

## I – Resolutions and Decisions of the IAEA General Conference

### Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol

[Resolution GC(48)/25 adopted by the IAEA General Conference on 24 September 2004]

#### The General Conference.

- (a) Recalling resolution GC(47)/RES/11,
- (b) Convinced that the Agency's safeguards promote greater confidence among States, inter alia, by providing assurance that States are complying with their obligations under relevant safeguards agreements, and thus contribute to strengthening their collective security,
- (c) Considering the Treaty on the Non-Proliferation of Nuclear Weapons, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Nuclear Free Zone Treaty, the African Nuclear-Weapon-Free Zone Treaty and the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone and the Agency's essential role in applying safeguards in accordance with the relevant articles of these treaties,
- (d) Noting that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented and that the Agency's capability to detect undeclared nuclear material and activities should be increased,
- (e) Stressing the importance of the Model Additional Protocol approved on 15 May 1997 by the Board of Governors aimed at strengthening the effectiveness and improving the efficiency of the safeguards system,
- (f) Welcoming the fact that, as of 23 September 2004, 86 States and other Parties to safeguards agreements have signed additional protocols, that for 60 of those, additional protocols are in force and for two States being otherwise applied,
- (g) Welcoming the fact that all nuclear-weapon States have signed protocols additional to their voluntary offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under article I of the NPT, and noting with satisfaction that protocols additional to the voluntary offer safeguards agreements with France and the United Kingdom entered into force on 30 April 2004,
- (h) Noting the high priority the Agency attaches, in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear material verification activities with the new strengthening measures,
- (i) Taking note of the Agency's Safeguards Statement for 2003,
- (j) Stressing the continuing need for the Agency's safeguards system to be equipped to respond to new challenges within its mandate,
- (k) Noting the considerable increase in the Agency's safeguards responsibilities since the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular

since the approval of the Model Additional Protocol by the Board of Governors in May 1997,

- (l) Recalling that the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons - inter alia - (1) reaffirmed that the IAEA is the competent authority responsible for verifying and assuring, in accordance with the Agency's Statute and the Agency's safeguards system, compliance with its safeguards agreements, and (2) recommended that the Director General of the IAEA and the IAEA's Member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion and entry into force of safeguards agreements and additional protocols, including, for example, specific measures to assist States with less experience in nuclear activities to implement legal requirements,
- (m) Stressing that the strengthening of the safeguards system should not entail any decrease in the resources available for technical assistance and co-operation and that it should be compatible with the Agency's function of encouraging and assisting the development and practical application of atomic energy for peaceful uses and with adequate technology transfer, and
- (n) Welcoming the holding of the seminar on Multilateral Verification of Nuclear Non-Proliferation Undertakings: Interregional Seminar on the Agency's Safeguards System held in Vienna (November 2003), the seminar for the Economic Community of West African States (ECOWAS) on the Non-Proliferation on Nuclear Weapons: The Strengthened Safeguards System held in Burkina Faso (February 2004), and the seminar for the Southern African Development Community (SADC) States on the Non-Proliferation of Nuclear Weapons: The Strengthened Safeguards System held in Namibia (March 2004), as well as the National seminar on the Additional Protocol held in Colombia (December 2003) and the Interministerial Seminar on Mexico's Conclusion of the Additional Protocol to its Safeguards Agreement Pursuant to the NPT and the Tlatelolco Treaty held in Mexico (January 2004), and sharing the hope for the continuation of these efforts in order to broaden adherence to the Agency's strengthened safeguards system,

Consistent with the respective safeguards undertakings of Member States:

1. Calls on all Member States to give their full and continuing support to the Agency in order to ensure that the Agency is able to meet its safeguards responsibilities;
2. Stresses the need for effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards agreements, and underlines the vital importance of effective safeguards for facilitating co-operation in the field of peaceful uses of nuclear energy;
3. Bearing in mind the importance of achieving the universal application of the Agency's safeguards system, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible<sup>1</sup>;

<sup>1</sup> Operative paragraph 3 was voted on separately and was approved (81 in favour, 2 against, one abstention). The entire resolution was thereupon adopted without a vote.

