

General Conference

GC(53)/RES/14

Date: September 2009

General Distribution

Original: English

Fifty-third regular session

Item 19 of the agenda
(GC(53)/24)

Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

The General Conference.¹

- (a) Recalling resolution GC(52)/RES/13,
- (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) Convinced also that the ability of Agency safeguards to continue to provide greater confidence among States depends, inter alia, upon the extent to which their implementation is consistent with the Statute,
- (d) Considering the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as well as treaties establishing nuclear weapon free zones, 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,
- (e) Welcoming the recent entry into force of the African Nuclear Weapon Free Zone Treaty,
- (f) Considering also that existing initiatives for the establishment of new nuclear weapon free zones and the positive role that the establishment of such zones, freely arrived at by the States concerned, could play in furthering the application of Agency safeguards in those regions,

¹ The resolution was adopted with 80 votes in favour, 0 against and 18 abstentions (roll call vote).

- (g) 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 within the context of its statutory responsibilities and safeguards agreements,
- (h) Welcoming the Board's decision, in September 2005, that the Small Quantities Protocol (SQP) should remain part of the Agency's safeguards system, subject to the modifications in the standardized text and the change in the criteria for an SQP referred to in paragraph 2 of document GC(50)/2,
- (i) Welcoming the fact that, as of 8 September 2009, 40 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors,
- (j) 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,
- (k) Welcoming the fact that, as of 8 September 2009, 125 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 93 of those States and other parties,
- (l) Welcoming the fact that all nuclear-weapon States have now brought into force 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,
- (m) Noting that safeguards agreements are necessary for the Agency to provide assurances about a State's nuclear activities, and that additional protocols are very important instruments to enhance the Agency's ability to derive safeguards conclusions regarding the absence of undeclared nuclear materials and activities,
- (n) 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 strengthening measures,
- (o) Taking note of the Agency's Safeguards Statement for 2008,
- (p) Stressing the continuing need for the Agency's safeguards system to be equipped to respond to new challenges within its mandate,
- (q) Welcoming the work the Agency had undertaken in verifying nuclear material from dismantled nuclear weapons in some States, and noting in particular the Agency's experience in the African region and the contribution this work has made to the entry into force of the African Nuclear Weapon Free Zone Treaty,
- (r) 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,
- (s) Emphasising that there is a distinction between the legal obligations of States and voluntary measures aimed at facilitating and strengthening the implementation of safeguards

and aimed at confidence building, bearing in mind the obligation of States to cooperate with the Agency to facilitate the implementation of safeguards agreements,

(t) Noting that in using information received from open sources the Secretariat carefully considers the reliability of the source and whether or not the information is authenticated prior to reflection with the State concerned,

(u) 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 Agency 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 Agency and the Agency'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,

(v) Stressing the importance of assisting States upon their request to establish and maintain effective systems of accounting for and control of nuclear material,

(w) Noting that the Preparatory Committee for the 2010 Review Conference of the States party to the Treaty on the Non-Proliferation of Nuclear Weapons held three successful meetings in April/May 2007, in April/May 2008, and in May 2009, and encouraging all States parties to continue to work towards a substantive outcome for the 2010 Review Conference,

(x) 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,

(y) Stressing the importance of maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the Agency's Statute and safeguards agreements,

(z) Stressing the importance of the State, other concerned parties and the Agency, party to a safeguards agreement, cooperating in a transparent manner in the context of facilitating the implementation of that safeguards agreement,

(aa) Welcoming the holding of a briefing on Agency safeguards for the delegations that attended the Third Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the NPT in New York in May 2009, as well as related consultations held in the margins of several other meetings in Vienna and elsewhere, and sharing the hope for the continuation of efforts to broaden adherence to the Agency's safeguards system, and

(bb) Noting that the Secretariat ensures that all measures for strengthening the effectiveness and improving the efficiency of the safeguards system remain consistent with the Agency's statutory responsibilities and functions,

