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Comité Preparatorio de la Conferencia de las Partes del Año 2010 encargada del examen del Tratado sobre la no proliferación de las armas nucleares

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Convención tipo sobre Armas Nucleares

Documento de trabajo presentado por Costa Rica

1. La delegación de Costa Rica tiene en honor de presentar adjunta la Convención tipo sobre Armas Nucleares* al Comité Preparatorio de 2007 de la Conferencia de las Partes del Año 2010 encargada del examen del Tratado sobre la no proliferación de las armas nucleares.

2. El documento anexo es una revisión de la Convención tipo sobre Armas Nucleares que el Secretario General de las Naciones Unidas distribuyó en 1997 como documento A/C.1.52/7. Se tienen en cuenta en él las novedades técnicas, jurídicas y políticas pertinentes ocurridas desde 1997.

3. La Convención tipo sobre Armas Nucleares se presenta para ayudar a los Estados partes en el Tratado sobre la no proliferación de las armas nucleares en sus deliberaciones respecto de la aplicación del artículo VI. Se investigan los elementos jurídicos, técnicos y políticos necesarios para el logro y el mantenimiento de un mundo libre de armas nucleares. A ese respecto, va más allá de las obligaciones que incumben a los Estados partes en el Tratado sobre la no proliferación de las armas nucleares, ya que también se abordan las obligaciones en materia de desarme que incumben a todos los Estados con arreglo al derecho internacional consuetudinario, según afirmó la Corte Internacional de Justicia en su opinión consultiva de 1996 sobre la legalidad de la amenaza o el empleo de armas nucleares.

4. La Convención tipo sobre Armas Nucleares se puede examinar a la luz de los documentos de trabajo de 2000 y 2005 sobre el Tratado sobre la no proliferación de las armas nucleares titulados “Seguimiento de la opinión consultiva de la Corte Internacional de Justicia sobre la legalidad de la amenaza o el empleo de las armas nucleares: elementos jurídicos, técnicos y políticos necesarios para el establecimiento y mantenimiento de un mundo libre de armas nucleares” (NPT/CONF.2000/MC.1/SB.1/WP.4 y NPT/CONF.2005/WP.41).

* Se distribuye únicamente en el idioma en que fue presentada.

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5. En dichos documentos de trabajo:

a) Se subrayó la conclusión unánime de la Corte Internacional de Justicia de que existe la obligación de celebrar de buena fe y llevar a buen término las negociaciones encaminadas al desarme nuclear en todos sus aspectos bajo un control internacional estricto y eficaz;

b) Se instó a todos los Estados partes a que comenzaran negociaciones multilaterales que condujeran a la conclusión de una convención sobre las armas nucleares e invitó a los Estados que no se hubieran adherido al Tratado sobre la no proliferación de las armas nucleares a que se sumaran a esas negociaciones;

c) Se instó a los Estados partes a que convinieran en examinar los elementos jurídicos, técnicos y políticos necesarios para una convención o una convención marco sobre las armas nucleares.

6. En la Convención tipo sobre Armas Nucleares se incluyen las medidas de desarme convenidas del documento final de la Conferencia de examen de 1995, como la prohibición de los ensayos nucleares, poner fin a la producción de materiales fisibles con fines militares, y medidas sistemáticas en pro del desarme nuclear.

7. También se incluyen las medidas de desarme convenidas en el documento final de la Conferencia de examen de 2000, como el compromiso inequívoco contraído por los Estados poseedores de armas nucleares de que eliminarán totalmente sus arsenales nucleares, la adopción de medidas concretas convenidas para seguir reduciendo el estado operacional de los sistemas de armas nucleares, la adopción por todos los Estados poseedores de armas nucleares de medidas que conduzcan al desarme nuclear de forma que se promueva la estabilidad internacional, la inclusión del principio de irreversibilidad entre las normas aplicables al desarme nuclear, y el desarrollo de la capacidad de verificación que se necesitará para ofrecer garantías de cumplimiento de los acuerdos sobre desarme nuclear para el logro y el mantenimiento de un mundo libre de armas nucleares.

8. La Convención tipo sobre Armas Nucleares amplía lo establecido en el acuerdo alcanzado en la Conferencia de las Partes del Año 2000 a fin de investigar qué nuevos elementos se necesitarán para lograr y mantener un mundo libre de armas nucleares.

9. Mediante convenciones amplias, la comunidad internacional ha prohibido las armas químicas, las armas biológicas y las minas terrestres, y también ha determinado que deben eliminarse. Las delegaciones que presentan la Convención tipo sobre Armas Nucleares tienen conciencia de que el desarme nuclear amplio es complicado y que quizás no se logre en un solo paso ni con un solo tratado. En consecuencia, la Convención tipo sobre Armas Nucleares sirve de guía para lo que podría ser necesario, ya sea en una convención única o en un conjunto de acuerdos.

10. Las novedades ocurridas en los ámbitos político, jurídico y técnico durante las negociaciones sobre desarme nuclear podrían dar lugar a que se llegara a una Convención sobre Armas Nucleares negociada y real o a un conjunto de acuerdos que podrían ser similares a algunos aspectos de la Convención tipo sobre Armas Nucleares y diferir de ella en otros. Sin embargo, la Convención tipo sobre Armas Nucleares demuestra la viabilidad del desarme nuclear y debería servir para ayudar al comienzo y la conclusión de negociaciones con ese fin, según exige el artículo VI del Tratado sobre la no proliferación de las armas nucleares y ha sido afirmado como derecho consuetudinario por la Corte Internacional de Justicia.

Model Nuclear Weapons Convention

Convention on the Prohibition of the
Development, Testing, Production, Stockpiling,
Transfer, Use and Threat of Use of Nuclear
Weapons and on Their Elimination

April 2007

Updated from the Model Nuclear Weapons Convention circulated in
November 1997 as United Nations Document A/C.1/52/7

MODEL NUCLEAR WEAPONS CONVENTION

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Notes:

1. The Model Nuclear Weapons Convention has been prepared by a consortium of scientists, lawyers, disarmament experts, academics and officials as a discussion document to assist in deliberations and possible negotiations leading to the prohibition and elimination of nuclear weapons. It outlines legal, technical and political elements which could be utilized in an actual nuclear weapons convention or package/framework of agreements. The drafters do not assume that the final agreed convention or package of agreements would be exactly the same as in this Model. The drafters do however believe that this Model demonstrates the feasibility and practicality of nuclear disarmament. For discussion on these issues see *Securing our Survival: The Case for a Nuclear Weapons Convention*, IPPNW, Cambridge USA, 2007.

2. [Square brackets] refers to text which has not been agreed by all the drafters or which suggests alternative approaches.

3. The text makes reference to a "Verification Annex" which would form an integral part of a negotiated NWC, but is not included in this Model NWC

Summary of the Model Nuclear Weapons Convention

General Obligations

The Model Nuclear Weapons Convention prohibits development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. States possessing nuclear weapons will be required to destroy their arsenals according to a series of phases. The Convention also prohibits the production of weapons usable fissile material and requires delivery vehicles to be destroyed or converted to make them non-nuclear capable.

Declarations

States parties to the Convention will be required to declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles they possess or control, and the locations of these.

Phases for elimination

The Convention outlines a series of five phases for the elimination of nuclear weapons beginning with taking nuclear weapons off alert, removing weapons from deployment, removing nuclear warheads from their delivery vehicles, disabling the warheads, removing and disfiguring the “pits” and placing the fissile material under international control. In the initial phases the U.S. and Russia are required to make the deepest cuts in their nuclear arsenals.

Verification

Verification will include declarations and reports from States, routine inspections, challenge inspections, on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information sharing with other organizations, and citizen reporting. Persons reporting suspected violations of the convention will be provided protection through the Convention including the right of asylum.

An International Monitoring System will be established under the Convention to gather information, and will make most of this information available through a registry. Information which may jeopardize commercial secrets or national security will be kept confidential.

National Implementation Measures

States parties are required to adopt national measures, including necessary legislation, to implement their obligations under the Convention. This would include provisions for the prosecution of persons committing crimes and protection for persons reporting violations of the Convention.

States are also required to establish a national authority to be responsible for national tasks in implementation.

Rights and Obligations of Persons

The Convention applies rights and obligations to individuals and legal entities as well as States. Individuals have an obligation to report violations of the Convention and the right to protection if they

do so. Procedures for the apprehension and fair trial of individuals accused of committing crimes under the treaty are provided.

Agency

An agency would be established to implement the Convention. It will be responsible for verification, ensuring compliance, and decision making, and will comprise a Conference of States Parties, an Executive Council and a Technical Secretariat.

Nuclear Material

The Convention prohibits the production of any fissionable or fusionable material which can be used directly to make a nuclear weapon, including plutonium (other than that in spent fuel) and highly enriched uranium. Low enriched uranium would be permitted for nuclear energy purposes.

Cooperation, Compliance and Dispute Settlement

Provisions are included for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters. A legal dispute may be referred to the International Court of Justice by mutual consent of States Parties. The Agency may also recommend to the United Nations General Assembly to request an advisory opinion from the International Court of Justice on a legal dispute.

The Convention provides for a series of graduated responses for non-compliance beginning with consultation and clarification, negotiation, and, if required, sanctions or recourse to the U.N. General Assembly and Security Council for action.

Relation with other international agreements

The Model NWC would build on existing nuclear nonproliferation and disarmament regimes and verification and compliance arrangements, including the Non-Proliferation Treaty, International Atomic Energy Agency Safeguards, Comprehensive Test Ban Treaty Organization International Monitoring System and bilateral agreements between Russia and the United States. In some cases the NWC may add to the functions and activities of such regimes and arrangements. In other cases, the NWC would establish additional complementary arrangements.

Financing

Nuclear weapon states are obliged to cover the costs of the elimination of their nuclear arsenals. However, an international fund will be established to assist states that may have financial difficulties in meeting their obligations.

Optional Protocol Concerning Energy Assistance

The Convention does not prohibit the use of nuclear energy for peaceful purposes. However it includes an optional protocol which would establish a program of energy assistance for States parties choosing not to develop nuclear energy or to phase out existing nuclear energy programs.

