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(GC(65)/25)

Strengthening the effectiveness and improving the efficiency of Agency safeguards

Resolution adopted on 22 September 2021 during the ninth plenary meeting

The General Conference,

- (a) Recalling resolution GC(64)/RES/13,
- (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 Agency bilateral and multilateral safeguards agreements,
- (d) Noting that nothing should be done to undermine the authority of the Agency in accordance with its Statute,
- (e) Considering also 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,
- (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,
- (g) Taking note of the Agency's Safeguards Statement for 2020,

- (h) Recognizing that the Agency, in a professional and impartial manner, makes every effort to ensure effectiveness, non-discrimination and efficiency in implementing safeguards, which must be in accordance with relevant safeguards agreements,
- (i) 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,
- (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 Agency safeguards,
- (k) 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,
- (l) 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,
- (m) Welcoming the Board's decision, in September 2005, that the Small Quantities Protocol (SQP) should remain part of Agency safeguards, 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,
- (n) 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,
- (o) Noting that when approving safeguards agreements and additional protocols, the Board of Governors authorizes the Director General to implement safeguards in accordance with the terms of the safeguards agreement or additional protocol concerned,
- (p) Welcoming the work the Agency has undertaken in verifying nuclear material from dismantled nuclear weapons,
- (q) Recalling the IAEA Statute and in particular Article III.B.1, which states that, in carrying out its functions, the Agency shall conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies,
- (r) Recalling that the 2010 NPT Review Conference in Action 30 of the Final Document called for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary offer safeguards agreements, in the most economic and practical way possible, taking into account the availability of IAEA resources, and stressed that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved,
- (s) Recognizing that the Agency's safeguards implementation is continually reviewed and evaluated by the Agency,

- (t) Recognizing that effective and efficient safeguards implementation requires a cooperative effort between the Agency and States, and that the Secretariat will continue to engage in open dialogue on safeguards matters with States to maintain and foster transparency and confidence in the implementation of safeguards,
- (u) Noting that the Supplementary Document to The Report on the Conceptualization and Development of Safeguards Implementation at the State Level (GOV/2014/41), together with its Corrigenda, is the reference point and is part of the continuing process of consultations,
- (v) Stressing that safeguards should remain non-discriminatory and only objective factors should be used to determine safeguards implementation, while political or other extraneous considerations are not included,
- (w) Emphasizing 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,
- (x) 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,
- (y) Stressing that the strengthening of Agency safeguards should not entail any decrease in the resources available for technical assistance and cooperation 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
- (z) 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 Agency safeguards:

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. Recognizes the importance of the Agency continuing to implement safeguards in accordance with the rights and obligations under the respective safeguards agreements between States and the Agency;
6. Regrets that not all State parties to the NPT obligated to do so have concluded comprehensive safeguards agreements with the Agency;
7. Bearing in mind the importance of achieving the universal application of Agency safeguards, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;

8. Calls on the Agency to continue to exercise fully its authority in accordance with the Statute in the implementation of safeguards agreements, drawing independent objective conclusions using only impartial and technically based evaluation methods and rigorously reviewed and validated information, including other information to be assessed for accuracy, credibility and safeguards relevance, as described in GOV/2014/41;
9. 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;
10. 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);
11. Welcomes the fact that, as of [24] September 2021, [69] States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;
12. Welcomes the fact that, as of [24] September 2021, [152] States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for [138] of those States and other parties;
13. 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;
14. 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;
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. 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, additional protocols and modified SQPs;
17. 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 2021), 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;
18. 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;
19. Invites the nuclear-weapon States to keep the scope of their additional protocols under review;

20. Notes that the Agency must remain ready to assist, in accordance with its Statute, with verification tasks under nuclear disarmament or arms control agreements that it may be requested to carry out by the States parties to such agreements;

21. Notes that for 2020 the Secretariat has been able to draw the broader safeguards conclusion that all nuclear material remains in peaceful activities and there is no diversion of declared nuclear material from peaceful nuclear activities and no indication of undeclared nuclear material and activities for 72 States that have both a comprehensive safeguards agreement and additional protocol in force;