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;²
4. Stresses the importance of States to comply fully with their safeguards obligations;
5. 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 by all concerned States and other parties, in compliance with their respective international commitments;
6. Stresses the importance of the Agency's safeguards system, including comprehensive safeguards agreements and additional protocols, 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;
7. Takes note of the revised standardized text for SQPs, and encourages States with SQPs to conclude with the Agency, as soon as possible, exchanges of letters consistent with the Board decision of 20 September 2005 with regard to SQPs, and requests the Secretariat to continue to assist States with SQPs, including non-members of the Agency, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material;
8. 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;
9. Stresses the importance of pursuing efforts to improve both the effectiveness and the efficiency of the safeguards system;
10. Requests the Director General to continue to review and update the established procedure for the protection of safeguards confidential information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of safeguards confidential information;
11. 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;
12. 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;

² Operative paragraph 3 was voted on separately and was approved with 90 votes in favour, 2 against and 2 abstentions.

13. Requests all concerned States and other Parties to safeguards agreements 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;
14. Notes in this regard that, for States with both a comprehensive safeguards agreement and an additional protocol in force, or being otherwise applied, Agency safeguards can provide increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for a State as a whole;
15. Notes that, in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State;
16. Notes that, as of 8 September 2009, 87 States have comprehensive safeguards agreements supplemented by additional protocols in force, which represents a majority of those non-nuclear-weapon States parties to the NPT that have concluded comprehensive safeguards agreements, and that, of these, 48 States have significant nuclear activities and 32 States have operative SQPs;
17. Notes with regret that 25 non-nuclear-weapon States parties to the NPT have yet to bring into force a comprehensive safeguards agreement;
18. Further invites the nuclear-weapon States to keep the scope of their additional protocols under review;
19. Notes the important contribution that State-level integrated safeguards approaches can make to the efficiency and effectiveness of safeguards implementation, and welcomes the fact that, as of 8 September 2009, the Agency is implementing State-level integrated safeguards approaches for 42 States and has developed a further five such approaches;
20. 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;
21. Urges the Secretariat to continue to ensure that the transition to integrated safeguards is given high priority and that elements of the conceptual framework are continually reviewed in the light of experience and technological developments with a view to maintaining effectiveness and maximizing cost savings for the Agency and for States under integrated safeguards, including the reduction of verification effort;
22. Acknowledges that Agency safeguards can achieve further effectiveness and efficiency when a State-level perspective is used in the planning, implementation and evaluation of safeguards activities taking into account the range of available safeguards measures, in conformity with the relevant safeguards agreement(s) in force for that State;
23. Welcomes Agency and Member State efforts in strengthening the analytical capabilities of the Safeguards Analytical Laboratory (SAL) of the IAEA, encourages the expansion of such analytical capabilities in other laboratories with a view to their qualifications in the Network of Analytical Laboratories, and encourages support for efforts towards the establishment of such capabilities, especially in developing countries. Encourages the Director General to keep the Member States informed on developments and measures taken by the Secretariat in this respect;

24. Welcomes continued cooperation between the Secretariat and State and regional systems of accounting for and control of nuclear material, and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;
25. Notes the commendable efforts of some Member States, notably Japan, and the Agency Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and the Agency's updated plan of action (September 2009), 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, and the amendment of operative SQPs;
26. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analysing information provided by Member States on nuclear supply and procurement in accordance with the Statute and relevant State safeguards agreements, taking into account the need for efficiency, and invites all States to cooperate with the Agency in this regard;
27. Requests the Director General and the Secretariat to continue to provide objective technically and factually based reports to the Board of Governors and the General Conference on the implementation of safeguards, with appropriate reference to relevant provisions of safeguards agreements;
28. Acknowledges the continued importance of the opportunity for Member States to express their views on the contents of the Safeguards Implementation Report (SIR);
29. Requests Member States to co-operate among themselves as appropriate to provide assistance to facilitate exchange of equipment, material and scientific and technological information for the implementation of additional protocols;
30. Requests that any new or expanded actions in this resolution be subject to the availability of resources, without detriment to the Agency's other statutory activities; and
31. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-fourth regular session.