Preamble

We the people of the Earth, through the States Parties to this Convention:

Convinced that the existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all the creatures of this Earth;

Noting that the destructive effects of nuclear weapons upon life on earth are uncontrollable whether in time or space;

Aware that amongst weapons of mass destruction, the abolition of which is recognized as being in the collective security interest of all people and States, nuclear weapons are unprecedented and unequalled in destructive potential;

Affirming that the inherent dignity and equal and inalienable rights of all members of the human family include the right to life, liberty, peace and the security of person;

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on Earth;

Recognizing that numerous regions, including Antarctica, Outer Space, Latin America, the Sea Bed, the South Pacific, Southeast Asia, Africa, and Central Asia have already been established as nuclear weapon free zones, where possession, production, development, deployment, use and threat of use of nuclear weapons are forever prohibited, and desiring to extend this benefit to the entire planet for the good of all life;

Determined to eliminate the risks of environmental pollution by radioactive waste and other radioactive matter associated with nuclear weapons and to ensure that the bounty and beauty of the Earth shall remain the common heritage of all of us and our descendants in perpetuity to be enjoyed by all in peace;

Recognizing the universal need for environmentally safe, sustainable energy;

Gravely concerned that the use of nuclear weapons may be brought about not only intentionally by war or terrorism, but also through human or mechanical error or failure, and that the very existence and gravity of these threats of nuclear weapons use generates a climate of suspicion and fear which is antagonistic to the promotion of universal respect for and observance of the human rights and fundamental freedoms set forth in the Charter of the United Nations and the Universal Declaration of Human Rights;

Convinced of the serious threats posed to the environment by nuclear arsenals, the economic and social costs and waste of intellectual talent occasioned by these arsenals and the efforts required to prevent their use, the dangers inherent in the existence of the materials used to make nuclear weapons and the attendant problems of proliferation, the medically and psychologically catastrophic effects of any use of a nuclear weapon, the potential effects of mutations on the genetic pool and numerous other risks associated with nuclear weapons;

Welcoming the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as indications of a progression toward the elimination of all weapons of mass destruction;

Recognizing that all life is sacred and that there is a moral imperative to eliminate all weapons of mass destruction;

Welcoming the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, as an indication of progress towards the prohibition and elimination of weapons which are indiscriminate and cause unnecessary suffering;

[*Welcoming* the International Convention for the Suppression of Acts of Nuclear Terrorism as an indication of progress in addressing the threat of acquisition, use or threat of use of nuclear weapons by non-State actors;]

Welcoming also the Rome Statute of the International Criminal Court, in particular the recognition of individual responsibility for crimes involved in employing weapons which cause unnecessary suffering or which are inherently indiscriminate;

Believing that the threat and use of nuclear weapons is incompatible with civilized norms, standards of morality and humanitarian law which prohibit the use of inhumane weapons and those with indiscriminate effects;

Recalling Resolution 1(I), adopted unanimously on January 24, 1946 at the First Session of the General Assembly of the United Nations, and the many subsequent resolutions of the United Nations which call for the elimination of atomic weapons;

Recalling also the Final Document of the United Nations First Special Session of the General Assembly on Disarmament 1978, which calls for the elimination of nuclear weapons;

Mindful of the solemn obligations of States made in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to end the nuclear arms race at an early date and achieve nuclear disarmament, and to further commitments on specific steps to achieve nuclear disarmament in the *Principles and Objectives for Nuclear Non-Proliferation and Disarmament* agreed in 1995, and the *Practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons* agreed in 2000;

Convinced that the elimination of nuclear weapons is an important step towards the goal of general and complete disarmament [and that the implementation of disarmament obligations would strengthen international law and peaceful relations between countries];

Welcoming the advisory opinion of the International Court of Justice of July 8, 1996, which concluded *that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law*, and concluded unanimously that *There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control*;

Recalling United Nations General Assembly resolutions 51/45 M, of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/85 of 22 November 2002, 58/46 of 8 December 2003, 59/83 of 3 December 2004, 60/76 of 8 December 2005, and 61/83 of 6 December 2006 which underline the nuclear disarmament obligation affirmed by the International Court of Justice and call *upon all States to fulfill that obligation immediately by commencing multilateral negotiations … leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination*;

Convinced that a convention prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination is required to abolish these weapons from the Earth;

Have agreed as follows:

I. General Obligations

A. State Obligations

1. Each State Party to this Convention undertakes never under any circumstances:

   a. To use or threaten to use nuclear weapons;

   b. To engage in any military or other preparations to use nuclear weapons;

   c. To develop, test, produce, otherwise acquire, deploy, stockpile, maintain, retain, or transfer nuclear weapons except as specified under paragraph 4 of this Article;

   d. To develop, test, produce, otherwise acquire, stockpile, retain, transfer or use proscribed nuclear material except as specified under paragraph 4 of this Article;

   e. To develop, test, produce, otherwise acquire, deploy, stockpile, maintain, retain, or transfer nuclear weapons delivery vehicles;

   f. To develop, test, produce, otherwise acquire, stockpile, maintain, retain, or transfer nuclear weapon components or equipment as specified in this Convention;

   g. To fund [or conduct] nuclear weapons research, with the exception of nuclear disarmament research;

   h. To assist, encourage, induce or permit, in any way, directly or indirectly, anyone to engage in any activity prohibited under this Convention.

2. Each State Party undertakes:

   a. To destroy all nuclear weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention;

   b. To destroy all nuclear weapons it abandoned on the territory of another State, in accordance with the provisions of this Convention;

   c. To submit all nuclear facilities to preventive controls;

   d. To destroy all nuclear weapons facilities it owns or possesses, or that are located in any place under its jurisdiction or control, or to convert such facilities to weapons destruction facilities or other facilities not prohibited by this Convention;

   e. [To disable or destroy all facilities, systems or sub-systems designed or used in the command or control of nuclear weapons, or convert such facilities, systems or sub-systems to purposes not prohibited under this Convention;]

   f. To destroy or convert for purposes not prohibited under this Convention all nuclear weapons delivery vehicles and nuclear weapon components;

g. To place all special nuclear material under preventive controls as specified in this Convention.

h. To participate in good faith in activities aimed at the promotion of transparency with respect to nuclear weapons and related technologies and the promotion of education for the purposes of detecting and preventing activities prohibited under this Convention;

i. To report violations of this Convention to the Agency [and to cooperate to the fullest with the Agency's investigative, monitoring and verification functions;] [and to provide to the Agency all information requested by the Agency for the purposes of implementing this Convention, except such information as may be with-held for legitimate international or national security or trade secret concerns;]

j. To enact all domestic legislation necessary for the implementation of this Convention.

3. These obligations shall apply equally to nuclear explosive devices intended for peaceful purposes.

4. These obligations shall not be interpreted to prohibit activities consistent with the application and implementation of the provisions of this Convention [including but not limited to transfer of nuclear weapons, special nuclear material, and nuclear weapons delivery vehicles for the purpose of their destruction or disposal, and nuclear disarmament research and verification thereof].

B. Obligations of Persons

5. The following acts are crimes for which persons shall be held responsible regardless of their position, residence, citizenship or country of incorporation:

a. To engage or attempt to engage in any acts listed in subparagraphs 1.a through 1.g, inclusive, of this Article;

b. To aid, abet, or otherwise assist, in any way, anyone to engage in any activity prohibited under this Convention.

6. The fact that the present Convention provides criminal responsibility for individuals does not affect the responsibility of States under international law.

II. Definitions

A. States and Persons

1. "Nuclear Weapons State" means a state which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967

2. "Nuclear Capable State" means [a State which has developed or has the capacity to develop nuclear weapons and which is not party to the Non-Proliferation Treaty]

3. "Person" means a natural or legal person.

B. Nuclear Weapons

4. "Nuclear Weapon" means:

   a. Any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes;

   b. Any nuclear explosive device;

   c. Any radiological weapon; or

   d. Any weapon which is designed to include a nuclear explosive device as a trigger or other component.

5. "Nuclear Weapon Component" means any constituent part of a nuclear weapon. [excluding the special nuclear material when separated from other components]

6. "Nuclear Weapons Delivery Vehicle" means any vehicle designed for or capable of delivering a nuclear weapon. Any nuclear weapons delivery vehicle that has been constructed, developed, flight-tested or deployed for weapon delivery shall be considered a nuclear weapons delivery vehicle.

7. "Plutonium Pit" means the core element of a nuclear weapon's primary or fission component.

8. "Radiological Weapon" means any weapon that disperses radioactive material or uses radioactive material as a primary material in its construction.

9. "Warhead" means the explosive part of a nuclear weapons system. Warheads consist of nuclear materials, conventional high explosives, related firing mechanisms and containment structure.

C. Nuclear Energy, Explosives, and Explosive Devices

10. "Nuclear Energy" means energy released from the nucleus of an atom either spontaneously or through interaction with other particles and/or electromagnetic radiation.

11. "Nuclear Explosion" means the release of significant amounts of nuclear energy on a time-scale faster than or comparable to chemical explosives [including micro-fission, micro-fusion or miniaturized devices of any yield].

12. "Nuclear Explosive Device" means any device capable of undergoing a nuclear explosion, irrespective of its purpose. The term includes such a weapon or device in unassembled and partly assembled forms, as well as devices or assemblies which belong to a nuclear explosive device or are a modification of such suitable for development and testing of nuclear weapons or other nuclear explosive devices, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it.

13. "Significant Amount of Nuclear Energy" means more than the energy released by radioactive decay and spontaneous fission and may be much smaller than the maximum energy yield of the largest chemical explosions.

D. Nuclear Material

14. "Nuclear Material" means any source or fissionable or fusionable material as defined in this Convention.

15. "Exemption Quantities" mean quantities of nuclear material not prohibited under the provisions of this Convention [and preventive controls].

16. "Fissionable Material" means any isotope which may undergo either spontaneous fission or fission induced by neutrons of any energy, as well as any compound or mixture including such isotopes.

17. "Fusionable Material" means any isotope capable of undergoing fusion with the same kind of nuclide or with any other nuclide by applying sufficient conditions (pressure, temperature and inclusion time) with technical means.

18. "Highly Enriched Uranium (HEU)" means uranium in which the naturally occurring U-235 isotope (0.7% in natural uranium) is increased to 20% U-235 or above.

19. "Low Enriched Uranium (LEU)" means uranium enriched in the isotopic content of U-235 but to less than 20% of the total mass.

20. "Mixed Oxide Fuel (MOX fuel)" means nuclear reactor fuel composed of plutonium and uranium oxides.

21. ["Other Special Nuclear Material" means special nuclear material other than plutonium and uranium enriched to 20% or more U-235 or U-233.]

22. "Proscribed fissionable material" means any fissionable material that can be used for the manufacture of nuclear weapons without transmutation, chemical reprocessing or further enrichment, and includes any isotopic mixture of separated and un-irradiated plutonium, uranium enriched in the isotopes 235 to 20% or more, uranium-233.

23. "Proscribed fusionable material" means any fusionable material that can be used for the manufacture of nuclear weapons without transmutation, redoxation or further enrichment.

24. "Proscribed nuclear material" means any proscribed fissionable or any proscribed fusionable material.

25. "Significant quantity" means the approximate quantity of nuclear material in respect of which, taking into account any conversion process involved, the possibility of manufacturing a nuclear explosive device cannot be excluded.

26. "Source Material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope U-235, thorium, lithium beyond naturally occurring concentration, deuterium, helium-3, or any of the foregoing in the form of metal, alloy, chemical compound or concentrate.

27. "Special Fissionable Material" means fissionable material that can be used for the manufacture of nuclear weapons.

28. "Special Fusionable Material" means any fusionable material that can be used for the manufacture of nuclear weapons and includes deuterium, tritium, helium-3, and lithium-6.

29. "Special Nuclear Material" means any special fissionable or any special fusionable material.

E. Nuclear Facilities

30. "Nuclear Facility" means any facility for the research, testing, production, extraction, enrichment, processing, reprocessing, or storage of nuclear material; any facility for the production of nuclear energy; any facility for the research, development, testing, production, storage, assembly, disassembly, maintenance, modification, deployment, or delivery of nuclear weapons, or nuclear weapon components; or any facility deemed a nuclear facility by the Technical Secretariat. The term "Nuclear Facility" includes [but is not limited to] the following:

31. "Command, Control or Communication Facility", means [any facility designed or used for the purpose of launching, targeting, directing or detonating a nuclear weapon or its delivery vehicle, or for aiding or assisting in any of these purposes.]

32. "Deployment Site" means the location where a nuclear weapon is or has been deployed, or a location which is equipped for the deployment of nuclear weapons.

33. "Nuclear Enrichment Facility" means a facility capable of increasing the ratio of the isotope uranium-235 in natural uranium.