4. Affirms that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to detecting undeclared nuclear material and activities must be implemented rapidly and universally by all concerned States and other Parties in compliance with their respective international commitments;

5. Stresses the importance of a review of safeguards working methods referred to in documents GOV/2003/48 and GC/(47)/INF/7, and, in this context, welcomes the reviews of the Agency's strengthened safeguards system conducted during the past year by an independent evaluation panel and by the Standing Advisory Group on Safeguards Implementation and requests the Director General to provide reports on the results of these studies to the Board as soon as possible;

6. Stresses the importance of the Agency's safeguards system, including comprehensive safeguards agreements and also the Model Additional Protocol, which are among the essential elements of the system, and with respect to the safeguards strengthening measures contained in document GOV/2807 and taken note of by the Board of Governors in 1995, requests the Secretariat to pursue the implementation of these measures as broadly as possible and without delay as far as available resources permit, and recalls the need for all concerned States and other Parties to safeguards agreements with the Agency to supply the Agency with all the information required, including the early provision of design information;

7. Bearing in mind the Director General's view that for the Agency, within its mandate, to fulfil its verification responsibilities in a credible manner, the verification system has to be further developed, underlines the need to take into full account advances in verification techniques;

8. Reiterates its support for the Board's decision to request the Director General to use the Model Additional Protocol as the standard for additional protocols which are to be concluded by States and other Parties to comprehensive safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;

9. Reiterates its support for the Board's decision to request the Director General to negotiate additional protocols with other States that are prepared to accept measures provided for in the Model Additional Protocol in pursuance of safeguards effectiveness and efficiency objectives;

10. Requests all concerned States and other Parties to safeguards agreements, including nuclear-weapon States, that have not yet done so to promptly sign additional protocols and to bring them into force as soon as possible, in conformity with their national legislation;

11. Further invites the nuclear-weapon States to keep the scope of their additional protocols under review;

12. Recalls the development of elements of the conceptual framework for integrated safeguards described in document GOV/2002/8, recognizes that such elements will be further developed in the light of experience, further evaluation and technological development, and requests the Secretariat to implement integrated safeguards on a priority basis in an effective and cost-efficient manner;

13. Urges the Secretariat to continue to study, in the context of implementation of integrated safeguards,

the extent to which the credible assurance of the absence of undeclared nuclear material and activities, including those related to enrichment and reprocessing, for a State as a whole could lead to a corresponding reduction in the current level of verification efforts with respect to declared nuclear material in that State and a corresponding reduction in the costs associated with such efforts;

14. Notes the commendable efforts of some Member States, notably Japan, and the IAEA Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and the Agency's updated plan of action (February 2004), and encourages them to continue these efforts, as appropriate and subject to the availability of resources, and review the progress in this regard, and recommends that the other Member States consider implementing elements of that plan of action, as appropriate, with the aim of facilitating the entry into force of comprehensive safeguards agreements and additional protocols;

15. Requests the Secretariat to examine, subject to the availability of resources, innovative technological solutions to strengthen the effectiveness and to improve the efficiency of safeguards;

16. Requests Member States to co-operate among themselves to provide appropriate assistance to facilitate exchange of equipment, material and scientific and technological information for the implementation of additional protocols; and

17. Requests the Director General to report on the implementation of this resolution to the General Conference at its forty-ninth regular session.

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#### **Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People's Republic of Korea**

[Resolution GC(47)/RES/12 adopted by the IAEA General Conference on 19 September 2003]

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See Section O

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#### **Implementation of the Safeguards Agreement between the Agency and the Democratic People's Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, Report by the Director General**

[Reproduced from GC(48)/17, 16 August 2004]

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See Section O

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#### **Implementation of the NPT Safeguards Agreement between the Agency and the Democratic People's Republic of Korea**

[Reproduced from GC(48)/RES/15, Resolution adopted 24 September 2004]

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See Section O

### Application of IAEA Safeguards in the Middle East

[Resolution GC(48)/RES/16, adopted by the IAEA General Conference on 24 September 2004]

