclear disarmament should be carried out through a just and reasonable process of gradual reduction towards a downward balance. To create conditions for other nuclear-weapon states to participate in the multilateral disarmament process, states possessing the largest nuclear arsenals bear special responsibility for nuclear disarmament and should take the lead in reducing their nuclear arsenals drastically and in a legally binding manner. The nuclear weapons thus reduced should be destroyed and should not be diverted from deployment to stockpiling.

As a nuclear-weapon state and a permanent member of the United Nations Security Council, China has never shunned away from its own obligations in nuclear disarmament. On the contrary, it has undertaken nuclear disarmament responsibilities that other nuclear-weapon states have not yet undertaken or are not willing to undertake.

1. China advocates a complete prohibition and thorough destruction of nuclear weapons and strictly observes its nuclear disarmament obligations. China is the only nuclear-weapon state to advocate a complete prohibition and thorough destruction of nuclear weapons. China was forced to develop nuclear weapons under special historical circumstances and for the sole purpose of self-defence. On the very first day when it possessed nuclear weapons, China issued a solemn statement and proposed to hold a world summit to discuss the issue of complete prohibition and thorough destruction of nuclear weapons.

Over all these years, China has exercised great restraint in the development of its nuclear weapons in terms of both scale and upgrading. From the first nuclear test in 1964 to the moratorium on nuclear weapon tests in 1996, China conducted fewer nuclear tests than all other nuclear-weapon states. It has never taken part in any nuclear arms race or deployed any nuclear weapons outside its territory.

Since the beginning of 1990s, China has gradually cut back on its nuclear weapons development program. The nuclear weapon research and development site in Qinghai was closed, transformed into a civilian facility and handed over to the local government in May 1995 after environmental clean-up.

2. China sticks to the policy of not to be the first to use nuclear weapons and is opposed to the nuclear deterrence policy based on the first use of nuclear weapons. China is the only nuclear-weapon State among the five that has adopted the no-first use policy. On 16<sup>th</sup> October 1964, when it conducted its first nuclear test, China solemnly declared to the world that it would not be the first to use nuclear weapons at any time or under any circumstances. No matter of facing of nuclear threat or nuclear blackmail during the Cold War or in face of the drastic changes in the post-Cold-War international security environment, China has never deviated from its commitment.

China has worked hard with other nuclear-weapon states for the conclusion of a multilateral treaty on no-first-use of nuclear weapons. In January 1994, China formally presented a draft “Treaty on Mutual No-First-Use of Nuclear Weapons” to the other four nuclear-weapon states, and has since sought to reach arrangements with other nuclear-weapon states on a bilateral basis for mutual no-first-use of nuclear weapons and non-targeting of such weapons against each other.

In September 1994, head of state of China and Russia issued a statement in which to commit to mutual no-first-use of nuclear weapons and non-targeting of such weapons against each other. On 27<sup>th</sup> June 1998, China and the United States announced their decision no to target nuclear weapons at each other. In April 2000, the five nuclear-weapon states issued a joint statement announcing that they would not target their nuclear weapons at any countries.

3. China also undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. In April 1995, China issued a statement reaffirming its unconditional negative security assurances to all non-nuclear-weapon States and its commitment to offering them positive security assurances. In 2000, China and other four nuclear-weapon states issued a joint statement reaffirming the security assurance commitment in the UN Security Council Resolution 984 adopted in 1995.

At the request of Ukraine and Kazakhstan, the Chinese Government issued statements on security assurances to the two countries in December 1994 and February 1995 respectively .

China has called upon other nuclear-weapon States to unconditionally provide both negative and positive security assurances to all non-nuclear-weapon states and to conclude an international legal instrument to this end as soon as possible. China actively supports the efforts by Conference on Disarmament in Geneva to establish an ad hoc committee on negative security assurances and start substantive work and negotiations in this regard without delay.