34. "Nuclear Material Storage Facility" means a facility for the interim or long-term storage of nuclear material.

35. "Nuclear Reactor" means any device in which a controlled, self-sustaining fission chain-reaction can be maintained or in which a controlled fission chain is maintained partly by an external source of neutrons.

36. "Nuclear Reprocessing Facility" means a facility to separate irradiated nuclear material and fission products in whole or in part, and includes the facility's head-end treatment section and its associated storage and analytical sections.

37. "Nuclear Weapons Destruction Facility" means any facility for disassembly or destruction of nuclear weapons or for rendering them permanently inoperable.

38. "Nuclear Weapons Facility" means any facility for the design, research, development, testing, production, storage, assembly, maintenance, modification, deployment, delivery, command, or control of nuclear weapons or Schedule 1 or Schedule 2 nuclear weapon components.

39. "Nuclear Weapons Production Facility" means any nuclear facility which produces materials which have been or may be used for military purposes, including such a reactor, a plant for processing nuclear material irradiated in a reactor, a plant for separating the isotopes of nuclear material, a plant for processing or fabricating nuclear material, a plant for the construction or assembly of nuclear weapon components, or a facility or plant of such other type as may be deemed a Nuclear Weapons Production Facility by the Technical Secretariat.

40. "Nuclear Weapons Research Facility" means any facility in which nuclear weapons research, development, testing or computer simulation is conducted.

41. "Nuclear Weapons Storage Facility" means a facility for the storage of nuclear weapons but does not include such a facility located on a deployment site.

42. "Nuclear Weapons Testing Facility" means a facility or prepared site for conducting nuclear weapons testing.

F. Nuclear Activities

43. "Nuclear Activity" means:

a. Any construction or use of a nuclear reactor or component parts thereof;

b. Any production, use or threat of use of a nuclear weapon;

c. Any research, development or testing of nuclear energy or nuclear weapons;

d. Any production, separation, treatment or handling of nuclear material;

e. Any dismantling, disabling or destruction of nuclear weapons;

f. Any decommissioning of nuclear reactors and power plants;

g. Any application of radiation and isotopes in food, agriculture, medicine, engineering, geology or other industrial processes; or

h. Any other activity listed below or deemed a nuclear activity by the Agency.

44. "Convert" means modify to a use not prohibited under this Convention.

45. "De-alert" means reduce the alert status of nuclear weapons by eliminating launch-on-warning or launch-under-attack alert readiness postures, e.g., by removing key trigger mechanisms, decoupling warheads from nuclear weapons delivery vehicles or other means.

46. "Deployment of a nuclear weapon" means prepare or maintain a nuclear weapon for possible use by any of the following:

a. placing it on, in or near a delivery system;

b. moving it to or maintaining it at a location suitable for delivery to a target.

47. "Destroy" means, with regard to a nuclear weapon, to remove the warhead from its delivery vehicle, dismantle and irreversibly disable the warhead and its components, and dismantle and disable or convert the delivery vehicle to non-nuclear use, in accordance with the provisions of this Convention.

48. "Disable" means:

a. with regard to a nuclear weapon, to render the weapon unable to be detonated by such means as disengaging or removing the arming fuse and firing mechanisms;

b. with regard to a plutonium pit, to render it unable to be used in a nuclear weapon, e.g., by disfiguring, quenching, squeezing, dilution, mixing with highly radioactive waste, immobilization and disposition, transmutation or other means;

c. with regard to command and control systems for nuclear weapons, to render such systems incapable of initiating or directing the launch of nuclear weapons delivery vehicles;

d. with regard to a nuclear weapons delivery vehicle, to render such vehicle unable to launch a nuclear weapon including such means as removing essential components and removing the delivery vehicle from the launch facilities.

49. "Disassemble" or "Dismantle" means:

a. with regard to nuclear weapons, to take apart the warhead and remove the subassemblies, components, and individual parts;

b. with regard to a nuclear weapons delivery vehicle, to separate the essential component parts, such as warheads, propulsion and guidance units.

50. "Immobilization" means the process of putting nuclear material into non-weapons usable form without irradiation, e.g., by mixing with highly radioactive isotopes and encasing into a matrix of another material in order to render separation of the nuclear material from the matrix technically difficult. Immobilization includes vitrification and encasing nuclear material in ceramic.

51. "Nuclear Disarmament Research" means research intended to further the purposes of this Convention.

52. "Nuclear Weapons Research" means experimental or theoretical work undertaken principally to acquire new knowledge going beyond publicly available information of phenomena and observable facts directed toward understanding, development, improvement, testing, production, deployment, or use of nuclear weapons.

53. "Nuclear Weapons Testing" means nuclear explosions, computer simulations, hydrodynamic tests, hydronuclear tests designed to simulate behavior of nuclear materials, nuclear warheads, nuclear weapons or their components, under nuclear explosive conditions, and sub-critical testing using nuclear materials.

54. "Reprocessing" means the separation of irradiated nuclear material and fission products in whole or in part.

55. "Threat of Use of Nuclear Weapons" means any act, whether physical or verbal, including the maintenance of a previously stated policy that creates or is intended to create a perception that a nuclear weapon may or will be used.

56. "Uranium Enrichment" means the process of increasing the percentage of U-235 isotopes so that the uranium can be used as reactor fuel or in nuclear weapons.

57. "Use of Nuclear Weapons" means the detonation of a nuclear weapon.

G. Verification

58. "Verification" means a comprehensive system for ensuring the compliance with and implementation of this Convention. Verification measures include obtaining, providing, and assuring the accuracy of information on nuclear weapons, nuclear material, nuclear

facilities, and nuclear weapons delivery vehicles, including information in archives, data bases, and transportation systems, through declarations, monitoring, agreements on sharing information, consultation and clarification, on-site inspections, confidence-building measures, reporting and protection, preventive controls, and any other measures deemed necessary by the Agency.

59. "Abuse of the Right of Verification" means obtaining information, or attempting to obtain information, through verification activities, for purposes not relating to the verification or implementation of and compliance with this Convention.

60. "Confidence-Building Measures" means voluntary measures by States Parties to supply information, additional to that required, to the Technical Secretariat or to other States Parties in order to develop greater confidence in compliance with the Convention. These could include bilateral or multilateral agreements on monitoring and information sharing between States Parties.

61. "Dual-access" means access to nuclear weapons, nuclear material, or nuclear facilities that requires authorization of a State Party and another State Party or the Agency.

62. "Reconstruction" means undertaking good faith scientifically sound efforts to produce or reproduce data that is not readily available regarding past production of nuclear material. Reconstruction measures include gathering and reviewing past data records, analyzing production capacity and estimating the range of quantity of nuclear material produced, and interviewing individuals with knowledge of the operation of a nuclear facility under review.

63. "Preventive Controls" mean provisions adopted by the Agency to ensure that nuclear material and nuclear facilities are not used for any military or other purpose prohibited under this Convention.

a. The goals of preventive controls include:

i. Timely detection of diversion of nuclear material to allow a response before the material can be fabricated into a nuclear weapon;

ii. Deterring clandestine activities through the possibility of detection;

iii. Prevention of diversion through physical safety procedures and transfer of national access to dual-access.

b. Preventive controls encompass safeguards of the IAEA (including all provisions of the 93+2 Programme), EURATOM, ABACC or other bodies; agreements among States; and agreements between States and the Agency.

c. Preventive controls apply to all nuclear weapons, nuclear material and nuclear facilities. The degree of restrictiveness, accountability and accessibility vary according to the risks posed by these weapons, materials or facilities to the purposes of this Convention. Preventive controls may include:

i. Accountancy and surveillance of nuclear material in any form;

ii. Containment of special nuclear material in any form;

iii. Guidelines for the transport, treatment, handling, storage and disposition of nuclear material;

iv. Environmental guidelines;

v. Dual-access agreements for all nuclear weapons facilities and nuclear storage facilities for proscribed nuclear material.

64. "Technical Means" means the independent gathering or analysis of information which may have relevance to verification of the Convention, without physically accessing the territory being inspected.

65. “National Technical Means” (NTM) comprise nationally-owned and -operated technologies and techniques used to monitor the activities of other states, including their compliance with treaty obligations. [NTM include satellites, aircraft, remote monitoring, signals intelligence (SIGINT) and open source information.]

66. “Open Skies” means a regime for the conduct of observation flights by States Parties over the territories of other States Parties.

H. Delivery Vehicles

67. "Nuclear Weapons Delivery Vehicle" means any vehicle designed for or capable of delivering a nuclear weapon. Any nuclear weapon delivery vehicle which has been constructed, developed, flight-tested or deployed for weapon delivery shall be considered a nuclear weapon delivery vehicle.

68. "Ballistic Missile" means a missile that

a. consists of single or multiple stage(s) whose sole means of propulsion is an internal rocket engine that is functional over all or a portion of the flight path;

b. follows a ballistic trajectory over the remaining unpowered portion of a flight path;

and

c. is devoid of active aerodynamic surfaces.

69. "Air-to-Surface Ballistic Missile (ASBM)" means a ballistic missile that is installed in an aircraft or on its external mountings for the purpose of being launched from this aircraft.

70. "Ground-Launched Ballistic Missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

71. "Intercontinental Ballistic Missile (ICBM)" means a land-based ballistic missile with a range in excess of 5,500 kilometers.

72. "Submarine [Sea] Launched Ballistic Missile (SLBM)" means a ballistic missile designed to be launched from a submarine or other naval vessel.

73. "Cruise Missile" means an unmanned, self-propelled weapon delivery vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. Cruise Missiles include:

    a. Air Launched Cruise Missile (ALCM);

    b. Ground Launched Cruise Missile (GLCM);

    c. Sea Launched Cruise Missile (SLCM).

74. "Intermediate-Range Missile" means a ballistic or cruise missile having a range capability in excess of 1,000 kilometers but not in excess of 5,500 kilometers;

75. "Shorter-Range Missile" means a ballistic or cruise missile having a range capability equal to or in excess of 500 kilometers but not in excess of 1,000 kilometers;

76. "Bomber" means an airplane which was initially constructed or later converted to be equipped for bombs or air-to-surface missiles.

77. "Heavy Bomber" means a bomber which satisfies either of the following criteria:

    a. its range is greater than 8,000 kilometers; or

    b. it is equipped for long-range nuclear ALCMs.

78. "Nuclear-Capable" in relation to delivery vehicles means able to deliver and activate a nuclear weapon.

79. "Nuclear-Capable Missile" means a missile able to deliver any payload over 300 kilometers.

80. "Nuclear-Capable Submarines" includes ballistic missile submarines, cruise missile submarines and attack submarines capable of delivery of nuclear weapons.

III. Declarations

A. Nuclear Weapons

Each State Party shall submit to the Registry, not later than [30] days after this Convention enters into force for it, the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

1. Declare whether it owns or possesses or has owned or possessed any nuclear weapons, or whether there are any nuclear weapons located in any place under its jurisdiction or control;

2. Specify the precise location, aggregate quantity and detailed inventory of nuclear weapons it owns or possesses, or that are located in any place under its jurisdiction or control.

3. Report any nuclear weapons on its territory that are owned or possessed by another State or under the jurisdiction or control of another State, whether or not that State is a Party to this Convention.

4. Declare whether it has transferred or received, directly or indirectly, nuclear weapons and specify the transfer or receipt of such weapons.

5. Provide its general plan for destruction of nuclear weapons that it owns or possesses, or that are located in any place under its jurisdiction or control.