#### The General Conference.

- (a) Recognizing the importance of the non-proliferation of nuclear weapons – both globally and regionally – in enhancing international peace and security,
- (b) Mindful of the usefulness of the Agency's safeguards system as a reliable means of verification of the peaceful uses of nuclear energy,
- (c) Concerned by the grave consequence, endangering peace and security, of the presence in the Middle East region of nuclear activities not wholly devoted to peaceful purposes,
- (d) Welcoming the initiatives regarding the establishment of a zone free of all weapons of mass destruction, including nuclear weapons, in the Middle East and recent initiatives regarding arms control in the region,
- (e) Recognizing that full realization of these objectives would be promoted by the participation of all States of the region,
- (f) Commending the efforts of the Agency concerning the application of safeguards in the Middle East and the positive response of some States in concluding a full-scope safeguards agreement, and
- (g) Recalling its resolution GC(47)/RES/13,
1. Takes note of the Director General's report in document GC(48)/18 and Add.1;
  2. Affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone (NWFZ);
  3. Calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region, and invites the countries concerned to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region;
  4. Takes note of the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral working group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a NWFZ, and calls on the Director General, as requested by the participants, to render all necessary assistance to the working group in promoting that objective;
  5. Requests the Director General to continue consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627;
  6. Calls upon all States in the region to extend their fullest co-operation to the Director General in the fulfilment of the tasks entrusted to him in the preceding paragraph;
  7. Further calls upon all States in the region to

take measures, including confidence-building and verification measures, aimed at establishing a NWFZ in the Middle East;

8. Calls upon all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution; and

9. Requests the Director General to submit to the Board of Governors and the General Conference at its forty-ninth regular session a report on the implementation of this resolution and to include in the provisional agenda for that session an item entitled "Application of IAEA safeguards in the Middle East".

### Nuclear Security – Measures to Protect against Nuclear Terrorism – Progress on Measures to Protect against Nuclear and Radiological Terrorism

[Resolution GC(48)/RES/11, adopted by the IAEA General Conference on 24 September 2004]

#### The General Conference.

- (a) Recalling the 45th General Conference's unequivocal condemnation of the attacks which took place on 11 September 2001,
- (b) Recalling its previous resolutions on measures to improve the security of nuclear materials and other radioactive materials, and on measures against illicit trafficking in nuclear materials and other radioactive materials, and noting that in 2005 the Agency's three-year Plan of Activities to combat nuclear terrorism will come to completion,
- (c) Considering the need to continue to devote attention to the potential implications of terrorist acts for the security of nuclear materials and other radioactive materials in use, storage and transport involving associated facilities, and emphasizing the importance of physical protection and other measures against illicit trafficking and national control systems for ensuring protection against nuclear terrorism and other malicious acts, including the use of radioactive material in a radiological dispersion device,
- (d) Recognizing the importance of promoting an effective security culture in the field of physical protection of nuclear materials, nuclear facilities and other radioactive materials,
- (e) Recognizing that threat-based risk assessment methodology is relevant for nuclear and other radioactive materials,
- (f) Mindful of the obligations of every Member State to keep its peaceful nuclear programmes safe and secure, asserting that responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of international cooperation in supporting the efforts of States to fulfil their responsibilities,
- Noting United Nations Security Council resolution 1373, which called on all States to work, particularly through bilateral and multilateral arrangements, to prevent acts of terrorism,
- (g) Noting also that actions of the international community to combat the proliferation of weapons of mass destruction and prevent the access by non-State actors to weapons of mass destruction and related material, notably United Nations Security Council resolution 1540, constitute contributions to the protection against nuclear and radiological terrorism,
- (h) Noting also in this context the contributions of the

G-8 Action Plan on Non-proliferation adopted at the Sea Island Summit in June 2004,

(i) Taking note of the Global Threat Reduction Initiative (GTRI) and the Partners' Conference held 18 - 19 September 2004 in Vienna, the stated purpose of which was to build international support for national programmes on nuclear and radiological threat reduction,

(j) Recalling that international conferences expressed their appreciation for international assistance and support for national programmes to secure and control unsecured nuclear and other radioactive materials, consistent with national laws and regulations and looking forward to continued efforts and also noting, in particular the International Conference on Nuclear Security to be held in March 2005 in London, United Kingdom,

(k) Reaffirming the importance of strengthening the Convention on the Physical Protection of Nuclear Material as the only multilateral legal instrument dealing with the physical protection of nuclear material,

