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

Resolution adopted on 21 September 2012 during the ninth plenary meeting

The General Conference,¹

- (a) Recalling resolution GC(54)/RES/11,
- (b) Convinced that the Agency's safeguards are a fundamental component of nuclear non-proliferation, promote greater confidence among States, inter alia, by providing assurance that States are complying with their obligations under relevant safeguards agreements, contribute to strengthening their collective security and help to create an environment conducive to nuclear cooperation,
- (c) Considering the Agency's essential and independent role in applying safeguards in accordance with the relevant articles of its Statute, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), nuclear-weapon-free zone treaties and other relevant treaties,
- (d) Considering also the existing initiatives for the establishment of new nuclear-weapon-free zones and the positive role that the establishment of such zones, freely arrived at among States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission, could play in furthering the application of Agency safeguards in those regions,
- (e) Recognizing that safeguards must be effective and implemented in an efficient manner, in accordance with relevant safeguards agreements,
- (f) Noting that the 2010 Review Conference of the States party to the Treaty on the Non-Proliferation of Nuclear Weapons achieved a substantive outcome in the form of a Final Document, including conclusions and recommendations for follow-on actions applicable to Agency safeguards,

¹ The resolution was adopted with 89 votes in favour, 0 against and 16 abstentions (roll call vote).

- (g) Noting that the implementation of comprehensive safeguards agreements should be designed to provide for verification by the Agency of the correctness and completeness of a State's declarations,
- (h) 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,
- (i) 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 for enhancing the Agency's ability to derive safeguards conclusions regarding the absence of undeclared nuclear materials and activities,
- (j) Stressing the importance of the Agency exercising fully its mandate and its authority in accordance with its Statute to provide assurances about the non-diversion of declared nuclear material and the absence of undeclared nuclear material and activities in accordance with respective safeguards agreements and, where relevant, with additional protocols,
- (k) 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,
- (l) 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,
- (m) Taking note of the work being undertaken by the Secretariat in conceptualizing and developing State-level approaches to safeguards,
- (n) Taking note of the Agency's Safeguards Statement for 2011,
- (o) Welcoming the work the Agency has undertaken in verifying nuclear material from dismantled nuclear weapons,
- (p) Stressing 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,
- (q) Recognizing that the Agency's safeguards implementation is continually reviewed and evaluated by the Agency,
- (r) 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,
- (s) Noting that bilateral and regional safeguards agreements involving the Agency play an important role in the further promotion of transparency and mutual confidence between States and also provide assurances concerning nuclear non-proliferation,
- (t) 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

(u) 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,

Consistent with the respective safeguards undertakings of Member States and in order to pursue further efforts to both strengthen the effectiveness and improve the efficiency of the safeguards system:

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 and efficient safeguards for facilitating cooperation in the field of peaceful uses of nuclear energy;
3. Emphasizes the obligation of States to cooperate with the Agency in order to facilitate the implementation of safeguards agreements;
4. Stresses the importance of States complying fully with their safeguards obligations;
5. Regrets that 13 State parties to the NPT have not yet concluded comprehensive safeguards agreements with the Agency;
6. 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
7. Calls on the Agency to continue to exercise fully its authority in accordance with the Statute in the implementation of safeguards agreements;
8. Underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the Statute and States' legal obligations, and calls on all States to extend their cooperation in this regard;
9. Calls on all States with unmodified SQPs to either rescind or amend their respective SQPs as soon as their legal and constitutional requirements allow, and requests the Secretariat to continue to assist States with SQPs, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material (SSACs);
10. Welcomes the fact that, as of 21 September 2012, 54 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;
11. Welcomes the fact that, as of 21 September 2012, 139 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 118 of those States and other parties;

² Operative paragraph 6 was voted on separately and was approved with 98 in favour, 1 against and 6 abstentions (roll call vote).

12. Bearing in mind that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation, encourages all States which have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force in conformity with their national legislation;
13. Notes 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;
14. 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;
15. Recommends that the Agency further facilitate and assist concerned Member States, at their request, in the conclusion and entry into force of comprehensive safeguards agreements and additional protocols;
16. Notes the commendable efforts of some Member States 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 2012), 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;
17. Reaffirms that the Director General 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;
18. Invites the nuclear-weapon States to keep the scope of their additional protocols under review;
19. Encourages the Agency to continue to pursue the implementation of integrated safeguards in those States where both a comprehensive safeguards agreement and additional protocol are in force;
20. Urges the Secretariat to continue to improve the effectiveness and efficiency of safeguards through the use of a State-level approach in the planning, implementation and evaluation of safeguards activities, in conformity with the relevant safeguards agreement(s) in force for a State, and in this context welcomes that, as of 20 September 2012, the Agency is implementing State-level integrated safeguards approaches for 53 States;
21. Requests the Secretariat to report to the Board of Governors on the conceptualization and development of the State-level concept for safeguards;
22. Encourages the Agency to enhance its technical capabilities and keep abreast of scientific and technological innovations that hold promising potential for safeguards purposes, and to continue building effective partnerships with Member States in this regard;
23. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analyzing 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;

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. Encourages States concerned to promote early consultations with the Agency at the appropriate stage on safeguards-relevant aspects for new nuclear facilities in order to facilitate future safeguards implementation;
26. Encourages States to support the Agency's efforts to strengthen the Safeguards Analytical Laboratories and the Network of Analytical Laboratories, especially in developing countries;
27. Welcomes the steps taken by the Director General to protect classified safeguards information as described in document GC(56)/14, urges the Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information, and requests the Director General to continue to review and update the established procedure for the protection of classified safeguards information within the Secretariat and report, as appropriate, to the Board about the implementation of the regime for the protection of classified safeguards information;
28. 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;
29. 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;
30. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-seventh (2013) regular session