B. Nuclear Material

Each State Party shall submit to the Registry the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

6. Not later than [60] days after this Convention enters into force for it, declare an inventory of all special nuclear material it owns or possesses or that is located within its jurisdiction or control, whether intended for civilian or military use.

7. Not later than [90] days after this Convention enters into force for it, declare an inventory of all other nuclear material it owns or possesses or that is located within its jurisdiction or control, whether intended for civilian or military use.

8. Not later than [120] days after this Convention enters into force for it, submit a report on the availability of data with respect to nuclear material produced in the past, including estimates regarding missing data and extent of uncertainty, and its plans for the reconstruction of such data.

C. Nuclear Facilities

Each State Party shall submit to the Registry, not later than [180] days after this Convention enters into force for it, the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

9. With respect to nuclear weapons facilities:

   a. Declare whether it has or has had any nuclear weapons facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time.

   b. Declare any nuclear weapons facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time.

   c. Declare any nuclear weapons facility on its territory that another State has or has had under its ownership or possession and that is or has been located in any place under the jurisdiction or control of another State at any time.

   d. Declare the precise location and production and storage capacities of any facility reported under subparagraphs a, b, or c above.

   e. Declare whether it has transferred or received, directly or indirectly, any equipment for the production of nuclear weapons, and provide a detailed account thereof.

   f. Specify actions to be taken for the closure of any facility reported under subparagraphs a, b, or c above.

   g. Provide its general plan for conversion of any facility reported under subparagraphs a, b, or c into a nuclear weapons destruction facility.

10. With respect to other nuclear facilities, declare the precise location, nature and scope of activities of any nuclear facility under its ownership or possession, or located in any place under its jurisdiction or control. Such declaration shall include, inter alia, laboratories and test and evaluation sites as well as any other facility, site, or installation in which nuclear activities of any kind have been or are carried out, or which are suitable for carrying out such activities.

D. Delivery Vehicles

Each State Party shall submit to the Registry, not later than [210] days after this Convention enters into force for it, the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

11. Declare the number and location of all nuclear-capable ballistic and cruise missiles, including all those in production, storage or under repair.

12. Declare the number and location of all nuclear-capable submarines, naval crafts, and aircraft, including all those in production, storage or under repair.

IV. Phases for Implementation

A. General Requirements

1. Each phase indicates the deadline for completion of specific implementation activity. Any phase can begin at any time, and does not require the completion of previous phases before initiation.

2. Implementation activities shall be conducted in accordance with the Verification Annex.

B. Extension of Deadlines

3. If a State Party is unable to complete any of its obligations under Phase One within the deadline, it may submit a request to the Executive Council for an extension. Such a request must be made at least [four] months prior to the deadline, and no extension may exceed [six] months.

4. If a State Party is unable to complete any of its obligations under Phase Two within the deadline, it may submit a request to the Executive Council for an extension. Such a request must be made at least [six] months prior to the deadline, and no extension may exceed [one] year[s].

5. If a State Party is unable to complete any of its obligations under Phases Three, Four, or Five within the deadlines, it may submit a request to the Executive Council for an extension of the deadline. Such a request must be made at least [one] year[s] prior to the deadline for that phase, and no extension may exceed [one] year[s].

C. Reciprocity in Extensions

6. If any State Party makes a request for an extension of any deadline, any other State Party may request a similar extension within [one month] of the original State's request.

D. Phases

7. Phase One. Not later than [one year] after entry into force of this Convention:

   a. All States Parties shall have complied with the requirements of Article III {Declarations}.

   b. Targeting coordinates and navigational information for all nuclear weapons delivery vehicles shall be removed.

   c. All nuclear weapons and nuclear weapons delivery vehicles shall be disabled and de-alerted.

   d. Activities listed in Schedule 1 of the Annex on Nuclear Activities shall have ceased.

e. Production of nuclear weapon components and equipment listed in Schedules 1 and 2 of the Annex on Nuclear Weapons Components and Equipment shall have ceased.

f. All nuclear weapons testing facilities, nuclear weapons research facilities and nuclear weapons production facilities shall be designated for decommissioning and closure or for conversion.

g. Production of proscribed nuclear material shall have ceased, with the exception of exemption quantities.

h. [Funding for] nuclear weapons research of any sort not consistent with the purposes and obligations of this Convention shall have ceased.

i. Plans for the implementation of all obligations under this Convention shall have been submitted to the Agency.

8. Phase Two. Not later than [two] years after entry into force of this Convention:

a. All nuclear weapons and nuclear weapons delivery vehicles shall be removed from deployment sites.

b. All warheads shall be removed from their delivery vehicles and either placed into nuclear weapons storage facilities or dismantled.

c. Agreements shall be negotiated to subject all nuclear weapons, nuclear material and nuclear facilities to preventive controls.

9. Phase Three. Not later than [five] years after entry into force of this Convention:

a. All nuclear weapons shall be dismantled.

b. All nuclear weapons shall be destroyed, except:

i. no more than [1000] warheads in each of the stockpiles of Russia and the United States; and

ii. no more than [100] warheads in each of the stockpiles of China, France, and the United Kingdom.

c. All nuclear weapons delivery vehicles shall be destroyed or converted for purposes not prohibited under this Convention.

d. All nuclear weapons facilities shall be designated for decommissioning and closure or for conversion.

10. Phase Four. Not later than [10] years after entry into force of this Convention:

a. All nuclear weapons shall be destroyed, except:

i. no more than [50] warheads in each of the stockpiles of Russia and the United States, and

ii. no more than [10] warheads in each of the stockpiles of China, France, and the United Kingdom.

b. All reactors using highly enriched uranium shall be closed or converted to low enriched uranium use.

c. [All reactors using plutonium as fuel shall be closed or converted to reactors that do not use any special nuclear material.]

d. All special nuclear material in any form shall be under strict, effective and exclusive preventive controls.

11. Phase Five. Not later than [15] years after entry into force of this Convention:

a. All nuclear weapons shall be destroyed.

b. [The powers and functions of the Agency shall be reviewed and adjusted to preserve its role in carrying out the objectives of this Convention.]

E. Special Provision

12. The Executive Council may make special provision for temporary retention of small and diminishing quantities of nuclear weapons or proscribed nuclear materials by Nuclear Capable States

13. States meeting the criteria of this Special Provision shall follow the requirements, guidelines and phases outlined in this Article. They shall not be expected to implement the provisions of this Convention in advance of other States Parties, nor shall they be exempted from the requirements of each phase.

V. Verification

A. Elements of Verification Regime

In order to verify compliance with this Convention, a verification regime shall be established consisting of the following elements:

1. Agreements on sharing data and verification activities among States, UN organs and with existing agencies,

2. A Registry,

3. An International Monitoring System,

4. Reporting of information gathered by National Technical Means,

5. Open Skies,

6. Preventive controls,

7. Consultation and clarification,

8. On-site inspections, including challenge inspections,

9. Confidence-building measures, including additional voluntary measures,

10. Citizen and non-governmental reporting reporting and protection,

11. Any other measures deemed necessary by the Agency.

B. Activities, Facilities, and Materials Subject to Verification

12. All obligations of States Parties and persons as defined, inter alia, in Article I {General Obligations}, Article III {Declarations} and Article IV, Section D {Phases} shall be subject to verification in accordance with the relevant provisions of this Convention and its Verification Annex.

C. Rights and Obligations With Respect to Verification

13. Verification activities shall be based on objective information, shall be limited to the subject matter of this Convention, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.

14. Each State Party undertakes in accordance with this Convention to cooperate through its National Authority established pursuant to Article VI {National Implementation Measures} of

this Convention, with the Agency, with other States Parties and with other agencies as stipulated in this Convention and in separate agreements to facilitate the verification of compliance with this Convention by, inter alia:

a. Establishing the necessary facilities, or providing necessary modifications to existing facilities, to participate in these verification measures, and establishing the necessary communication;

b. Providing all relevant data obtained by technical means and by national systems that are part of the International Monitoring System as agreed among States;

c. Participating, as necessary, in a consultation and clarification process;

d. Permitting the conduct of on-site inspections;

e. Participating in confidence-building measures; and

f. To the extent possible, internationalizing elements of its National Technical Means and incorporating them into the International Monitoring System.

15. Each State Party shall have the right to take measures not contrary to the provisions of this Convention to prevent disclosure of confidential information and data not related to this Convention.

16. Subject to paragraph 15, information obtained by the Agency through the verification regime established by this Convention shall be made available to all States Parties in accordance with the relevant provisions of this Convention.

17. The provisions of this Convention shall not be interpreted as restricting the international exchange of data for scientific purposes not prohibited by this Convention.

18. Each State Party undertakes to cooperate with the Agency and with other States Parties in the improvement of the verification regime and in the examination of additional monitoring technologies. Such measures shall, when agreed, be incorporated in amendments to this Convention or changes to the Annexes or, where appropriate, be reflected in the operational manuals of the Technical Secretariat.

D. Confidence-Building Measures

19. Each State Party undertakes to cooperate with the Agency and with other States Parties in implementing various measures additional to those explicitly required under this Convention in order to:

a. Develop greater confidence regarding compliance with the obligations under this Convention, and

b. Assist in the compilation of detailed information by the International Monitoring System.

E. Relation to Other Verification Arrangements

20. The Technical Secretariat may enter into cooperative verification arrangements in accordance with the provisions of Article XIV {Cooperation, Compliance and Dispute Settlement} para. 3 and the provisions of Article XVIII, Section A {Relation to Other International Agreements} para. 2.

21. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the verification arrangements assumed by either State under the Treaties Between the United States of America and the Russian Federation on Reduction and Limitation of Strategic Offensive Arms and the Treaty Between the United States of America and the Russian Federation on the Elimination of Their Intermediate-Range and Shorter-Range Missiles {INF}.

22. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the verification arrangements assumed by Argentina and Brazil under the Agreement on the Exclusively Peaceful Use of Nuclear Energy

23. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the verification arrangements, assumed by any State under the Comprehensive Nuclear Test Ban Treaty, or under safeguards agreements and additional protocol agreements with the International Atomic Energy Agency [or under the Fissile Materials Cut-Off Treaty].

F. Implementation

24. Prior to entry into force of this Convention, nothing shall preclude any signatory State from implementing, individually or in agreement with other States, the verification measures of this Convention which are applicable to them. Such measures may include public declarations as detailed in Article III {Declarations}, negotiations with other States for the purposes of verifying bilateral or multilateral reductions of nuclear weapons, and the verification of plans for the destruction of nuclear weapons, disposition of special nuclear material, and destruction or conversion of nuclear weapons facilities or nuclear weapons delivery vehicles.

25. Verification measures adopted pursuant to paragraph 23 may include the formation of a provisional authority for the purpose of overseeing verification activities, including assistance in the development of national implementation plans pursuant to Article VI {National Implementation Measures} of this Convention.

VI. National Implementation Measures

A. Legislative Implementation

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary legislative measures to implement its obligations under this Convention. In particular, it shall:

   a. Extend its penal legislation to provide, in accordance with Article VII, Section A, for the trial, extradition and punishment of persons who commit crimes as defined in Article I, Section B.

   b. Provide all necessary protection for persons who report violations of this Convention, in accordance with Article VII, Section C.

2. Each State Party shall cooperate with other States Parties in affording legal assistance toward fulfilling the obligations under paragraph 1.