4. China supports the efforts of non-nuclear-weapon states to establish nuclear-weapon-free zones and believes that the establishment of nuclear-weapon-free zones is conducive to preventing proliferation of nuclear weapons and promoting regional and global peace and security. China supports and respects the establishment of nuclear-weapon-free zones and WMD-free zones on the basis of voluntary consultations.

In 1973, China signed Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin American and the Caribbean. In 1983, China joined the Antarctic Treaty and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and has undertaken the obligations thereunder. In 1987, China signed Protocols II and III to the South Pacific Nuclear Free Zone Treaty. In 1991, China joined 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 and has undertaken the obligations thereunder. In 1996, China signed Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty.

China supports the efforts made by the ASEAN countries to establish a nuclear-weapon-free zone and has reached agreement in principle with ASEAN on the relevant issues in the Southeast Asia Nuclear-Weapon-Free Zone Treaty. China stands ready to sign the Protocol when it is open to signature. China supports the efforts made by five Central Asian countries to establish a nuclear-weapon-free zone in the region. China has no difficulty with the current text of the relevant treaty and its protocol, and is willing to sign at an early date after an agreement is reached among the parties concerned on the text. China supports the efforts made to establish a zone free of nuclear weapons and other WMDs in the Middle East, and hopes that the goal will be achieved at an early date. China joined the consensus at the various sessions of the United

Nations General Assembly on resolutions on establishing nuclear-weapon-free zone in the Middle East. China respects and welcomes Mongolia's nuclear-weapon-free status.

5. China firmly supports the Comprehensive Test Ban Treaty and actively participated in the negotiation of the Treaty, making significant contribution to the conclusion of the Treaty. As a nuclear-weapon state and one of the 44 Annex II countries, China is well aware of its special responsibility for promoting the entry into force of the Treaty. In 1999, the Chinese Government completed its review of the CTBT and submitted the Treaty to the National People's Congress, which is now reviewing the CTBT in accordance with the relevant procedures. China took an active part in all the three Conferences on Facilitating Entry into Force of the Treaty and invited the Special Representative of the States Parties to Promote the Ratification Process of the CTBT and the Executive Secretary of the Provisional Technical Secretariat (PTS) of the Prep.Com. of the CTBTO to visit China, and exchanged views with them on promoting the early entry into force of the Treaty. China will continue to honour its commitment to a moratorium on nuclear-weapon test explosions.

China is taking an active and constructive part in all the work of the Preparatory Commission of the CTBT Organization. China is earnestly preparing for the national implementation of the Treaty, and has set up a specialized agency to prepare for national implementation of the Treaty, including the construction, operation and management of International Monitoring System stations with Chinese territory.

China has undertaken the construction of 12 stations, including 6 seismic stations, 3 radionuclide stations, 2 infrasound stations and 1 radionuclide laboratory. At present, construction of the 2 primary seismic stations and radionuclide stations have been almost completed, the radionuclide laboratory is under construction, the site survey for the infrasound stations has completed, and the National Data Center is also nearing completion. At present, China is discussing with the PTS about the Facility Agreement.

China has taken an active part in the negotiations on the on-site inspection operational manual and other operational manuals. Chinese experts have been studying the on-site inspection techniques provided for in the CTBT, and has developed a prototype mobile Ar-37 monitoring system which can be used to quickly detect underground nuclear explosions.

China hosted a Seminar on Regional Cooperation, an On-Site Inspection Workshop and an IMS Training Course in cooperation with the PTS for three consecutive years.

In recent years, China has co-sponsored the CTBT resolutions in the First Committee of the General Assembly of the United Nations.

6. In order to promote the international nuclear disarmament process, China opposes the deployment of weapon systems in outer space, and is of the view that missile defence systems that disrupt global strategic balance and stability should not be deployed. It calls on the international community to negotiate an international legally binding instrument to prohibit the deployment of weapon systems in outer space and the threat or use of force against objects in outer space.

In June 2002, China and the Russian Federation, together with VietNam, Indonesia, Belarus, Zimbabwe and the Syria Arab Republic, submitted to the Conference on Disarmament (CD) a working paper entitled “Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects”(CD/1679), which attracted attention from all sides. China and Russia will continue to refine the working paper so as to lay a solid foundation for the negotiations on the international legal instrument within an ad hoc committee on the prevention of an arms race in outer space to be established by the CD.