(l) Recalling that other international agreements negotiated under the auspices of the Agency are relevant to nuclear security and the physical protection of nuclear material and other radioactive materials against the threat of nuclear and radiological terrorism, those agreements including the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management,

(m) Noting the central contribution of Agency safeguards agreements and additional protocols, and also of States' Systems of Accounting for and Control of Nuclear Materials, to preventing illicit trafficking and to deterring and detecting diversion of nuclear materials, and

(n) Stressing the essential importance of ensuring the confidentiality of information relevant to nuclear and radiological security, in particular information that might be of interest to terrorists,

1. Takes note of the progress report submitted by the Director General in document GC(48)/6 on measures to improve nuclear security and protection against nuclear and radiological terrorism, and commends the Director General and the Secretariat for their action to improve nuclear and radiological security and prevent nuclear and radiological terrorism;

2. Calls upon all Member States to continue to provide political, financial and technical support, including in-kind contributions, to improve nuclear and radiological security and prevent nuclear and radiological terrorism, and to provide to the Nuclear Security Fund the political and financial support it needs;

3. Welcomes the activities in the physical protection of nuclear materials and facilities and the prevention and detection of and response to illicit activities involving nuclear material and other radioactive materials undertaken by the Agency to improve nuclear and radiological security and prevent nuclear and radiological terrorism;

4. Appeals to States that have not yet done so to accede to the Convention on the Physical Protection of Nuclear Material, and encourages States to apply the physical protection objectives and fundamental principles endorsed by the Board of Governors and set out in document GOV/2001/41;

5. Calls upon all State parties to work towards the adoption by consensus of amendments to strengthen the Convention on the Physical Protection of Nuclear Material,

6. Welcomes also the activities undertaken to provide for an exchange of information with Member States, including continued maintenance of the Illicit Trafficking Database programme, invites all States to participate in the Illicit Trafficking Database programme on a voluntary basis, and further invites all States to consider the potential danger of illicit trafficking across their borders and within their countries;

7. Welcomes the Agency's work in the field of nuclear forensics and urges Member States to provide continued support to the Agency's activities in connection with the detection of the origin of illicitly trafficked nuclear or radioactive material;

8. Notes with appreciation the work of the Advisory Group on Security to provide advice from Member States' experts on the orientations and the implementation of Agency activities relevant to nuclear and radiological security, and to review associated documents and services;

9. Takes note of the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear and radiological security, and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures and to report as appropriate to the Board of Governors on the status of the implementation of the new confidentiality measures;

10. Looks forward to the convening of the forthcoming International Conference on Nuclear Security to be held in March 2005 in London, United Kingdom;

11. Invites the Director General to continue to implement, in consultation and coordination with Member States, and subject to the availability of resources, Agency activities relevant to nuclear and radiological security and protection against nuclear and radiological terrorism and looking forward to a decision of the Board of Governors to review in accordance with GC(46)/RES/13 the funding arrangements for these activities;

12. Welcomes the Agency's initiative to assist States in planning their future nuclear security activities and encourages the Agency to prepare an annual report highlighting significant accomplishments of the prior year and establishing goals and priorities for the year to come; and

13. Requests the Director General to submit a report to the General Conference at its forty-ninth session on activities regarding these issues undertaken by the Agency.

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### Israeli Nuclear Capabilities and Threat

[Decision GC(48)/DEC/10]

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On 24 September 2004 during the tenth plenary meeting the General Conference endorsed the following statement made by the President:

"The General Conference recalls the statement by the President of the 36<sup>th</sup> session in 1992 concerning the agenda item "Israeli Nuclear Capabilities and Threat". That statement considered it desirable not to consider that agenda item at the 37<sup>th</sup> session.

The General Conference also recalls the statement by the President of the 43<sup>rd</sup> session in 1999 concerning the same agenda item. At the 44<sup>th</sup>, 45<sup>th</sup>, 46<sup>th</sup>, 47<sup>th</sup> and 48<sup>th</sup> sessions, this item was, at the request of certain Member States, re-inscribed on the agenda. The item was discussed.

Several Member States requested that this item be included in the provisional agenda of the 49<sup>th</sup> regular session of the General Conference".