3. Each State Party, in the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard.

B. Relations between the State Party and the Agency

4. In order to fulfill its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Agency and other States Parties. Each State Party shall notify the Agency of its National Authority at the time that this Convention enters into force for it. The responsibilities of the National Authority include:

   a. The preparations and submission of declarations in the registry;

   b. The enactment of new legislation or the revision of existing legislation to facilitate the enforcement of the Convention;

   c. Preparations for receiving inspections, including, inter alia, approval of the list of inspectors, issuing of multiple entry visas for inspectors, providing aircraft clearances, and designating points of entry and exit.

5. Each State Party shall inform the Agency of the legislative and administrative measures taken to implement this Convention.

6. Each State Party undertakes to cooperate with the Agency in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat. This includes cooperation in carrying out any investigation which the Agency may initiate, and to provide or support assistance with investigations of non-complying State Parties and with Parties exposed to danger as a result of violation of this Convention.

7. Each State Party shall disseminate information regarding the requirements of this Convention and shall ensure the inclusion of such information in the training of relevant personnel regarding obligations under this Convention.

8. Each State Party shall transmit relevant information gathered by its National Technical Means to the International Monitoring System.

C. Confidentiality

9. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Agency. Information subject to confidentiality shall include data used for purposes not prohibited under this Convention and state and military technology for dual use vehicles, components and computers.

D. Relation to implementation measures assumed or required under other arrangements

10. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the National Implementation Measures assumed or required by States under the Comprehensive Test Ban Treaty, International Atomic Energy Agency Safeguards agreements, International Convention for the Suppression of Acts of Nuclear Terrorism, [Fissile Materials Cut-Off Treaty] and United Nations Security Council Resolution 1540.

VII. Rights and Obligations of Persons

A. Criminal Procedure

1. Any person accused of committing a crime under this Convention within the jurisdiction of a State Party of which such person is a citizen or resident shall be

   a. tried according to the legal process of such State if found within such State, or

   b. surrendered to the International Criminal Court if the crime alleged is within the jurisdiction of such Court and the State concerned is unable or unwilling to undertake adequate criminal procedures.

2. If found within another State Party, such person shall be

   a. tried within such State, or

   b. extradited to the State within the jurisdiction of which the crime is alleged to have been committed, or

   c. surrendered to the International Criminal Court if the crime alleged is within the jurisdiction of such Court and the States concerned are unable or unwilling to undertake adequate criminal procedures.

3. Any person accused of a crime under this Convention shall be assumed to be innocent until proven guilty and have the right to a fair trial and humane treatment, as prescribed by the International Covenant on Civil and Political Rights and other conventions and agreements which have acquired the status of customary international law.

B. Responsibility to Report Violations

4. Persons shall report any violations of this Convention to the Agency. This responsibility takes precedence over any obligation not to disclose information which may exist under national security laws or employment contracts.

5. [Information received by the Agency under the preceding paragraph shall be held in confidence until formal charges are lodged, except to the extent necessary for investigative purposes.]

C. Protection for Persons Providing Information

Intra-state protection

6. Any person reporting a suspected violation of this Convention, either by a person or a State, shall be guaranteed full civil and political rights including the right to liberty and security of person.

7. States Parties shall take all necessary steps to ensure that no person reporting a suspected violation of this Convention shall have any rights diminished or privileges withdrawn as a result.

8. Any individual who [in good faith] provides the Agency or a National Authority with information regarding a known or suspected violation of this Convention cannot be arrested, prosecuted or tried on account thereof.

9. It shall be an unlawful employment practice for an employer to discriminate against any employee or applicant for employment because such person has opposed any practice as a suspected violation of this Convention, reported such violation to the Agency or a National Authority, or testified, assisted, or participated in any manner in an investigation or proceeding under this Convention.

10. Any person against whom a national decision is rendered on account of information furnished by such person to the Agency about a suspected violation of this Convention may appeal such decision to the Agency within [..] months of being notified of such decision. The decision of the Agency in the matter shall be final.

Inter-State Protection

11. Any person reporting a violation of this Convention to the Agency shall be afforded protection by the Agency and by all States Parties, including, in the case of natural persons, the right of asylum in all other States Parties if their safety or security is endangered in the State Party in which they permanently or temporarily reside.

Additional Provisions

12. [The Executive Council may decide to award monetary compensation to persons providing important information to the Agency concerning violations of this Convention.]

13. Any person who voluntarily admits to the Agency having committed a violation of this Convention, prior to the receipt by the Agency of information concerning such violation from another source, may be exempt from punishment. In deciding whether to grant such exemption, the Agency shall consider the gravity of the violation involved as well as whether its consequences have not yet occurred or can be reversed as a result of the admission made.

VIII. Agency

A. General Provisions

1. The States Parties to this Convention hereby establish the Agency for the Prohibition of Nuclear Weapons (hereinafter "the Agency") to achieve the object and purpose of this 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.

2. All States Parties to this Convention shall be members of the Agency. A State Party shall not be deprived of its membership in the Agency.

3. The seat of the Headquarters of the Agency shall be _____.

4. The organs of the Agency are the Conference of the States Parties, the Executive Council, and the Technical Secretariat. The Technical Secretariat shall oversee the Registry and the International Monitoring System.

5. The Agency shall conduct its verification activities provided for under this Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfill its responsibilities under this Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention.

6. In undertaking its verification activities the Agency shall consider measures to make use of advances in science and technology.

7. The costs of the Agency's activities shall be paid by States Parties in accordance with Article XVI {Financing}. The budget of the Agency shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.

8. A member of the Agency which is in arrears in the payments of its financial contribution to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, procedures and decision-making

9. The Conference of the States Parties (hereinafter "the Conference") shall be composed of all members of this Agency. Each member shall have one representative in the Conference, who may be accompanied by alternates and advisors.

10. The first session of the conference shall be convened by the depositary not later than 30 days after the entry into force of this Convention.

11. The Conference shall meet in regular sessions which shall be held annually unless it decides otherwise.

12. Special sessions of the Conference shall be convened:

    a. When decided by the Conference;

    b. When requested by the Executive Council;

    c. When requested by any member and supported by one third of the members;

    d. In accordance with paragraph 22 to undertake reviews of the operation of this Convention.

    Except in the case of subparagraph (d) the special session shall be convened not later than 30 days after receipt of the request by the Director-General of the Technical Secretariat, unless specified otherwise in the request.

13. The Conference shall also be convened in the form of an Amendment Conference in accordance with Article XVII {Amendments}.

14. Sessions of the Conference shall take place at the seat of the Agency unless the Conference decides otherwise.

15. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairperson and such other officers as may be required. They shall hold office until a new Chairperson and other officers are elected at the next regular session.

16. A majority of the members of the Agency shall constitute a quorum for the Conference.

17. Each member of the Agency shall have one vote in the Conference.

18. The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairperson shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless specified otherwise in this Convention. When the issue arises as to whether the question is one of substance or not, the question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for decisions on matters of substance.

Powers and functions

19. The Conference shall be the principal organ of the Agency. It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention, raised by a State Party or brought to its attention by the Executive Council.

20. The Conference shall oversee the implementation of this Convention, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issues guidelines in accordance with this Convention to either of them in the exercise of their functions.

21. The Conference shall:

    a. Consider and adopt at its regular sessions the report, program and budget of the Agency, submitted by the Executive Council, as well as consider other reports;

    b. Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;

    c. Elect the members of the Executive Council;

    d. Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");

    e. Approve the rules of procedure of the Executive Council submitted by the latter;

    f. Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

    g. Review scientific and technological developments that could affect the operation of this Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties. The Scientific Advisory Aboard shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;

    h. Take the necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention, in accordance with Article XIV {Cooperation, Compliance and Dispute Settlement}.

22. The Conference shall, not later than one year after the expiration of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological

developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective.

C. The Executive Council

Composition, procedure and decision-making

23. The Executive Council shall consist of 44 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of four years. Each geographical region, as determined by Annex III, shall designate States Parties from that region for election. In order to ensure the effective functioning of this Convention, due regard being paid to equitable geographic distribution, to representation by nuclear weapons states and nuclear-capable states, and to the interests of all states to be free from the threat of nuclear devastation, the Executive Council shall be composed as follows:

    a. All Nuclear Weapons States Parties; and

    b. Six States Parties from the Middle East and South Asia;

    c. Seven States Parties from Latin America and the Caribbean;

    d. Six States Parties from Eastern Europe;

    e. Seven States Parties from Africa;

    f. Six States Parties from among North America and Western Europe;

    g. Six States Parties from South East Asia, the Pacific and the Far East;

    h. Up to two additional States Parties that have special interest or expertise in implementing the aims of this Convention to be elected if required.

24. For the first election of the Executive Council 22 members shall be elected for a term of two years, and 22 members for a term of four years.

25. The Conference may, on its motion or upon the request of a majority of the members of the Executive Council, review the composition of the Executive Council taking into account developments related to the principles specified in paragraph 23.

26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

27. The Executive Council shall elect its Chairperson from among its members.

28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfillment of its powers and functions.

29. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members. When an issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Executive Council by the majority required for decisions on matters of substance.

Powers and Functions

30. The Executive Council shall be the executive organ of the Agency. It shall be responsible to the Conference. The Executive council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and assure their proper and continuous implementation.

31. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat, cooperate with the National Authority of each State Party and facilitate consultations and cooperation among States Parties at their request.

32. The Executive Council shall:

    a. Consider and submit to the Conference the draft program and budget of the Agency;

    b. Consider and submit to the Conference the draft report of the Agency on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference may request;

    c. Make arrangements for the sessions of the Conference including the preparation of the draft agenda.

33. The Executive Council may request the convening of a special session of the Conference.

34. The Executive Council shall:

    a. Conclude agreements or arrangements with States and international organizations on behalf of the Agency, subject to prior approval by the Conference;

    b. Approve agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.

35. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and request compliance within a specified time.

36. If the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures in accordance with Article XIV {Cooperation, Compliance and Dispute Settlement}:

a. Inform all States Parties of the issue or matter;

b. Bring the issue or matter to the attention of the Conference;

c. Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

d. The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

D. The Technical Secretariat

37. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Convention. It shall carry out the other functions entrusted to it under this Convention as well as those functions delegated to it by the Conference and the Executive Council.

38. With respect to the verification of and compliance with this Convention, the Technical Secretariat shall:

a. Maintain the Registry and other information databases in accordance with Section F below;

b. Maintain and coordinate the operation of the International Monitoring System;

c. Provide technical assistance in, and support for, the installation and operation of monitoring systems;

d. Assist the Executive Council in facilitating consultation and clarification among States Parties;

e. Receive requests for on-site inspections and process them, facilitate the Executive Council consideration of such requests, carry out the preparation for, and provide technical support during, the conduct of on-site inspections, and report to the Executive Council;

f. Negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;

g. Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this Convention;

h. Assist the States Parties through their National Authorities on other issues of verification under this Convention.

39. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of various components of the verification regime, in accordance with the Verification Annex. These manuals shall not constitute integral parts of this Convention or the Annexes, and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

40. With respect to administrative matters the Technical Secretariat shall:

a. Prepare and submit to the Executive Council the draft program and budget of the Agency;

b. Prepare and submit to the Executive Council the draft report of the Agency on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;

c. Provide administrative and technical support to the Conference, the Executive Council and subsidiary organs;

d. Address and receive communications on behalf of the Agency to and from States Parties on matters pertaining to the implementation of this Convention;

e. Upon approval by the Executive Council and the Conference, submit the report of the Agency to the United Nations Secretary General.