In April 2002, China and the United Nations Department of Disarmament Affairs jointly sponsored a major international seminar on arms control and disarmament issue in Beijing. Participants engaged in in-depth discussions on the prevention of arms race in outer space. On 21<sup>st</sup> and 22<sup>nd</sup> March 2005, China, the Russian Federation, UNIDIR and the Simons Foundation of Canada jointly sponsored an international seminar on "Safeguarding Space Security: Prevention of an Arms Race in Outer Space" in Geneva. More than 150 officials, experts and scholars from 65 members states of the CD held in-depth discussions on wide-ranging topics, including the legal means, for preventing an arms race in outer space as well as monitoring and verification issues.

China has for years co-sponsored the resolution on Prevention of an Arms Race in Outer Space(PAROS) in the First Committee of the General Assembly of the United Nations.

7. China supports multilateral efforts on nuclear disarmament. China supports the establishment of an ad hoc committee in the CD to carry out substantive work on nuclear disarmament, security assurance, and PAROS. China is in favor of an early agreement on a program of work for the CD that is accepted for all sides, including commencement of negotiations on a multilateral, non-discriminatory and verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices (FMCT) in accordance with the mandate contained in the Shannon Report. On 7 August 2003, China declared that it would accept the Five Ambassadors’ Proposal on the CD’s program of work, which is supported by a vast majority of countries in the CD.

China supports the intermediate nuclear disarmament measures proposed by non-nuclear-weapon states, and is ready to consider the implementation of these measures at an appropriate time and under appropriate conditions as the nuclear disarmament process progresses.

Over the years, China has been the only nuclear-weapon state which has cast affirmative votes on the important nuclear disarmament resolutions of the General Assembly of the United Nations, such as those entitled “Towards a Nuclear-Weapon-Free World: the Need for a New Agenda”, “Nuclear Disarmament”, “Convention on the Prohibition of the Use of Nuclear Weapons”, “Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat of Use of Nuclear Weapons” and “Conclusion of Effective International Arrangements to Assure Non-Nuclear-weapon states against the Use or Threat of Use of Nuclear Weapons”.

### **III. Peaceful uses of nuclear energy**

While China supports the efforts of preventing the proliferation of nuclear weapons, it also devotes itself to international cooperation on peaceful uses of nuclear energy, and holds the view that non-proliferation should not prejudice the rights to the peaceful use of nuclear energy by any country, developing countries in particular.

1. Since its accession to the IAEA in 1984, China has devoted itself to the realization of the two main objectives set by the Statute of the IAEA, namely, the prevention of nuclear proliferation and the promotion of international cooperation in peaceful uses of nuclear energy.

China actively participates in the negotiation and drafting process of relevant international conventions in the nuclear field. China has signed or acceded to 13 international conventions and agreements in this field and took an active part in the drafting of and consultations on the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. China has initiated work towards acceding to the Convention.

China supports and actively participates in the IAEA's technical cooperation activities and pays its assessed contribution to the Technical Cooperation Fund in full and on time every year. Following the principle of "active participation, give and take", China has contributed human, material and financial resources to the Agency's technology cooperation activities, while receiving the Agency's assistance in return. As of the end of 2003, China has provided voluntary contribution of 13 million dollars, 2,000 person-times training and experts services, and hosted over 200 IAEA's events.

In September 2004, in addition to paying its assessed contribution in full to the Technical Cooperation Fund, China contributed US \$ 1 million to support the Agency's technical cooperation activities in Asia and Africa.

China always actively supports and takes part in the IAEA's activities in the field of nuclear safety. In October 2004, China hosted an international conference with the IAEA on the subjects of the safety of nuclear facilities and discussed relevant issues on improving the safety of nuclear facilities in light of changes in the current situation.

