

Information Circular

INFCIRC/1035

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General Distribution

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Communication dated 7 September 2022 received from the Permanent Mission of China to the Agency

1. The Secretariat has received a letter dated 7 September 2022 from the Permanent Mission of the People's Republic of China to the Agency.
2. As requested the letter, together with its attachment, is herewith circulated for the information of all Member States.



THE PEOPLE'S REPUBLIC OF CHINA
PERMANENT MISSION IN VIENNA

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7 September 2022

H.E. Mr Rafael Grossi
Director General of the IAEA

Excellency,

I'm writing to you to submit, pursuant to Rule 63 of the Rules of Procedure of the General Conference, a draft resolution on "Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT", at the sixty-sixth (2022) session of the General Conference of the International Atomic Energy Agency scheduled to be held from 26 September. The draft resolution is hereby attached.

The Chinese Permanent Mission shall be most grateful if this letter, together with its attached draft resolution, are circulated among Member States in a timely manner.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to be 'Wang', with a horizontal line underneath.

Ambassador, Permanent Representative
Chinese Permanent Mission

China, 7 September 2022

Item X of the provisional agenda
(GC(66)/1, Add.3)

**Transfer of the Nuclear Materials in the Context of AUKUS
and its Safeguards in All Aspects under the NPT**

The General Conference,

PP1 Recalling the Treaty on the Non-Proliferation of Nuclear Weapons, as the cornerstone of the international nuclear non-proliferation regime, under which, the Structure and Content of Agreements between the Agency and States required in connection with the NPT (INFCIRC/153), including the Modified Code 3.1, and the Model Additional Protocol contained in INFCIRC/540, for those countries who voluntarily implement it, are concluded for the exclusive purpose of verification of the fulfillment of NPT States Parties' obligations (GOVIN/222), and recalling further the Statute of the Agency,

PP2 Noting the Joint Leaders Statement on AUKUS by the US, the UK and Australia on 15 September 2021 and their subsequent notification to the Agency of the trilateral nuclear-powered submarine cooperation,

PP3 Building on the inter-governmental discussions launched within the Board of Governors of the Agency, at its sessions in November 2021, March 2022 and June 2022, on the issue of "Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT",

PP4 Commending the widely-supported working paper submitted to the 2020 Review Conference of the Parties to the NPT (NPT/CONF.2020/WP.67), which, inter alia, underscores the non-proliferation concerns of AUKUS, and calls for developing a constructive approach on relevant verification and monitoring arrangements,

PP5 Affirming the continued validity and relevance of NPT, CSA, AP, as well as the Statute of the Agency, and the importance of full and strict compliance with such treaty obligations required by Member States Parties, and, the corresponding statutory obligations by the Director-General of the Agency,

OP1 Reaffirms the fundamental role of the NPT in the global non-proliferation regime, under which, the CSA, including Modified Code 3.1 and the

AP, for those countries who voluntarily implement it, are concluded for the exclusive purpose of verification of the fulfillment of NPT States Parties' obligations under the NPT,

OP2 Calls for full and timely compliance by the relevant country under AUKUS, as a Non-Nuclear Weapon State Party to the NPT, with its reporting obligations under the CSA, including the Modified Code 3.1 and AP, and calls further for timely fulfillment of the statutory reporting obligations by the Director-General, especially under the Statute of the Agency,

OP3 Decides to continue the inter-governmental process, including, inter alia, by undertaking an open-ended consultation, to explore, subject to the fulfillment of the reporting obligations by the relevant country under AUKUS, as a Non-Nuclear Weapon State Party to the NPT, required under the Modified Code 3.1 and AP and on the basis of the subsequent required reporting by the Director-General of the Agency, an agreed formula on proper safeguards arrangement, at all stages, for all nuclear activities, facilities and materials involved under AUKUS, and to submit recommendation and report to Board of Governors and General Conference for endorsement, and directs the Director-General of the Agency to make arrangements accordingly,

OP4 Decides to remain seized of the matter.