41. All requests and notifications by States Parties to the Agency shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of the United Nations. In response the Director-General shall use the language of the transmitted request or notification.

42. The Technical Secretariat shall inform the Executive Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Convention that have come to its notice in the performance of its verification activities or through confidential or non-governmental sources and that it has been unable to resolve or clarify through its consultations with the State Party concerned.

43. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, inspectors and such scientific, technical and other personnel as may be required.

44. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General.

45. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The appointment of the Director-General shall be considered a matter of substance governed by paragraph 18.

46. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

47. The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 21.g The Director-General shall, in consultation with States Parties and non-governmental sources, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of this Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties and non-governmental sources may submit lists of experts to the Director-General. The Scientific Advisory Board may be called upon to review nuclear or other research and determine whether it is of a nature prohibited under this Convention or of a nature that may contribute to verification of nuclear disarmament.

48. In the performance of their duties, the Director-General, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Agency. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Conference and the Executive Council.

49. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

E. Privileges and Immunities

50. The Agency shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are appropriate for the exercise of its functions.

51. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together with their alternates and advisers, the Director-General and the staff of the Agency shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Agency.

52. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Agency and the States Parties as well as in an agreement between the Agency and the State in which the headquarters of the Agency is seated.

53. Notwithstanding paragraphs 50 and 51, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Verification Annex.

F. Registry and Other Databases

54. The Technical Secretariat shall maintain a Registry of the following:

a. All nuclear weapons;

b. All nuclear material;

c. All nuclear facilities;

d. All nuclear weapons delivery vehicles;

e. Any other facilities or materials as determined by the Technical Secretariat.

55. The Technical Secretariat shall obtain information from the following sources:

a. Declarations by States in accordance with the provisions of Article III {Declarations};

b. Reports by States on progress in implementing their obligations under this Convention;

c. The International Monitoring System;

d. National Technical Means;

e. Systematic inspections;

f. Challenge inspections;

g. Other organizations with which the Agency has concluded agreements on sharing information in accordance with Article XVIII, Section A {Relation to Other International Agreements};

h. Other inter-governmental and non-governmental organizations that collect and submit such information;

i. Publicly available sources;

j. Any other sources which the Technical Secretariat deems appropriate.

56. The Technical Secretariat shall make available to the Registry information obtained from the above sources with the exception of information which may remain confidential because of legitimate national and international security concerns or trade secret concerns.

57. Information in the Registry shall be available to all States parties and to the public according to criteria established by separate agreements [among States].

G. International Monitoring System

58. The International Monitoring System shall comprise facilities and systems for monitoring by satellite, on-site sensors, remote sensors, radionuclide sampling, respective means of communication, aircraft and other systems developed as deemed necessary by the Agency.

59. The International Monitoring System shall be placed under the authority of the Technical Secretariat.

60. All monitoring facilities of the International Monitoring System shall be owned and operated by the States hosting or otherwise taking responsibility for them except for those systems or facilities which may be owned or operated by another agency or by the United Nations, or constructed or acquired by the Agency in accordance with paragraph 64.

61. The Technical Secretariat shall acquire equipment necessary for collating and analyzing data provided by the International Monitoring System.

62. Any State Party may, if it so decides and upon agreement with the Technical Secretariat, give a monitoring facility to the Agency.

63. The Technical Secretariat may, upon agreement of the Conference and in accordance with its funding guidelines, construct or otherwise acquire a monitoring system or facility if it determines that such a facility or system is necessary for verification of obligations of States under this Convention, and if no State is able or willing to provide such a system or facility or information from such a system or facility to the International Monitoring System.

64. Each State shall have the right to participate in the international exchange of data and to have access to all data made available to the Registry.

65. The Agency shall conclude agreements with other agencies or organizations using international monitoring systems relating to the sharing of information obtained through such systems relevant to the verification of this Convention in accordance with Article XVIII, Section A {Relation to Other International Agreements}.

66. Data obtained by the International Monitoring System not directly relevant to verification of this Convention shall be treated as confidential, except where such information is relevant to the verification of another international agreement [and there is an agreement on sharing such information between the Agency and the organization responsible for implementation of that agreement].

67. Data obtained from the International Monitoring System shall first be analyzed, processed and verified by the Technical Secretariat before being compiled as part of the Registry, in accordance with the provisions of paragraph 57.

IX. Nuclear Weapons

A. General Requirements

1. All nuclear weapons [with corresponding delivery vehicles] shall be taken off alert status, disabled, removed from deployment, declared, and destroyed in accordance with the guidelines and standards of Article III {Declarations}, Article IV {Phases for Implementation}, the Verification Annex, and the provisions set forth below:

B. Procedures for Destroying Nuclear Weapons

2. Each State Party shall take the following measures with respect to all nuclear weapons that it owns or possesses or that are under its jurisdiction or control:

   a. All warheads shall be bar-coded, registered, and tagged for identification using secure visual tags.

   b. All nuclear weapons shall be destroyed or moved to nuclear weapons storage facilities subject to international preventive controls. No exclusive national access to the repositories is allowed. Weapons may be removed from the nuclear weapons storage facilities only for the purposes of destruction.

   c. All core elements from newly dismantled warheads shall be quenched or otherwise deformed and placed in storage under international preventive controls until final disposal of the proscribed nuclear material, in accordance with the guidelines and standards of Article X {Nuclear Material}.

C. Prevention of Production of Nuclear Weapons

3. All nuclear [weapons] facilities and deployment sites shall be subject to verification, including challenge inspections at any time and non-destructive detection of hidden warheads, to ensure compliance with obligations under this Convention not to develop, produce, or deploy nuclear weapons.

X. Nuclear Material

A. Reconstruction and Documentation

1. All military and civilian nuclear material shall be documented and declared according to the guidelines and standards set forth in Article III {Declarations} and the Verification Annex.

2. Special Nuclear Material

   a. Records of production and use of special nuclear material produced in the past shall be reconstructed to the extent possible through analysis of past records, measures of transparency including national legislation aimed at disclosure of information, interviews, and any other appropriate means.

   b. All special nuclear material storage sites and related nuclear facilities usable for production of special nuclear material shall be subject to preventive controls, including inventory verification as set forth in the Verification Annex.

B. Control of Special Nuclear Material

3. Subject to Section C below, production and use of proscribed nuclear material is prohibited. Existing inventories of special nuclear material shall be subject to preventive controls and storage and disposal in accordance with the guidelines and standards set forth below and in separate verification agreements.

4. All treatment of nuclear material that improves its quality to the level of proscribed nuclear material or improves the accessibility of proscribed nuclear material is prohibited, including, *inter alia*, separation of plutonium from spent fuel, enrichment of uranium in U-235 beyond unavoidable civilian requirements or beyond 20%, or extraction of tritium from heavy water, with the exception of exemption quantities.

5. All existing stocks of special nuclear material shall be placed under preventive controls until a safe method of final disposal is found and approved by the Agency. All handling of proscribed nuclear material except for such handling as necessary for the purposes of this Convention shall be prohibited.

6. [Burning of special fissionable material is prohibited unless the net amount of fissionable material resulting from such burning is reduced.]

7. Facilities for the production, research and testing of special nuclear material may be converted to uses consistent with the purposes and obligations of this Convention. Conversion of such facilities may include research and development for methods of demilitarization and disposal of proscribed nuclear material, including immobilization and final disposition of plutonium.

C. Licensing Requirements

8. The Agency shall establish a licensing process for civilian use of proscribed nuclear material which is not prohibited.

D. Relation to other International Agreements

9. Nothing in this Section shall be interpreted as in any way limiting or detracting from the verification arrangements assumed by any State under safeguards agreements and additional protocol agreements with the International Atomic Energy Agency [or under the Fissile Materials Cut-Off Treaty]

XI. Nuclear Facilities

A. Nuclear Weapons Facilities

1. All nuclear weapons production facilities shall cease operations prohibited under this Convention and shall be closed or converted to purposes not prohibited under this Convention.

2. All nuclear weapons testing facilities shall cease operations and shall be permanently closed [or converted to purposes not prohibited under this Convention].

3. All nuclear weapons research facilities shall be closed or converted to research in accordance with paragraph 4.

4. Funding of research for the purposes of designing, modernizing, constructing, modifying or maintaining reliability of nuclear weapons is prohibited. Funding of research for the purpose of developing knowledge in the physics of nuclear explosions is prohibited. Funding of research in safety mechanisms for existing nuclear weapons is permitted only until all nuclear weapons are dismantled. Funding of research for the purposes of safe dismantling and destroying of nuclear weapons and for safe disposal of special nuclear material is permitted.

5. [All nuclear reprocessing facilities shall cease operations and shall be permanently closed.]

6. All nuclear facilities shall be subject to preventive controls.

7. All plans for the destruction or conversion of nuclear weapons [production, research and testing facilities and principal nuclear] facilities, submitted in accordance with Article IV {Phases for Implementation}, shall include provisions or recommendations for the placement of former employees of such facilities in positions of employment consistent with their experience and expertise and with the object and purpose of this Convention. Such positions and recommendations may include employment within a converted facility, employment for the destruction of a nuclear facility, employment for the destruction of nuclear weapons or disposition of special nuclear material, or employment within the Agency for the purposes of verification.

B. Command, Control, and Communications Facilities and Deployment Sites

8. Each State Party shall make the following changes to nuclear targeting commands and command systems in accordance with Article IV {Phases for Implementation}:

   a. Rescind alert status on all nuclear weapons;

   b. Remove targeting coordinates from all command and control systems; and

   c. Remove navigational information for all nuclear armed missiles from the navigational systems.

9. Each State Party shall, in accordance with Article IV {Phases for Implementation} and the Verification Annex, destroy any facility, system or sub-system designed or used solely for the

purpose of launching, targeting, directing or detonating a nuclear weapon or its delivery vehicle, or for aiding or assisting in any of these purposes.

10. Each State Party shall, in accordance with Article IV {Phases for Implementation} and the Verification Annex, and in order to prevent use for purposes prohibited under this Convention, destroy or convert any facility, system or sub-system which is used for the purpose of launching, targeting, directing or detonating a nuclear weapon or its delivery vehicle, or for aiding or assisting in any of these purposes, and which is also used for purposes not prohibited under this Convention.

11. Any facility, system or sub-system designed and used for detection of activities prohibited under this Convention is permitted.

12. All plans for the destruction or conversion of command, control, and communications facilities and deployment sites submitted in accordance with Article IV {Phases for Implementation} and the Verification Annex, shall include provisions or recommendations for the placement of former employees of such facilities in positions of employment consistent with their experience and expertise and with the object and purpose of this Convention. Such positions and recommendations may include employment within a converted facility, employment for the destruction of a nuclear facility, employment for the purpose of gathering information, including National Technical Means, and employment within the Agency for the purposes of inspection or other methods of verification.

C. Nuclear reactors, enrichment and reprocessing facilities, nuclear materials storage sites and other nuclear-fuel cycle locations outside of facilities.

13. All States shall declare the precise location, nature and scope of nuclear reactors, enrichment and reprocessing facilities, nuclear laboratories, nuclear materials storage sites and other nuclear-fuel cycle locations outside of facilities.

14. All plutonium reprocessing facilities shall cease operations and be permanently closed.

15. All States shall conclude safeguards agreements with the Agency [or International Atomic Energy Agency] to verify that nuclear facilities are operated consistent with obligations under this convention including obligations under Section X (Nuclear Material).