2. China is consistent in upholding the principles of mutual respect for sovereignty, equality and mutual benefit as it actively engages in international cooperation in the peaceful uses of nuclear energy. It has established mutually beneficial cooperation and economic exchanges with many countries that promote common development.

So far, China has signed intergovernmental agreements of cooperation in the peaceful uses of nuclear energy with nearly 20 countries. These agreements have laid down the foundation for exchanges and cooperation in the nuclear field between China and those countries.

China has carried out extensive and fruitful exchanges and cooperation with many developed countries, including personnel exchanges, equipment and technology acquisition and trade. China has exported nuclear materials to the United States, Japan and Canada, among others, and has acquired nuclear power plant equipment and technology from France, Canada, Russia, Japan and the Republic of Korea as well.



As a developing country with some industrial nuclear capability, China attaches great importance to cooperation with other developing countries and always tries to provide them with assistance to the best of its ability. For example, China has cooperated with Pakistan to build the Chashma nuclear power plant, exported neutron-source mini-reactors to Ghana and Algeria, and helped Ghana build a centre for tumour treatment. These projects have been carried out either under the strict IAEA safeguards or as IAEA technical cooperation projects.

The Chinese Government actively supports all kinds of activities aimed at promoting nuclear technology development and peaceful uses of nuclear energy. In October 2002, China successfully hosted the 13<sup>th</sup> Pacific Basin Nuclear Energy Conference in Shenzhen. That was the second time for China to host the conference. The conference made a positive contribution to the development of peaceful uses of nuclear energy not only in this region but the whole world as well.

3. China attaches great importance to the development of peaceful uses of nuclear energy, adheres to the principle of sustainable development, coordinates the scale of development of nuclear energy with that of other energy sources and pays attention to the rational utilization of resources and the treatment and disposal of radioactive waste. It also strives to balance of economic efficiency with technological progress, and short-term development with mid- and long-term development. The development of nuclear energy will drive the development of related domestic industries and technological progress, thus promoting the all-round progress in science and technology as well as economic and social development.

Since the early 1980s, nuclear power, as the primary peaceful use of nuclear energy, has been developing at a fast pace in China. At present, the total capacity of nuclear power plants in operation and under construction in China amounts to 9,000,000 KW. The nuclear power plants in operation have been running well. To achieve sustainable economical and environmental development, nuclear power, as a clean and safe source of energy, will play an increasingly important role in China's future energy structure. In nuclear power development, China will stick to the principle of "cooperate with international partners while we ourselves play the major role, importing technologies while promoting domestic contents", actively carry out international cooperation, study and acquire advanced technologies in various ways.

4. The Chinese Government has all along taken effective measures to ensure nuclear safety, safeguard the health of the workers and the general public, and protect the environment. Learning from international experiences, China has established fully functional nuclear safety management, monitoring and emergency response systems. China's nuclear industry has maintained a good record in terms of safe operation and environmental protection. There have been no mishaps.

China has enacted a number of laws and regulations in this regard, for instance, "Regulations of the People's Republic of China on Civil Nuclear Establishment Safety Surveillance", "Regulations of the People's Republic of China on Nuclear Material Control", and "Regulations for the Emergency Management of Nuclear Accidents at Nuclear Power Plants". In October 2003, the Chinese Government further enacted "the Law of the People's Republic of China on Radioactive Pollution Prevention and Control", which specifies the procedures for the prevention and control of radioactive pollution in activities relating to the operation of nuclear

facilities, the use of nuclear technology, uranium mine exploration and exploitation and the management of radioactive waste, and so on. China is speeding up the legislative work on its Law on Atomic Energy to promote healthy and comprehensive development of its atomic energy industry.

China supports the Code of Conduct for the Safety and Security of Radioactive Sources of the IAEA, and has informed the Director General of the IAEA that China is initiating work to amend the “Regulation on the Protection against Radioactive Isotopes and Devices with Radioactive Emission” and to draw up “Procedures for the Safe Management of Radioactive Sources” and “Provisions for the Management of Accidents Involving Radioactive Sources” in accordance with the requirements and principles set forth in the Code of Conduct.

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