22. Encourages the Agency to continue the implementation of integrated safeguards for those States where both a comprehensive safeguards agreement and additional protocol are in force and the Secretariat has drawn the broader conclusion that all nuclear material remains in peaceful activities;

23. Welcomes the clarifications and additional information provided by the Director General in the Supplementary Document to the Report on The Conceptualization and Development of Safeguards Implementation at the State Level (GOV/2014/41, and its Corrigenda), taken note of by the Board of Governors in September 2014, following the intensive consultation process undertaken over the preceding year;

24. Welcomes the important assurances contained in GOV/2014/41 and its Corrigenda, and in the statements by the Director General and the Secretariat as noted by the Board of Governors in its September 2014 session, including inter alia:

- The State-level concept (SLC) does not, and will not, entail the introduction of any additional rights or obligations on the part of either States or the Agency, nor does it involve any modification in the interpretation of existing rights and obligations;
- The SLC is applicable to all States, but strictly within the scope of each individual State's safeguards agreement(s);
- The SLC is not a substitute for the Additional Protocol and is not designed as a means for the Agency to obtain from a State without an Additional Protocol the information and access provided for in the Additional Protocol;
- The development and implementation of State-level approaches requires close consultation with the State and/or regional authority, particularly in the implementation of in-field safeguards measures;
- Safeguards-relevant information is only used for the purpose of safeguards implementation pursuant to the safeguards agreement in force with a particular State — and not beyond it;

25. Notes the Secretariat's intention to continue to concentrate its verification effort on the sensitive stages of the nuclear fuel cycle;

26. Notes that the development and implementation of State-level approaches requires close consultation and coordination with the State and/or regional authority, and agreement by the State concerned on practical arrangements for effective implementation of all safeguards measures identified for use in the field if not already in place;

27. Notes that, on the basis of GOV/2014/41 and its Corrigenda, the Secretariat will continue to keep the Board of Governors informed of progress made in the development and implementation of safeguards in the context of the SLC and requests the Director General to report to the Board on progress made in the development and implementation of safeguards in the context of the SLC, including in the annual Safeguards Implementation Report;

28. Welcomes the Secretariat's ongoing open dialogue with States on safeguards matters and its intention to maintain the enhanced dialogue and to issue periodic update reports, as further experience is gained;
29. Notes the statement of the Director General that the focus of the Agency for the immediate future would be on updating existing State-level approaches for States under integrated safeguards and that State-level approaches will be progressively developed and implemented for other States,
30. Notes the Director General's report to the Board of Governors in September 2018 on the experience gained and lessons learned in the implementation of State-level safeguards approaches for States under integrated safeguards and requests the Director General, taking into account questions and issues raised by some Member States, to keep the Board of Governors fully informed through additional timely reports for discussion by Member States as the Secretariat gains further experience with the implementation of State-level safeguards approaches particularly in States with integrated safeguards and also notes that further progressive development and implementation of State-level safeguards approaches for other States would require close coordination and consultation, and should be done without prejudice to bilateral safeguards agreements between States and the Agency, as well as other safeguards agreements with the Agency;
31. Encourages the Secretariat to continue to implement State-level approaches, making every effort to ensure optimal efficiency in the economical use of its resources without compromising effectiveness and with a view to optimizing safeguards implementation for States concerned;
32. 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;
33. 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;
34. Welcomes continued cooperation between the Secretariat and State and Regional Systems of Accounting for and Control of Nuclear Material (SSAC and RSAC), and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;
35. Encourages States to maintain and, as appropriate, to continue to strengthen their SSAC or RSAC, recognizing the important role SSACs and RSACs play in safeguards implementation;
36. 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;
37. Encourages States to support the Agency's efforts to strengthen the Safeguards Analytical Laboratories and the Network of Analytical Laboratories, especially in developing countries;
38. Welcomes the steps taken by the Director General to protect classified safeguards information as described in document GC(65)/16, and 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 stringent protection of classified safeguards information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of classified safeguards information;

39. 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;
40. 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
41. Requests the Director General to report on the implementation of this resolution to the General Conference at its sixty-sixth (2022) regular session.