D. Activities at nuclear facilities

16. Activities undertaken at nuclear facilities that are listed in Schedule 1 of the Annex on Nuclear Activities shall be prohibited.

17. Activities undertaken at nuclear facilities that are listed in Schedule 2 of the Annex on Nuclear Activities are permitted unless otherwise determined by the Conference of States Parties in accordance with Articles XIV (Cooperation, Compliance and Dispute Settlement).

18. Activities undertaken at nuclear facilities that are listed in Schedule 3 of the Annex on Nuclear Activities are permitted.

XII. Nuclear Weapons Delivery Vehicles

1. All deployment, development, testing, production, or acquisition of delivery vehicles and launchers designed solely for the purpose of delivering nuclear weapons {Schedule 1} is prohibited.

2. All delivery vehicles and launchers designed solely for the purpose of delivering nuclear weapons shall be destroyed according to Article IV {Phases for Implementation} [and the Verification Annex].

3. All delivery vehicles capable of use for the delivery of nuclear weapons or non-nuclear weapons {Schedule 2} shall be destroyed according to Article IV {Phases for Implementation} or converted for purposes not prohibited under this Convention.

Schedule 1 - Nuclear Weapons Delivery Vehicles to Be Destroyed

Intercontinental Ballistic Missiles
Submarine Launched Ballistic Missiles
Heavy Bombers
Ballistic Missile Submarines
Ground Launched Cruise Missile

Schedule 2 - Delivery Vehicles to be Destroyed or Converted

Air-to-Surface Ballistic Missiles
Ground Launched Ballistic Missiles
Air Launched Cruise Missile
Sea Launched Cruise Missile
Nuclear-capable fighter bombers
Cruise Missile Submarines
Attack Submarines
Warships

[Schedule 3 - Transport Vehicles Not Designed for Nuclear Weapons to be Subject to Preventive Controls – *to be completed*]

XIII. Activities Not Prohibited Under This Convention

1. Each State Party has the right, subject to the provisions of this Convention [and other agreements and regulations relating to nuclear material] to the research, development and use of nuclear energy for peaceful purposes.

2. Each State Party shall adopt the necessary measures to ensure that research, development and use of nuclear energy within its territory or under its control is undertaken only for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject nuclear facilities and nuclear material listed in the Annex on Nuclear Activities, Components and Equipment of this Convention, or any other activities so declared by the Agency, to control and verification measures as provided in Sections V (Verification), VI (National Implementation Measures), VIII (Agency), X (Nuclear Material), XI (Nuclear Facilities) [and the Verification Annex.]

3. Each State Party has the right to the research, development, production, acquisition and deployment of weapons-delivery systems for security purposes. This right is subject to the provisions of this Convention, other agreements and regulations relating to weapons and weapons systems, the United Nations Charter and other international law relating to the threat or use of force.

4. In the exercise of military activities not prohibited under this Convention,] each State Party shall adopt the necessary measures to ensure that [weapons and] weapons delivery systems are only developed, produced, otherwise acquired, retained, transferred, tested or deployed in a manner consistent with this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject weapons delivery systems including command, communication, control and production facilities to control and verification measures as provided in Section XII (Nuclear Weapons Delivery Vehicles) [and the Verification Annex].

XIV. Cooperation, Compliance and Dispute Settlement

A. Consultation, Cooperation, and Fact-finding

1. States Parties shall consult and cooperate, directly among themselves, or through the Agency or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Convention.

2. Each State Party undertakes to cooperate with the Agency and with other States Parties in the improvement of the verification, destruction and conversion regimes, with a view to developing specific measures to enhance the efficient, safe and cost-effective verification, destruction and conversion procedures and methods of this Convention.

3. Without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through exchange of information and consultations among themselves, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the requesting State Party as soon as possible, but in any case not later than [48] hours after the receipt of a request to clarify a possible threat of use of nuclear weapons or [10] days after the receipt of a request to clarify any other matter, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

4. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern.

5. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Convention. In such a case, the following shall apply:

    a. The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than [24] hours after its receipt;

    b. The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than [48] hours after the receipt of a request to

clarify possible threat or use of nuclear weapons or [10] days after the receipt of a request to clarify any other matter;

c. The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than [24] hours after its receipt;

d. If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification

e. For the purpose of obtaining further clarification requested under subparagraph d, the Executive Council may call on the Director-General to establish a group of experts from the Technical Secretariat, or if appropriate staff are not available in the Technical Secretariat, from elsewhere, to examine all available information and data relevant to the situation causing the concern. The group of experts shall submit a factual report to the Executive Council on its findings;

f. If the requesting State Party considers the clarification obtained under subparagraphs d and e to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

6. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern about its possible non-compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate.

7. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

8. If the doubt or concern of a State Party about a possible non-compliance has not been resolved within [60] days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII {Agency}. At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

Procedures for challenge inspections

9. Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex.

10. Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance.

11. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on-site challenge inspection pursuant to paragraph 9.

12. Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the Verification Annex, the inspected State Party shall have:

    a. The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfill its mandate;

    b. The obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and

    c. The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention.

13. With regard to an observer, the following shall apply:

    a. The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the challenge inspection.

    b. The inspected State Party shall then grant access to the observer in accordance with the Verification Annex.

    c. The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.

14. The requesting State Party shall present an inspection request for an on-site challenge inspection to the Executive Council and at the same time to the Director-General for immediate processing.

15. The Director-General shall immediately ascertain that the inspection request meets the requirements specified the Verification Annex, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. When the inspection request fulfills the requirements, preparations for the challenge inspection shall begin.

16. The Director-General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.

17. After having received the inspection request, the Executive Council shall take cognizance of the Director-General's actions on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.

18. The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three-quarter majority of all its members against carrying out the challenge inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Convention as described in paragraph 9. Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the challenge inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.

19. The Director-General shall issue an inspection mandate for the conduct of the challenge inspection. The inspection mandate shall be the inspection request referred to in paragraphs 9 and 10 put into operational terms, and shall conform with the inspection request.

20. The challenge inspection shall be conducted in accordance with the provisions of the Verification Annex. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.

21. The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task. If the inspected State Party proposes, pursuant to the Verification Annex, arrangements to demonstrate compliance with this Convention, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance.

22. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the challenge inspection. The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.

23. The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and address any concerns as to:

    a. Whether any non-compliance has occurred;

    b. Whether the request had been within the scope of this Convention; and

    c. Whether the right to request a challenge inspection had been abused.

24. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 23, it shall take the appropriate

measures to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.

25. The requesting State Party and the inspected State Party shall have the right to participate in the review process. The Executive Council shall inform the States Parties and the next session of the Conference of the outcome of the process.

26. If the Executive Council has made specific recommendations to the Conference, the Conference shall consider action in accordance with Section B.

B. Measures to Redress a Situation and to Ensure Compliance, Including Sanctions

27. The Conference, taking into account the recommendations of the Executive Council, shall take necessary measures, as set forth in paragraphs 28, 29 and 30 to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention.

28. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfill the request within the specified time, the Conference may, *inter alia*, decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Convention until the Conference decides otherwise.

29. In cases where damage to the object and purpose of this Convention may result from non-compliance with the basic obligations of this Convention, the Conference may recommend to States Parties collective measures which are in conformity with international law. Such measures may include restrictions or suspensions of all assistance in nuclear activities outlined in Schedule 2 of the Annex on Nuclear Activities, Components and Equipment. If the State concerned continues in its failure to comply with the request, further sanctions may be imposed.

30. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information, conclusions and recommendations, to the attention of the United Nations General Assembly and the United Nations Security Council.

31. The threat or use of nuclear weapons shall be deemed to be a threat to the peace subject to the provisions of the United Nations Charter.

C. Settlement of Disputes

32. Disputes that may arise concerning the application, implementation or interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention, including Section B and in conformity with the provisions of the Charter of the United Nations.

33. When a disputes arises between two or more States Parties, or between one or more States Parties and the Agency, relating to the application, implementation or interpretation of this

Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation, mediation, arbitration or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court.

34. If other peaceful means of settlement are not found, a State Party in dispute with one or more States Parties may refer the dispute to the International Court of Justice, in conformity with the Statute of the Court [and the Optional Protocol Concerning the Compulsory Settlement of Disputes]. The States Parties involved shall keep the Executive Council informed of actions being taken.

35. The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure.

36. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII {Agency}.

37. The Conference and the Executive Council may recommend to the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Agency. An agreement between the Agency and the United Nations shall be concluded for this purpose in accordance with Article VIII {Agency}.

38. This Section is without prejudice to Sections A and B.

XV. Entry Into Force

A. Conditions of Entry Into Force

1. This Convention shall enter into force [180] days after the date on which the following conditions are met:

   a. [All] Nuclear Weapons States have deposited their instruments of ratification; and

   b. All Nuclear Capable States have deposited their instruments of ratification; and

   c. At least [65] States in total have deposited instruments of ratification [including all States listed in Annex IV: List of Countries with Nuclear Power Reactors] [or] [including at least [40] States from Annex V: List of Countries with Nuclear Power Reactors or Nuclear Research Reactors].

2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

B. State Waiver of Entry into Force Requirements

For States who waive the entry into force requirements, this Convention shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

XVI. Financing

1. The costs of the Agency's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Agency. The budget of the Agency shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification and compliance costs.

2. Each Nuclear Weapons State shall meet the costs of destruction of weapons, proscribed nuclear material and nuclear facilities under its authority. Each Nuclear Weapons State shall meet the costs of verification of nuclear facilities under its authority, except for instances of challenge inspections which are funded according to the provisions of the Verification Annex.

3. The Agency shall establish a voluntary fund to assist States Parties to comply with paragraph 2 where such compliance imposes undue financial burdens on them.

XVII. Amendments

1. Any State Party may propose amendments to this Convention. Any State Party may also propose changes, as specified in paragraph 4, to the Annexes of this Convention. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3. Proposals for changes, as specified in paragraph 4, shall be subject to the procedures in paragraph 5.

2. The text of a proposed amendment shall be submitted to the Director-General for circulation to all States Parties and to the Depositary. The proposed amendment shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify the Director-General [not later than [60 days] after its circulation] that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

3. Amendments shall enter into force for all States Parties 20 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under subparagraph b below:

    a. When adopted by the Amendment Conference by a positive vote of a majority of all States Parties [with no State Party casting a negative vote]; and

    b. Ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.

4. In order to ensure the viability and the effectiveness of this Convention, provisions in the Annexes shall be subject to changes in accordance with paragraph 5, if proposed changes are related only to matters of an administrative or technical nature.

5. Proposed changes referred to in paragraph 4 shall be made in accordance with the following procedures:

    a. The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

    b. Not later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Convention and its implementation and shall communicate any such information to all States Parties and the Executive Council;

    c. The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfills the requirements of paragraph 4. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days.

d. If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

e. If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph d, a decision on the proposal, including whether it fulfills the requirements of paragraph 4, shall be taken as a matter of substance by the Conference at its next session;

f. The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

g. Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

XVIII. Scope and Application of Convention

A. Relation to other International Agreements

1. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the United Nations Charter; the Treaty on the Non-Proliferation of Nuclear Weapons; the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean; 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; the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies; the South Pacific Nuclear Free Zone Treaty; the African Nuclear Free Zone Treaty; the Southeast Asia Nuclear Weapon Free Zone Treaty; the Central Asia Nuclear Weapon Free Zone Treaty; any other treaties establishing nuclear weapon free zones; the Comprehensive Nuclear Test Ban Treaty; the Treaty Between the U.S.A. and the U.S.S.R. on the Elimination of Their Intermediate-Range and Short-Range Missiles; the Treaty Between the U.S.A. and the U.S.S.R. on the Reduction and Limitation of Strategic Offensive Arms; the Treaty Between the U.S.A. and Russia on Further Reduction and Limitation of Strategic Offensive Arms; the Treaty between Russia and the United States on Strategic Offensive Reductions**,** the International Convention for the Suppression of Acts of Nuclear Terrorism, or under agreements with the International Atomic Energy Agency.

2. Pursuant to Article VIII {Agency}, the Agency may enter into agreements with the implementing organizations of other international agreements for the purpose of sharing information necessary or applicable to the verification tasks of each organization involved, or for any other purposes that would further the objectives of the international agreements concerned.

B. Status of the Annexes

3. The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

C. Duration and Withdrawal

4. This Convention shall be of unlimited duration.

5 Withdrawal from this Convention shall not be permitted [upon ratification by all Nuclear Weapons States].

D. Reservations

6. The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

XIX. Conclusion of Convention

A. Signature

1. This Convention shall be open for signature for all States before its entry into force.

B. Ratification

2. This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

C. Accession

3. Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

D. Depository

4. The Secretary-General of the United Nations is hereby designated as the Depository of this Convention and shall, inter alia:

   a. Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices;

   b. Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States; and

   c. Register this Convention pursuant to Article 102 of the Charter of the United Nations.

E. Authentic Texts

5. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Optional Protocol Concerning the Compulsory Settlement of Disputes

The States Parties to this Protocol, expressing their wish to resort to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided for in the Convention or has been agreed upon by the Parties within a reasonable period, have agreed as follows:

Disputes arising out of the interpretation or application of this Convention shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application by any party to the dispute being a Party to this Protocol.

Optional Protocol Concerning Energy Assistance

The States Parties to this Protocol:

Desiring to prevent any threat to the aims and objectives of this Convention from arising due to the proliferation of nuclear technology which could aid or assist in the development of nuclear weapons,

Desiring further to prevent any threat to health and the environment arising from the excessive creation of radionuclides in nuclear reactors,

Affirming the right to the development of sustainable and environmentally safe energy sources,

Have agreed as follows:

1. Not to manufacture, assemble, transfer or otherwise acquire nuclear power reactors.

2. Not to use any existing power reactor, nor the products from the use of any nuclear power reactor.

3. To close any existing nuclear power reactors within [five] years of signing this protocol.

4. To assist other Parties to this protocol in the development and use of non-nuclear, sustainable energy sources.

5. To create a voluntary fund for the purposes of implementing paragraph 4.

Annex I on Nuclear Activities

A. Guidelines for Schedules of Nuclear Activities

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a nuclear activity shall be included in Schedule 1:

   a) It is an activity specifically prohibited under Article I of this Convention

   b) It is an activity the purpose of which is to aid or assist in any activity specifically prohibited under Article I of this Convention.

   c) It is an activity which poses a grave risk to the object and purpose of this Convention by virtue of its high potential for aiding and assisting activities specifically prohibited by this Convention.

   d) It has little or no use for purposes not prohibited under this Convention, or alternatively its use for purposes not prohibited under this Convention can be safely substituted by another activity.

2. Schedule 1 activities are prohibited.

Guidelines for Schedule 2

3. The following criteria shall be taken into account in considering whether a nuclear activity shall be included in Schedule 2:

   a) It is an activity not specifically prohibited under Article I of this Convention

   b) It is an activity the purpose of which is not to aid or assist in any activity specifically prohibited under Article I of this Convention.

   c) It is an activity which poses some risk to the object and purpose of this Convention by virtue of its potential to aid and assist activities specifically prohibited by this Convention.

4. Schedule 2 activities are permitted unless otherwise determined by the Conference in accordance with Articles [Agency, Technical Secretariat] and [compliance].

Guidelines for Schedule 3

5. The following criteria shall be taken into account in considering whether a nuclear activity shall be included in Schedule 3:

a) It is an activity not specifically prohibited under Article I of this Convention

b) It is an activity the purpose of which is not to aid or assist in any activity specifically prohibited under Article I of this Convention.

c) It is an activity which poses no risk to the object and purpose of this Convention

6. Schedule 3 activities are permitted.

B. Schedule of Nuclear Activities

Schedule 1

(1) Production of nuclear weapons

(2) Use of nuclear weapons

(3) Threat of use of nuclear weapons

(4) Production and any use of special nuclear material

(5) Production of metals or alloys containing plutonium or uranium

(6) Weaponization: This covers the research, development, manufacturing and testing required to make nuclear explosive devices from special fissionable or fusionable material

(7) Nuclear fuel fabrication using plutonium, uranium-233, uranium enriched to 20% or more in uranium-235

(8) Import, construction or use of research and power reactors of any kind utilizing uranium enriched to 20% or more in uranium-235, uranium-233,plutonium or MOX as a fuel or any reactor designed specifically for plutonium production. This includes critical and sub-critical assemblies

(9) Reprocessing of irradiated fuel or irradiation targets containing nuclear-weapons capable material. This includes the use of hot cells and associated equipment

(10) Enrichment of uranium in isotope U-235 beyond 20% and any preparatory steps in this process, including the preparation and storage of UCI4 and UF6 enriched to more than 3% in U-235. {The preparation of UC14 and UF6 from natural uranium will not be forbidden by the NWC. After enrichment it should not be stored in this form which would be appropriate feeding material for further enrichment beyond 20%.}

(11) Production, separation, and enrichment of the isotope of plutonium-239 , hydrogen, tritium and lithium-6.

(12) Production of antiprotons, antimatter, nuclear isomers and super-heavy elements in significant quantities

Schedule 2

(1) Import, construction, use of research and power reactors of any type using natural uranium or uranium enriched to less than 20% in uranium-235 as a fuel. This includes critical and sub-critical assemblies, but excludes reactors specifically designed for plutonium production.

(2) Prospecting, mining or processing of ores containing uranium and/or thorium

(3) Preparation of chemical compounds containing uranium enriched to less than 20% in uranium-235 and thorium; excluding the preparation of UCI4 and UF6 enriched to more than 3% in U-235.

(4) Nuclear fuel fabrication using natural uranium or uranium enriched to less than 20% in uranium-235.

(5) Production of particle and laser beams of all kind.

(6) Nuclear fusion experimental devices based on inertial confinement, including diagnostics

Schedule 3

(1) Application of radiation and isotopes in food and agriculture:
- soil fertility, irrigation and crop production
- [plant breeding and genetics]
- animal production and health
- insect and pest control
- [food preservation]
- other uses upon approval

(2) Applications of radiation and isotopes in medicine
- diagnostic and therapeutic medicine including dosimetry
- Radiotherapy by teletherapy and brachytherapy
- nutrition and health-related environmental studies
- other uses upon approval

(3) Application of radiation and isotopes in industrial processes
- Radiography and other non-destructive testing methods
- Industrial process control and quality control
- Radiotracer applications in oil, chemical and metallurgical processes
- Development of water and mineral resources
- Industrial radiation processing
- Other uses upon approval

(4) Applications in research with and production and disposal of radioactive isotopes and elementary particles

- Conditioning and disposal of radioactive wastes
- Nuclear fusion experimental devices based on magnetic confinement, including diagnostics
- Production of isotopes both radioactive and stable. The production of the isotope Pu-239, titanium and lithium-6 is prohibited.
- Import, construction and use of neutron sources, electron accelerators, particle accelerators, heavy icon accelerators
- Research on radiation physics and chemistry and on the physical and chemical properties of isotopes except in areas relevant to activities not prohibited by or subject to authorization under this Convention

Annex II on Nuclear Weapon Components

Guidelines for Schedule 1

1. A component shall be included in Schedule 1 if it is produced solely for the purpose of incorporation into a nuclear explosive device.

2. Manufacture, transfer or stockpiling of Schedule 1 components is prohibited.

Guidelines for Schedule 2

3. The following criteria shall be taken into account in considering whether a component shall be included in Schedule 2:

   a) The component is produced for incorporation into a nuclear explosive device

   b) The component is also used for purposes not prohibited under this convention, but is not produced in large commercial quantities for such purposes

   c) There exist alternative components for the purposes cited in paragraph (b).

4. Manufacture, transfer or stockpiling of Schedule 2 components is prohibited.

Guidelines for Schedule 3

5. The following criteria shall be taken into account in considering whether a component shall be included in Schedule 3:

   a) The component is produced for incorporation into a nuclear explosive device

   b) The component is also used for purposes not prohibited under this convention, but is not produced in large commercial quantities for such purposes

   c) There do not exist alternative components for the purposes cited in paragraph (b).

6. Manufacture, transfer or stockpiling of Schedule 3 components is permitted only in accordance with the provisions established by the Agency.

Guidelines for Schedule 4

7. The following criteria shall be taken into account in considering whether a component shall be included in Schedule 4:

   a) The component is produced for incorporation into a nuclear explosive device

b) The component is also used for purposes not prohibited under this convention, and is produced in large commercial quantities for such purposes

[c) There do not exist alternative components for the purposes cited in paragraph (b).]

8. Manufacture of Schedule 4 components is permitted only in accordance with the provisions established by the Agency.

Annex III. List of countries and geographical regions for the purpose of Article VIII.C.23

Africa
Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

Eastern Europe
Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, the Former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean
Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Middle East and South Asia
Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Maldives, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

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

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

Annex IV List of Countries with Nuclear Power Reactors

ARGENTINA
ARMENIA
BELGIUM
BRAZIL
BULGARIA
CANADA
CHINA
FINLAND
FRANCE
GERMANY
HUNGARY
INDIA
IRAN
JAPAN
REPUBLIC OF KOREA
LITHUANIA
MEXICO
NETHERLANDS
PAKISTAN
ROMANIA
RUSSIA
S.AFRICA
SLOVAKIA
SLOVENIA
SPAIN
SWEDEN
SWITZERLAND
UNITED KINGDOM
UKRAINE
USA

Annex V: List of Countries with nuclear power reactors and/or nuclear research reactors

ARGENTINA
ARMENIA
AUSTRALIA
AUSTRIA
BANGLADESH
BELARUS
BELGIUM
BRAZIL
BULGARIA
CANADA
CHILE
CHINA
COLOMBIA
CZECH REPUBLIC
DPRK
DEMOCRATIC REPUBLIC OF CONGO
DENMARK
EGYPT
EUROPEAN UNION*
FINLAND
FRANCE
GEORGIA
GERMANY
GHANA
GREECE
HUNGARY
INDIA
INDONESIA
IRAN
IRAQ
ISRAEL
ITALY
JAMAICA
JAPAN
KAZAKHSTAN
LATVIA
LIBYA
LITHUANIA
MALAYSIA
MEXICO
MOROCCO
NETHERLANDS
NIGERIA
NORWAY
PAKISTAN
PERU
PHILIPPINES
POLAND
PORTUGAL
REPUBLIC OF KOREA
ROMANIA
RUSSIA
SERBIA AND MONTENEGRO
SLOVAKIA
SLOVENIA
SOUTH AFRICA
SPAIN
SWEDEN
SWITZERLAND
SYRIA
TAIWAN
THAILAND
TUNISIA
TURKEY
UNITED KINGDOM
UKRAINE
USA